



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: 3006311

Applicant Name: Hans Christiansen for Investco Properties Development Corp.

Address of Proposal: 224 Westlake Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of an existing four story office and retail building to a six story, 36 unit market-rate apartment building with 4,750 sq. ft. of retail at grade. Parking for up to twelve vehicles to be created within an existing basement by excavating a ramp from the alley. An existing minor communication facility may be removed from the roof.

The following approval is required:

SEPA - Environmental Determination - - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Seattle Mixed – 85 Foot Height Limit.

Prior Uses on Site: Retail, Office and Warehouse.

Substantive Site Characteristics:

The development site is an approximately 6,474 sq. ft. lot completely covered by a four story building built in 1928. It is located one parcel south of the vacant southeast corner of the intersection of Westlake and Thomas. Westlake Avenue is one-way northbound in front of the site. A 16 foot mid-block alley runs north-south to the east (rear) of the site. The new streetcar line runs along Westlake in front of the building and turn east at Thomas.

The SM-85 zone continues across Westlake and to the north. To the east across the alley is IC-85 zoning and south of John the zoning changes to SM-125. There are no mapped critical areas in the immediate vicinity. Lake Union is about 2,000 feet directly north. Denny Park is one block to the southwest.



The building is currently occupied by the Athletic Supply Company. Predominant uses in the area are multi-story office building, laboratory buildings, warehouses and retail. The remainder of the block south of the building to John is proposed to be redeveloped with a 134,000 sq. ft. office building with ground floor retail and four floors of underground parking. Most of the block on the opposite side of Westlake is comprised of single story retail buildings. Directly across the street is a four story office building built in 1999. Across the alley to the east a new four story office building with ground floor retail is under construction. The alley is being improved as part of that project.

Proposal Description:

The proposal is to convert an existing retail/warehouse building into an apartment building with ground floor retail. The roof and most interior partitions would be demolished and two additional floors would be added to the structure. The window openings would be enlarged on the east and west facades and a new storefront system with canopy would be installed along Westlake Avenue. The basement would be converted to parking for twelve cars and a new vehicular access would be created from the alley.

Public Comment:

The comment period ended on November 14, 2007. No public comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 17, 2007. 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 SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered, thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Air Quality and Asbestos

During construction dust resulting from demolition, remodeling of the façade and the minor amount of excavation would contribute to concentrations of suspended particulate matter. The construction contractor would have to comply with the Puget Sound Clean Air Agency's Regulation 9.15, which requires that reasonable precautions be taken to avoid dust emissions. This may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and covering dusty truck loads.

Construction would require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area.

A Phase I Environmental Assessment shows asbestos in roofing materials, sealant, boiler insulation, pipe insulation, pipe fitting insulation, vinyl flooring, gaskets, fire doors, sink undercoating and vapor barriers. As a result, specific procedures must be followed prior to and during demolition activity in order to prevent release of asbestos-contaminated materials into the air, per federal and state laws.

Asbestos regulations require that all "asbestos-contaminated" materials be removed prior to demolition, and that the asbestos-contaminated material be placed in plastic bags (specifically double bagging) and sealed prior to being transported off-site. These requirements would be enforced for the proposed project and would prevent asbestos emission to the atmosphere.

A demolition permit by the Puget Sound Clean Air Authority (PSCAA) is required. Since no permit process exists to ensure that PSCAA will be notified of the proposed demolition, a condition shall be added below requiring submittal of the PSCAA demolition permit to the Department of Construction and Land Use (DPD) prior to issuance of a DPD demolition permit.

Construction Noise

Most of the initial construction activity, including demolition and façade changes, will involve loud equipment and activities. This construction activity is not expected to have an adverse impact on the surrounding uses, primarily office and retail. The closest residences are in the condominiums in the new mixed use building south of John Street, approximately 300 feet to the south. The Department finds that the limitations of the Noise Ordinance are adequate to appropriately mitigate the adverse noise impacts associated with the proposal.

Traffic and Circulation

Exterior work on the site would include removing all windows, enlarging the window openings on the east and west facades, removal of the top of the parapet wall and excavation for vehicular access to the basement. Given the location of the streetcar tracks to the west of the site and the need to maintain vehicular access through the alley to the east, construction staging and truck traffic could have a negative impact on the adjacent businesses and traffic flow in the area.

Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all such City regulations. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Submission of a construction impact management plan to mitigate any adverse impacts to traffic which would be generated during construction of this proposal will be required to demonstrate compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT).

Environmental Health

The Model Toxics Control Act (MTCA; WAC 173-340) mandates remediation of sites that exceed the thresholds of contamination identified in the legislation. Additionally, standards for safe removal of underground storage tanks are enunciated in WAC 173-360 and elsewhere (i.e. City Fire Code). In the event that significant levels of petroleum in the soils are encountered during decommissioning of the underground fuel oil storage tank, compliance with WAC 13-340 and WAC 173-360 (administered by the Department of Ecology), and the City Fire Code will suffice to mitigate impacts.

Long-term Impacts

Potential long-term or use impacts anticipated by this proposal include: loss of the site for commercial/industrial use(s); increased bulk on the site; increased ambient noise associated with increased human activity; minor increase in light and glare from exterior lighting and light from windows; increased parking demand due to residents and visitors; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

Historic Resources

The Seattle Athletic building (originally Ernst Hardware) was built in 1928 but was extensively remodeled in 1968. It was evaluated for historical significance as part of the South Lake Union Streetcar Project Cultural and Historic Resources Technical Report and was determined to lack historic integrity and therefore not meet the criteria for listing as a historical resource.

Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, the *South Lake Union Neighborhood Plan*, and the Land Use Code. A limited number of current workers at the athletic supply company would be displaced by the proposed project. This displacement is partially offset by new employment opportunities that will be provided by the new retail area proposed for development.

Archaeological

The site has been previously developed and the limited amount of grading required is expected to occur within historic fill. No disturbance to any archaeologically significant resources is expected due the project.

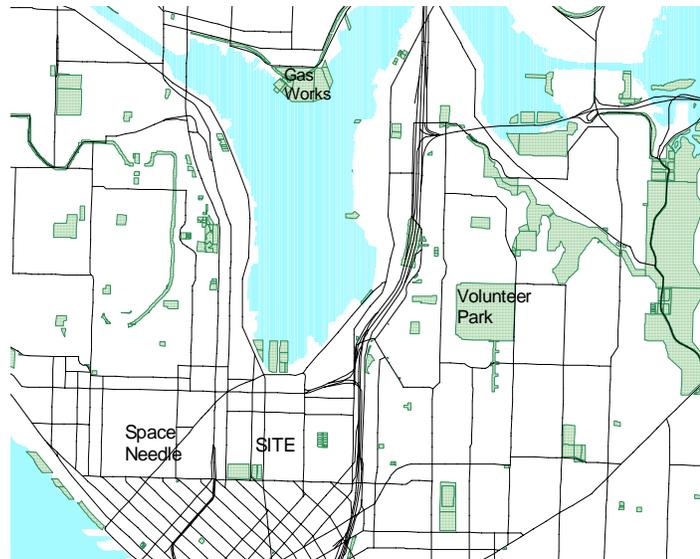
Public View Protection

The closest public viewpoints to the site are Four Columns Park and Volunteer Park, SMC 25.05.675.P. Four Columns Park is located approximately 1/2 mile southeast of the site with an elevation of approximately 208. Views of significant natural and human-made features from Four Columns Park include the downtown skyline, and distant views of the Olympic Mountains and Lake Union. Volunteer Park is located approximately 1 1/4 miles to the northeast of the site and the ground elevation varies from 380 to 450. This park provides westerly views of Puget Sound, Lake Union, the Olympic Mountains, and the downtown skyline, as well as easterly views of the Cascade Mountains. The proposed project has an average roof elevation of 139.58 and so would not impact views of the significant natural and human-made features listed above from either of these specified viewpoints. The proposal would appear as a continuation of the intensification of development in the South Lake Union area. In addition, the proposal would not impact views from any other non-designated public viewpoints in the site area, including South Lake Union Park and the Cascade Playground.

The following streets in the site vicinity have been designated as scenic routes: Westlake Avenue N., Fairview Avenue N. and I-5; several blocks north of Mercer Street, portions of Dexter Avenue N. and Aurora Avenue N. are also designated as scenic routes. In the site vicinity, I-5 and Aurora Avenue N. are elevated roadways from which territorial views of Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Puget Sound, and Lake Union are possible. Views from Dexter Avenue N., Fairview Avenue N. and Westlake Avenue N. are primarily of Lake Union (Westlake Avenue N. adjoins the site to the west). The predominant views from Mercer Street are of Puget Sound and the Olympic Mountains.

Under the proposed project, the footprint of the building will not change, thereby preserving the views toward Lake Union along Westlake Avenue N. The small size of the proposed building would not impact views of significant natural and human-made features from the other scenic routes listed above.

Public views of the Space Needle from public places are also protected by city policy. SMC 25.05.665(P)(2)(c). The closest of these public places to the site are Seattle Center (1/2 mile to the west), Gasworks Park (3/4 miles to the north), and Volunteer Park (1 1/4 mile to the northeast). Views of the Space Needle from these locations would not be impacted by the proposed project. Therefore, the project has no adverse impact on viewsheds.



Air Quality

The proposal is expected to lower the number of vehicle trips per average weekday generated by the site from 470 to 190. Therefore the result should be a decrease in auto-generated air contaminants. The Puget Sound Clean Air Agency is responsible for monitoring air quality in the Seattle area, setting standards and regulating development to achieve regional air quality goals. No unusual circumstances exist which warrant additional mitigation, pursuant to the SEPA Overview Policy.

Housing

The site does not have any housing currently. The proposal will result in the gain of 36 residential units.

Height Bulk and Scale

The extent to which the project's height, bulk, and scale are adverse, and further, to which conditioning or modification is warranted, must be based on adopted applicable city policies. In this case the bulk of the existing building will not change. The windows will be enlarged to create additional transparency. The two additional stories will be set back 6 feet from the existing Westlake Avenue façade to allow space for decks.

