City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3005262

Applicant Name: Todd Stine for Martin Selig Real Estate

Address of Proposal: 635 Elliott Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, four-story office buildings (142,476 sq. ft. and 182,752 sq. ft.) with parking for 564 vehicles located in below grade garage. Review includes demolition of an existing 32,808 sq. ft. office building (Darigold Building). A Special Exception for additional height is proposed.*

*Note: the project description has been revised from the original notice of application.

The following approvals are required:

Special Exception – To allow a building to exceed the maximum height limit in the IC-45 zone (Required: 45' Proposed: 65' - Seattle Municipal Code (SMC) 23.50.026)

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 129,805 square foot (sq. ft.) rectangular site is located in an Industrial Commercial (IC-45) zone, situated on the west side of Elliott Avenue West bounded between West Roy Street on the north, Alaskan Way/Burlington Northern Railroad (BNRR) to the west and King County property to the south. A four-story office building (Darigold) with accessory paved/graveled surface parking areas exists on the subject site. The site is accessed via curb cuts on Elliott Avenue West and via West Roy Street.

Elliott Avenue West is an improved street with curbs, sidewalks and gutters on both sides of the street. It is classified as a Principal Arterial street, pursuant to SMC Chapter 23.53 with a total of seven (7) lanes of traffic-three (3) lanes of traffic running north, three (3) lanes of traffic running south and one (1) east/west turn lane. West Roy Street is classified as a non-arterial dead end street. West Roy is a paved roadway with no sidewalks, curbs nor gutters on both sides of the street.

The entire site is identified as Environmentally Critical Area (ECA)-Liquefaction Prone. This site is relatively flat with topography sloping westerly 7' from Elliott Avenue West to the western edge of subject site.

Surrounding properties to the west, north and south of the subject property are also zoned IC-45. Property east of the subject site is zoned Commercial 2 (C2-40). Existing developments in vicinity of the subject site are as follows: dry cleaning plant to the north; gas station with convenience store, auto repair shop and offices to the east; Myrtle Edwards Park to the west; and, King County Metro Overflow Facility and Pump Station to the south.

Proposal

The proposed redevelopment of the site involves the construction of two (2) four-story commercial buildings connected by a common basement. The proposed south building will comprise of 182,752 sq. ft. of office use on the first through fourth floors. The proposed north building will comprise of 142,476 sq. ft. of office use on the first through fourth floors; and 2,350 sq. ft. of loading berth area on the first floor. The 203,352 sq. ft. common basement will comprise of onsite parking for both buildings. The vehicle access to four (4) loading berths would be via West Roy Street. Vehicular access to 564 below-grade parking stalls would occur via an entrance/exit ramp orientated at West Roy Street; vehicular exiting from this parking area would also occur via an exit-only driveway abutting the property's southernmost property line. Additionally, vehicular access to a passenger pick-up/drop-off loop located between the two (2) buildings would occur via an entrance-only curb cut along Elliott Avenue West; the loop exit would be restricted to right-turns only, southbound onto Elliott Avenue West. The project includes approximately 100,000 cubic yards (cu. yds.) of grading. Street improvements (inclusive of street trees and planting strips) along the south half of West Roy Street and Elliott Avenue West are proposed. Landscaping improvements are planned along one (1) street boundary line, the southernmost property line and in the plaza area situated between the two (2) office towers. The principal exterior building materials proposed are stone veneer, vision glass, metal spandrel panels, stainless steel bar and low-reflective glazing.

Public Comments

The public comment period for this project originally ended March 21, 2007 and was later renoticed which resulted in an additional public comment period ending June 13, 2007. DPD received thirty-three (33) written comment letters regarding this proposal. The neighbors voiced concerns regarding impacts to existing views, neighborhood character, traffic, property values and impacts associated with proposed street improvements along West Roy Street.

ANALYSIS - SPECIAL EXCEPTION

Under the provisions of the Land Use Code, the maximum height permitted in Industrial Commercial (IC) zones may be one of the following: 30', 45', 65', 85' and 125' (SMC 23.50.026.A). There are exceptions for rooftop features, such as mechanical equipment, but the exception cannot exceed 25% of the roof area or extend beyond 15' of the maximum height of the building. The Land Use Code permits certain IC zoned properties to increase the 45' height limit to 65', provided that the IC property is located within the mapped area shown on Section 23.50.026.A, and meets certain other criteria established in SMC 23.50.026.C.3. Measurements, modification or waiver of view corridor requirements are subject to the provisions of the Shoreline Master Program, Chapter 23.60. A Special Exception is a Type II discretionary land use decision as provided in SMC 23.76.006.C.2.d.

The analysis of applicable provisions of SMC 23.50.026 which allow the Director to issue a special exception for increased height in certain IC zones are as follows:

C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC/45' shall be subject to the following height regulations (See Exhibit 23.50.026 A):

3. A sixty-five-foot (65) structure height is permitted as a special exception provided that:

a. Provision is made for view corridor(s) looking from Elliott Avenue towards Puget Sound;

1) The location of the view corridor(s) shall be determined by the Director upon consideration of such factors as existing view corridors, the location of street rights-of-way, and the configuration of the lot,

The subject property is located in an area zoned IC/45', and is located within the area identified on Exhibit 23.50.026.A. Generally, the current view from Elliott Avenue West is dominated by the existing two-story building and surface parking areas. Direct views of Elliott Bay are limited due to the orientation of the Port of Seattle grain terminal, shipping activities and the activity of the rail yard directly west of this proposal site.

The locations of the view corridors on this project site are at south end of the south building and between the two (2) office towers. The proposed southernmost 34.6' wide view corridor, in combination with area consisting of a landscape berm (30') and paved driveway (40') on the northern portion of the property to the north (AKA 601 Elliott Avenue West) would create an approximately 104.6' wide view corridor area along the western side of Elliott Avenue West.

Additionally, the 212' wide view corridor between the north and south buildings provides an opportunity to create an open space plaza accessible by the public and landscape features that, per the applicant, would "present a more pedestrian friendly interface".

A proposal that would suggest the view corridor to be on the north end of the proposed northernmost building would not be as attractive due to minimal visibility of Elliott Bay and visibility of parked cars and other equipment within the unimproved West Roy Street right-of-way associated with the property just north of the subject site (LeatherCare). Furthermore, the orientation of the view corridors takes into consideration other mitigating factors that will be discussed latter in this document. Therefore, the proposed location of the view corridors is acceptable to the Director.

2) The view corridor(s) shall have a width not less than thirty-five (35) percent of the width of the lot,

The applicant provided analysis of the view corridor requirement. The submitted plans identify two (2) view corridors: a view corridor measured from the south property line to the south tower's southernmost façade and a view corridor measured from the south building's northernmost façade to the north building's southernmost façade, both along Elliott Avenue West. The combined view corridor's total width is approximately 246.6' which constitutes more than 35% of the width of the proposal site. Therefore, this criterion is satisfied.

3) The minimum width of each required view corridor shall be thirty (30) feet measured at Elliott Avenue West,

The width of the southernmost view corridor measured along Elliott Avenue West from the south property line to the south tower's southernmost façade is approximately 34.6'. Additionally, the width of the second view corridor measured at Elliott Avenue West from the south building's northernmost façade to the north building's southernmost façade is approximately 212'. Therefore the proposal meets this criterion.

4) Measurement, modification or waiver of the view corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations, Chapter 23.60. Where a waiver under these provisions is granted, the sixty-five (65) foot structure height shall still be permitted,

Per SSMP 23.60.162, *"Structures may be located in view corridors if the slop of the lot permits full, unobstructed view of the water over the structures."* Glass canopies situated above each office tower's lobby entrance, trees and three (3) sculptures (15', 9.75' and 9' tall respectively) are proposed to be located in the central plaza area. The applicant has provided documentation in the form of illustrations, photos, perspectives and topographical maps that demonstrate the aforementioned items will not obstruct water views. DPD has reviewed this material and have determined that the 65' height limit can be permitted without modification or waiver. The measurement technique for the width of the view corridors is in accordance with the Seattle Shoreline Master Program (SSMP), Chapter 23.60.

5) Parking for motor vehicles shall not be located in the view corridor unless the area of the lot where the parking would be located is four (4) or more feet below the level of Elliott Avenue West;

The plans do not identify a surface parking area in designated view corridors. However, a passenger pick-up/drop-off loop is identified in the proposed view corridor situated between the two (2) buildings. This 22' wide one-way drive aisle would be situated 2.17' above Elliott Avenue West at its highest grade. The applicant indicates that this loop will not be utilized for short-term or long-term parking.

Due to the lack of information from the applicant as to how parking restrictions will be communicated to future vehicle drivers, there is a possibility that visitors to the site may utilize this area for short-term or long-term parking purposes. Also, there is a concern that the expansive width of the one-way drive aisle would accommodate more vehicles than what is necessary. This criterion's intent is to restrict vehicles from permanently obstructing pedestrian views looking from Elliott Avenue West towards Puget Sound. The passenger pick-up/drop-off loop is intended to provide a convenience for future visitors and it's expected that any possible view obstruction associated with vehicles will be of a temporary nature. Therefore, in order to eliminate potential surface parking opportunities and to minimize possible parking area, the proposal will be conditioned to add signage that communicates parking is not allowed in this area and the one-way drive aisle width must be reduced from 22' in width to a 15' width to further minimize parking opportunities.

b. Development shall be located so as to maximize opportunities for views of Puget Sound for residents and the general public; and

The proposed site design of the project provides two (2) view corridors with a combined total width of 246.6'. As previously discussed, the applicant has demonstrated that both view corridors will provide views looking from Elliott Avenue West towards Puget Sound from the pedestrian viewpoint. A series of multi-family residential buildings exists at a higher elevation, east of the subject property. Therefore, further discussion regarding possible impacts to residential view is warranted.

A view analysis report, prepared by Blumen Consulting Group, Inc. and Primedia Group, Inc., was submitted to DPD. This report focused on view conditions from multi-family residences located east of the project site with before/after visual simulations depicting the proposed office structures in context. Photographs of views were taken from the following viewpoints on August 6, 2007: between 617 and 623 West Mercer Place; 617 West Mercer Place; 609 West Mercer Place; 601 West Mercer Place; and, the intersection of West Mercer Place and West Mercer Street. From these viewpoints, the visual simulations focused on the three (3) viewpoints deemed most representative of existing views: 617 West Mercer Place, unit 202; 617 West Mercer Place, unit 302; and, 601 West Mercer Place, unit 101. The report identifies these specific viewpoints because *"they represent the range of views with the greatest potential for visual impact from the proposal"*. The following observations are noted in the chart below:

Viewpoint Location	Existing Visual Conditions Without the Proposal	Visual Conditions With the Proposal
Location 1: Looking west from 617 West Mercer Place, Unit #202.	Current view is panoramic in nature, encompassing Elliott Bay, West Seattle, and Bainbridge Island beyond. The view consists of Elliott Avenue West, vacant property, King County Metro facility, Darigold property, buildings, building rooftops, surface parking, and railroad right-of-way. Portion of views of Elliott Bay and Bainbridge west and northwest of the site are impeded by the existing grain terminal and associated loading facilities.	The overall panoramic character of the view will remain. Existing southwest and west views of Elliott Bay, West Seattle and Bainbridge Island would remain the same. The northwest view would include the proposed south building, which would inhibit a portion of the existing grain terminal and partial views of Elliott Bay and Bainbridge Island.
Location 2: Looking west from 617 West Mercer Place, Unit #302.	Current view is panoramic in nature, encompassing Elliott Bay, West Seattle and Bainbridge Island beyond. The view consists of Elliott Avenue West, vacant property, King County Metro facility, Darigold property, buildings, building rooftops, surface parking, and railroad right-of-way. Views of Elliott Bay and West Seattle are available to the southwest. The partial northwest views of Elliott Bay and Bainbridge Island are partially impeded by the existing grain terminal.	The overall panoramic character of the view will remain. Existing southwest and west views of Elliott Bay, West Seattle and Bainbridge Island would remain the same. The northwest view would include the proposed south building and a corner of the upper portion of the proposed north building in the foreground, which would inhibit a portion of the existing grain terminal and partial views of Elliott Bay; however, views of Elliott Bay, the grain terminal, and Bainbridge Island would be available in the background.
Location 3: Looking west from 601 West Mercer Place, Unit #101.	Current view is panoramic in nature, encompassing Elliott Bay, West Seattle and Bainbridge Island beyond. The view consists of Elliott Avenue West, vacant property, King County Metro facility, Darigold property, buildings, building rooftops, surface parking, and railroad right-of-way. Views of Elliott Bay and West Seattle are available to the southwest. The partial northwest views of Elliott Bay and Bainbridge Island are partially impeded by the existing grain terminal.	The overall panoramic character of the view will remain. Existing southwest and west views of Elliott Bay, West Seattle and Bainbridge Island would remain the same. The northwest view would both office towers in the foreground and partial views of Elliott Bay, the existing grain terminal, and Bainbridge Island in the foreground.

The report concluded that, "*With development of the proposed 635 Elliott Avenue project, the overall panoramic character of the views from the residential area to the east would remain. For some of the viewpoints, a portion of the existing view to the northwest could be affected; however, this view is currently affected by the grain terminal and associated facilities, and the proposed building would not be anticipated to alter the overall character of the view.*"

DPD staff has examined this report and associated full-sized colored photomontages of the identified viewpoints and concurs that residential views will be minimally impacted; however, the overall view characteristics will not be altered if the increased height allowance is approved. The proposed orientation of the view corridors strikes a good balance of enhancing public views of Puget Sound and continuing overall panoramic character of the residential views. A proposal that suggests the entire code required view corridor (245.75') be situated at the southend of the subject property may optimize views for some of the residential properties but not all and it is expected that that required views from specific viewpoints identified later in the SEPA-Views section of this document would be greatly impacted.

> *c. The structure contains at least two (2) stories at least fifteen (15) feet in height; with the exception that no story in an accessory parking structure is required to be at least fifteen (15) feet in height.*

The proposed 65' tall structure will comprise of two (2) floors (first and second floors) at least fifteen feet in height per the submitted plans. Thus, this criterion has been satisfied.

DECISION - SPECIAL EXCEPTION

The proposed special exception to allow a building to exceed the maximum height limit in the IC-45' zone (Required: 45' Proposed: 65' - Seattle Municipal Code (SMC) 23.50.026) is **APPROVED WITH CONDITIONS**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 8, 2006. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary demolition and construction activities on this site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of earth/soil remediation, air quality, grading, streets and parking impacts and historic preservation.

Earth/Soil Remediation

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted the following reports:

- A WestFarm Foods Field Investigation Data Summary Report prepared by Entrix, Inc. dated May 11, 2001. This report summarizes the results of field investigation conducted to assess subsurface environmental conditions.
- A Cleanup Action Plan (CAP) Report prepared by Entrix, Inc. dated April 2007. This CAP explains the proposed remedial actions that will be implemented by Entrix, Inc. to effectively remediate manage and monitor adversely impacted soil and groundwater beneath the subject site.
- A Design Geotechnical Report prepared by Robert Plum, P.E. (Kleinfelder West, Inc.) dated April 24, 2007. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading, earthwork, foundation construction and soil/groundwater contamination considerations.

Since 1990, subsurface investigations, underground storage tanks (USTs), interim soil and groundwater remedial measures, and groundwater monitoring have been conducted at various locations on the subject site. Off-site investigations have also been conducted on West Roy Street and at the property (LeatherCare facility) just north of the subject site. The summary of the findings of the WestFarm Foods Investigation Data Summary Report is the following: "*Analytical results indicate that the North Parking Area contained soils exceeding Model Toxics*

Control Act (MTCA) Method A cleanup levels for gasoline, diesel and lube oil in an apparently confined area around MW-7.....MTCA Method A groundwater cleanup levels for diesel, lube oil, arsenic, chromium and lead were exceeded. At the north boundary of the North Parking Area, chlorinated solvents were detected in monitoring well MW-6. Vinyl chloride exceeded the MTCA Method A groundwater cleanup level. This finding was consistent with in situ degradation of tetrachloroethene and trichloroethene, which was subsequently confirmed in 2003 to be migrating onto the Site from the LeatherCare property and West Roy Street...In the Central Yard loading dock area, soils and groundwater exceed MTCA Method A cleanup levels for gasoline. Groundwater also exceeded cleanup levels for arsenic, chromium, and lead." Based on this report and subsequent soil and groundwater monitoring, Entrix, Inc. prepared a CAP to describe remedial actions to be conducted at the subject property. Per the CAP report, the remediation will consist of excavation, to be conducted as part of the redevelopment of the Site. It will occur in two (2) phases: The first phase of the cleanup will be in conjunction with installation of underground infrastructure and the second phase will entail installation of an impermeable cutoff wall around most of the perimeter of the Site to minimize groundwater inflow to the excavation area. With the cutoff wall in place, excavation will occur to a depth 22' below grade and supported by limited dewatering. This report also describes sample methods and quality assurance; describes compliance monitoring; provides implementation schedules; specifies reporting procedure; and, summarizes health and safety plan. This CAP has been submitted to the Washington Department of Ecology (Ecology) on April 23, 2007.

The focus of the Design Geotechnical Report prepared by Robert Plum, P.E was to identify the general subsurface conditions and develop geotechnical conclusions and recommendations suitable for design and construction. The report states, "*the main geotechnical site constraints relate to the loose beach deposits at the foundation levels and the fact that the below grade parking will extend some 10' below the static groundwater table in a permeable sand deposit.*" The report provides geotechnical design recommendations based on a design concept that includes: an auger cast pile foundation; a slab on grade; a secant pile perimeter wall; and, a permanent slab and wall underdrain system.

In summary, the subject site has been impacted by petroleum hydrocarbon contamination from historical site activities that occurred in the North Parking Area prior to Darigold's acquisition of those parcels in 1956; from underground storage tanks (USTs) formerly located in the Central Yard; and, by chlorinated hydrocarbons migrating from the property north of the subject site (LeatherCare facility). The owner is involved in a voluntary cleanup program of this site through the MCTA, which is administered by Ecology. The soils reports, the CAP, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the Stormwater, Grading and Drainage Control Code (SGDCC) (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Air Quality

The applicant proposes to demolish the existing building. Excavation and construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes.

Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. The Cleanup Action Plan (mentioned above) requires air monitoring for the chemicals of concern.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Grading

Excavation for soil remediation and to construct the lower parking levels of the structure areas will be necessary. The maximum depth of the excavation is approximately 22’ and will consist of an estimated 90,000 cubic yards of material. The contaminated soil removed will not be reused on the site and will need to be disposed off-site by trucks. Per the Cleanup Action Plan (CAP) Report prepared by Entrix, Inc., “excavated soils will either be stockpiled and tested to determine the proper disposal during the mass excavation phase or, direct-loaded onto trucks for off-site disposal based on pre-characterization of contaminated areas of the Site.Stockpiles of uncontaminated soils will be placed on uncontaminated ground. Potentially contaminated material that is stockpiled pending characterization sampling or temporarily stockpiled on-site in the event of an interruption of hauling service, will be placed on 6-mil thick visqueen sheeting or impermeable material. Any contaminated or potentially contaminated soil stockpiles will also be covered with 6-mil thick visqueen sheeting.”

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. Furthermore, the CAP states all trucks hauling contaminated soils will be lined with 6-mil thick visqueen sheeting or equivalent, and covered during transport. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Parking

The proposed on-site excavation on this site is controlled by an excavation permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.) It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

This area of the City is known to have highly congested streets, especially during peak hour traffic periods. Large construction vehicles associated with demolition, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinances to address the impact of large vehicles on highly congested streets. As a result, mitigation is warranted as described below.

Construction activities may result in sidewalk closures or other obstacles to pedestrians. Similarly, traffic lanes may be affected by construction staging, deliveries, etc. Adverse impacts are not adequately mitigated by existing City codes. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675B). A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and construction employee parking will be required to mitigate identified impacts. An element of this plan shall be a requirement that truck trips be scheduled to avoid peak periods of 4:00 – 6:00 pm, Monday through Friday.

Historic Preservation

Section 25.05.675 H of the SEPA code describes the City's policies for protecting historical sites. *"It is the City's policy to maintain and preserve significant historic sites and structures and to provide opportunity for analysis of archeological sites…..For projects involving structures or sites which are not yet designated as historical landmarks but which appear to meet the criteria for designation, the decisionmaker or any interested person may refer the site or structure to the Landmarks Preservation Board for consideration…..On sites with potential archaeological significance, the decisionmaker may require an assessment of the archaeological potential of the site."*

SEPA provides authority to mitigate impacts to historic buildings (SMC 25.05.675 H 2.c). In this instance, the existing building is not designated as a historical landmark. However, because this proposal involves the demolition of the Darigold Building which is more than 50 years old, as required per a memorandum of agreement between the Department of Neighborhoods (DON) and DPD, an Archaeological and Historical Resources Survey of 635 Elliott Avenue West prepared by Entrix, Inc. dated March 26, 2007 was referred to DON for review. The Historic Preservation Staff reviewed the report and determined that the Darigold Building would meet the standards for landmark designation and recommended a landmark nomination be presented to the Landmarks Preservation Board. At the June 20, 2007 meeting of the City's Landmarks Preservation Board, the Board voted to deny the designation of the Darigold Building based on the finding that this property does not meet any of the designation standards of SMC 25.12.350.

The City's GIS (Geological Information System) identifies this site as being located within an Archeological Buffer Area-property located within 200' of the US Government Meander line. SMC 25.05.675 H provides for mitigation of impacts on potentially significant archeological resources. The aforementioned Survey included archival research conducted by Entrix archaeologist and architectural historians. The summary of the findings of the report is the following: "*No cultural materials were observed during the survey of the Darigold Property, although the lack of ground visibility, due to the complete development of the area, was certainly a variable. However, as the project area is near the shoreline of Elliott Bay, providing easy access to fresh water and hunting occupation, the environment might have been conducive to prehistoric or historic occupation. There is some probability for archaeological resources at this location. Since the area has been completely developed and the naturally-occurring tidelands in the area filled in to accommodate that development, the greatest potential for finding archaeological materials will occur at a depth below where fill soils have been deposited....Therefore, it is recommended that excavation activities conducted on the site that will exceed approximately 13' in depth be monitored by a professional archaeologist. A monitoring plan should be prepared in advance of these activities.*"

The submitted plans indicate the excavation depth on the project site will exceed 13' in depth (22'-proposed). Therefore, in order to ensure that discoveries made during construction are adequately addressed, conditions will be added to require the owner to provide a monitoring plan prepared by a professional archaeologist and acknowledgement that an archaeologist will be on site to monitor the excavation. In addendum to the monitoring plan, if a probable archaeologically significant resource is discovered during construction, procedures in DPD Director's Rule 2-98 shall be followed.

<u>Long-term Impacts</u>

Potential long-term or use-related impacts anticipated by this proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. However, due to the size and location of this proposal views, shadows, traffic and parking impacts warrant further analysis.

Views

Section 25.05.675 P of the SEPA code describes the City's policies for protecting public views. *"The City has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many scenic routes and other public places where such views enhance one's experience…Adopted Land Use Codes attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review."*

SEPA provides authority to mitigate obstructions of public view from several specified public places around the city in certain City parks, scenic routes and viewpoints. (SMC 25.05.675 P (2) A) In this case, the following protected viewpoints may potentially be impacted: the 8th Avenue Promenade, Myrtle Edwards Park, Kinnear Park and Elliott Avenue West.

The view analysis report, prepared by Blumen Consulting Group, Inc., contains visual analysis performed from four (4) locations and before/after visually simulations depicting the proposed buildings in context. The following observations are noted in the chart below:

Viewpoint Location	Existing Visual Conditions	Proposed Visual Conditions
Location 1: Looking south and southwest from Elliott Avenue West. This viewpoint represents the visual conditions along Elliott Avenue West.	• Visibility of the upper 1/3 of the existing grain terminal. • Existing two-story building. • Parked vehicles in surface parking areas.	• Visibility across the site towards Elliott Bay via a central plaza between the proposed buildings. • Parked train cars. • Increased visibility of the grain terminal.
Location 2: Looking south and southwest from the lower western portion of Kinnear Park. This viewpoint represents the point in the park with the greatest potential for obstruction of view to Elliott Bay and Puget Sound.	• Existing two-story building. • Parked vehicles in surface parking areas. • Elliott Avenue West. • Trees and vegetation. • Portion of the grain terminal. • Partial views of Elliott Bay and West Seattle.	• Portion of the proposed south building's northern façade. • Elliott Avenue West. • Trees and vegetation. • Portion of the grain terminal. • 2/3 of views of Elliott Bay and West Seattle.
Location 3: Looking east and southeast from Elliott Bay/Myrtle Edwards Park. This viewpoint represents the point in the park with the	• Paved trails and vegetation. • Buildings associated with the grain terminal. • Mid/High-Rise	NO CHANGE-PROPOSED VISUAL CONDITIONS WILL REMAIN THE SAME.

greatest potential for obstruction of view to the Space Needle.	buildings. • Visibility of the upper 2/3 of the Space Needle tower and entire circular deck.	
Location 4: Looking south and west from 8th Avenue West Promenade with the greatest potential for obstruction of view to Elliott Bay and Puget Sound.	• Roofs of single family residences. • Trees and vegetation. • Upper portions of the existing grain terminal. • Panoramic views of Elliott Bay and West Seattle.	NO CHANGE-PROPOSED VISUAL CONDITIONS WILL REMAIN THE SAME.

As visually demonstrated, the view from Kinnear Park to Elliott Bay and West Seattle will be altered as a result of the construction of the proposed building. However, this view blockage is considered minor and the overall visual character of the area would not change. Additionally, this proposal will enhance visual conditions from Elliott Avenue West. Therefore, no mitigation is warranted pursuant to SEPA policies for public view protection (SMC 25.05.675P).

Shadows

Seattle's SEPA policies are directed at *"minimizing or preventing light blockage and the creation of shadows on open spaces most used by the public."* Areas outside of downtown to be protected include: publicly-owned parks, public schoolyards, private schools that allow use of schoolyards during non-school hours, and publicly-owned street-ends in shoreline areas. Myrtle Edwards Park (east of the subject property) and Kinnear Park (west of the subject property) are the only areas protected by Seattle's SEPA policy that could be affected.

A Shadow Study, prepared by Blumen Consulting Group, Inc., includes analysis of shadow cast for the aforementioned Parks evaluated on March 21, June 21, September 21 and December 21 at the following times: 9 am, 12 pm, 3 pm and 5 pm. The study identified the greatest potential for the proposed buildings to cast shadows on Myrtle Edwards Park would be during the morning of June 21 when the sun shadows to the west. During this date and time, the shadow diagrams demonstrated that shadows would not be cast onto Myrtle Edwards Park. Conversely, the greatest potential for the proposed buildings to cast shadows on Kinnear Park would be during the late afternoon of December 21 when the low angle of the sun typically produces the longest shadows of the year. During this time, shadows from both buildings would cover a part of the western and southern portions of Kinnear Park. Additionally, the diagrams demonstrated a shadow from the north building would also be cast over a small portion of Kinnear Park at 5 pm on March 21. Therefore, it was projected that the proposed buildings would cast shadows over small portions of Kinnear Park during the late afternoon hours of September through March.

The affected areas of Kinnear Park are heavily vegetated and would be considered proportionally minor in comparison to the expansive area that the Park covers. It is not expected that the proposed development would result in any adverse shadow impacts to Kinnear Park; nor will Myrtle Edwards Park be affected. Therefore, no mitigation is warranted pursuant to SEPA's Shadows on Open Spaces policy (SMC 25.05.675 Q).

Traffic and Transportation

The Transpo Group, Inc. prepared a Transportation Impact Analysis report (dated March 2007) for this proposal-referenced in the report as the "635 Elliott Avenue project". This report is divided into four (4) major sections: section one (1) describes current traffic, parking and transit condition and collision history and primary data sources; section two (2) describes the anticipated traffic conditions in the study area in year 2009 without the proposed project and describes any planned changes to transit and non-motorized facilities; section three (3) describes the estimated future traffic conditions in the study area (forecasted to 2009) with the proposed project and explains the additional traffic and parking demands likely to be generated by the proposed project; and section four (4) discusses finding and conclusions of the report. The analysis in this report is based on a development consisting of two (2) four-story buildings totaling approximately 323,500 sq. ft. of office space with 532 on-site parking spaces occupied by 2009. Vehicular access to the development would occur via an entrance/exit ramp orientated at West Roy Street; vehicle exiting from this parking area would also occur via an exit-only driveway abutting the property's southernmost property line. Additionally, vehicular access to a passenger pick-up/drop-off loop located between the two (2) buildings would occur via an entrance-only curb cut along Elliott Avenue West; the loop exit would be restricted to right-turns only, southbound onto Elliott Avenue West.

The following roadways are adjacent to and nearby the proposed site:

- Elliott Avenue West is a two-way, north-south roadway. It is classified as a Principal Arterial by the City of Seattle and serves multiple bus routes in the area. This roadway has seven (7) travel lanes. On-street parking is permitted at certain locations and in the vicinity with restrictions during weekday AM peak hours. Per the report, on-street parking is not restricted during the weekday PM peak hours.
- 15th Avenue West is a two-way, north-south roadway. It is classified as a Principal Arterial by the City of Seattle and serves multiple bus routes in the area. This roadway has either four (4) or six (6) travel lanes depending on the location. On-street parking is allowed along both sides of the street, but is restricted during the weekday AM and PM peak hours.
- Western Avenue is a two-way north-south roadway. It is also classified as a Principal Arterial by the City of Seattle. This roadway has three (3) travel lanes in the northbound direction and two (2) in the southbound direction. On-street parking is allowed at certain locations, but is restricted during weekday AM and PM peak hours.
- West Mercer Place is a two-lane Principal Arterial in the vicinity of the project site. To the east, Mercer becomes Mercer Street. On-street parking is not allowed in the vicinity of Elliott Avenue, but is allowed further east. This roadway connects Elliott Avenue with the Queen Anne and South Lake Union neighborhoods and I-5 to the east.
- Denny Way is two-way east-west Principal Arterial. This roadway has four (4) travel lanes but no on-street parking. This street provides a major east-west connection between Western Avenue and the Seattle Center area on the west, to I-5 and Capitol Hill on the east.

The traffic volume resulting from this project was estimated by using the Institute of Transportation Engineers (ITE) Trip Generation Manual (7th edition) for the category of "General Office Building". Taking into consideration the reduction of trips associated with the

removal of the existing building, the report states that the new project would generate a total of approximately 1,920 net new daily trips with a total of 300 net new AM peak hour trips and 270 net new PM peak hour trips.

The transportation report identified eight (8) signaled intersections for analysis during the weekday AM and PM peak hour for operational characteristics. The table below illustrates the following: each intersection's existing level-of-service (LOS) in the year 2007; forecasted LOS in the year 2009 without the project; and, forecasted LOS in the year 2009 with the project built. The identified delays are divided into several grade levels, ranging from LOS A (minimal delays) to LOS F (long delays).

Signalized Intersections	**Existing 2007 LOS**		**2009 LOS Without Project**		**2009 LOS With Project**	
	AM	**PM**	**AM**	**PM**	**AM**	**PM**
Denny Way/Western Avenue	B	B	B	B	B	B
West Mercer Place/West Roy Street/Elliott Avenue West	A	B	A	B	B	C
Mercer Street/Queen Anne Avenue North	C	B	B	B	B	B
Elliott Avenue West/Magnolia Bridge	B	B	B	C	B	C
Denny Way/Queen Anne Avenue North	B	B	B	B	B	B
Western Avenue/Elliott Avenue	A	B	B	C	B	C
15th Avenue West/West Garfield Street	A	A	A	A	A	A
Elliott Avenue West/West Galer Street	A	A	A	A	A	A

The LOS analysis indicates one (1) signalized intersection-West Mercer Place, West Roy Street and Elliott Avenue West degrades from LOS A to LOS B during AM peak hour and from LOS B to LOC C during the PM peak hour as a result of the addition of project traffic. The remaining intersections, with addition of new project trips, are expected to operate at the same peak hour LOS as in the 2009 baseline conditions. It is predicted that a small increase in traffic delay would occur; however, the extent of the additional delay will be minimal.

In July 2004, the Seattle Department of Transportation completed the South Lake Union Transportation Study. The study recommended a comprehensive package of transportation improvements including a two-way Mercer Street, a narrower Valley Street, a streetcar, and a number of transit, pedestrian and bicycle measures. These improvements are intended to reconnect the South Lake Union area to the city, untangle streets that create barriers in the middle of the city, improve mobility, promote alternatives to single-occupant-vehicles, and continue a smooth flow of freight and people through the area.

As an alternative to mitigation measures that focus solely on minor improvements to nearby streets and intersections, DPD has determined that a more effective mitigation approach is for the applicant to contribute to the costs of the more comprehensive transportation improvements recommended in the South Lake Union Transportation Study. Assessing the pro-rata share of the anticipated costs of accommodating such growth reasonably apportions the costs of such mitigation. Although the project site isn't directly proximate to South Lake Union (SLU), traffic forecasts identify significant volumes of project traffic using the SLU transportation network; therefore, a proportional payment from this project to help fund SLU capital improvements is appropriate. Based on the projected impacts of the project in the SLU area, a payment of $316,503 shall be provided.

Based on the traffic analysis provided above, in conjunction with the proposed payment to the South Lake Union fund, no further mitigation measures or conditioning pursuant to the SMC Chapter 25.05 (SEPA Ordinance) is warranted.

Parking

The Land Use Code requires a total of 323 parking spaces and four (4) loading berths for the entire development. The submitted MUP plans indicate a total of 564 underground parking stalls and four (4) loading berths are provided. Access to entrances leading to the proposed first level loading berths and the below-grade parking garage will be via West Roy Street. Parking garage exiting would be to either West Roy Street or Elliott Avenue West.

A parking demand analysis was included within the Transportation Impact Analysis report prepared by The Transpo Group, Inc. (dated March 2007) to assess how closely the proposed number of parking spaces would match the anticipated peak parking demand. The report states the office use would generate the highest demand for parking during the weekday mid-day hours. In terms of comparing proposed supply to estimated office demand from the project, Transpo utilized a methodology similar to trip generation calculations. Transpo calculated the number of employees on-site at one (1) time and segmented the employee count into mode splits similar to a typical Transportation Management Plan (TMP) goal for an office development in Seattle-50% of employees would drive alone (Single Occupancy Vehicle (SOV)), 20% would carpool and the remaining 30% would use other means of transportation (walking, transit, bicycling, etc.). Based on these estimates and with the implementation of a TMP, the initial parking demand for 904 parking spaces would be reduced to 563 employee parking spaces. Assuming approximately 536[1] parking stalls will be available; the parking demand would be reduced to twenty-seven (27) parking spaces. The table below illustrates office spillover estimates excluding the proposed parking supply of 536[1] parking spaces:

Parking Demand Estimates		
	NO TMP	**TMP IMPLEMENTED**
Parking Demand	904	563
Proposed Onsite Parking Supply1	536	536
	----------	----------
Spillover (net change)	368	27

1. The total amount of proposed parking stalls (564) was reduced by 5% to account for the efficiency lost by circulating the garage in search of a vacant stall.

Parking demand would still exceed the on-site supply by twenty-seven (27) parking spaces. Therefore, Transpo recommends in addition to a TMP with a 50% SOV goal, implementation of valet parking in the building's parking garage.

In summary, the estimated parking spillover demand of 904 vehicles would exceed the 536[1] parking spaces being provided onsite for the office proposal. Therefore, to provide mitigation of the estimated office demand from the project (368 vehicles), pursuant to the Director's authority under the SEPA parking policy (SMC 25.05.675.M), the applicant/owner will be required to implement a TMP per Director's Rule (DR) 14-2002. The TMP will include a goal to achieve 50% SOV. In addition, the project will provide on-site valet parking. The plans must identify the valet parking area and illustrate that additional parking capacity can be achieved prior to final MUP approval.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SPECIAL EXCEPTION

Prior to the Issuance of the Master Use Permit

1. The applicant must provide signage language that communicates no parking is allowed at the passenger pick-up/drop-off loop situated in the view corridor situated between the two (2) buildings. The driveway aisle must be reduced to a maximum of 15' in width. The proposed signage and driveway aisle revision must be identified on plans prior to final MUP approval.

Prior to Issuance of the Certificate of Occupancy and For the Life of the Project

2. The owner(s) and/or responsible party(s) shall install signage at the location specified per the approved plans that directs the visitors to not park in the passenger pick-up/drop-off loop.

CONDITIONS - SEPA

Prior to the Issuance of the Master Use Permit

3. The property owner(s) shall record an acknowledgment of the Transportation Management Plan (TMP) permit conditions in a form acceptable to DPD with the King County Department of Records and Elections per Attachment to DPD Director's Rule 14-2002.
4. The applicant must identify on the plans the location of the valet parking area in the parking garage in order to illustrate that sufficient additional parking capacity can be provided.
5. The owner(s) and/or responsible party(s) shall provide DPD with a monitoring plan prepared by a professional archaeologist that is inclusive of the information cited in the "Results and Recommendations" section of the Archaeological and Historical Resources Survey of 635 Elliott Avenue West Report prepared by Entrix, Inc. dated March 26, 2007.
6. The owner(s) and/or responsible party(s) shall provide DPD with a statement that a professional archaeologist will monitor any excavation activities conducted on site that will exceed 13' in depth.
7. The owner(s) and/or responsible party(s) shall provide DPD with a statement that the contract documents for their general, excavation and other subcontractors will include reference to regulations regarding archeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to the Issuance of a Demolition, Grading or Building Permit

8. The owner(s) and/or responsible party(s) will be required to submit a copy of the Puget Sound Clean Air Agency demolition permit. PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.
9. In order to address construction related transportation and parking impacts, the responsible party shall submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). A construction transportation plan for workers and truck deliveries/routes shall be prepared to minimize disruption to traffic flow on adjacent streets and roadways. This plan shall include a requirement that truck trips be scheduled to avoid peak periods of 4:00 – 6:00 pm, Monday through Friday. The plan shall consider the need for special signage, flaggers, haul route definitions, street cleaning; construction-worker parking; identification of potential street and/or sidewalk closures; coordination with Metro transit relative to construction activity that could affect transit service proximate to the project site; vehicle and pedestrian circulation and safety.
10. The owner(s) and/or responsible party(s) shall make a transportation mitigation fee contribution of $316,503 to DPD. This is the final proportionate share cost amount developed by The Transpo Group, Inc. in consultation with the DPD transportation planner and approved by DPD, as mitigation for South Lake Union transportation impacts.

11. The owner(s) and/or responsible party(s) shall record the Transportation Management Plan (TMP) consistent with and including the Required Elements as described in DPD Director's Rule (DR) 14-2002 and include the following elements:

    - Program Goal: The proportion of employee trips by single occupancy vehicles (SOV) shall not exceed 50% of the trips.
    - Valet parking in the building's parking garage.
    - Implement the Element Requirements as determined by DPD (Based on DR 14-2002).

<u>During Construction</u>

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

12. Comply with the provisions set forth by the approved Construction Transportation Management Plan.

13. If resources of potential archeological significance are encountered during excavation or construction, the owner and/or responsible parties shall:

    - Stop work immediately and notify DPD (Tamara Garrett at 684-0976) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
    - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

<u>For the Life of the Project</u>

14. The owner(s) and/or responsible party(s) shall implement and maintain the recorded Transportation Management Plan (TMP).

Signature: (signature on file) Date: <u>November 5, 2007</u>
Tamara Garrett, Land Use Planner
Department of Planning and Development

TYG:lc
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