



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: 3007216
Applicant Name: Gregory Wharton
Address of Proposal: 1631 15th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three-story, 89,000 square-foot office building built over one level of below-grade parking.

The following approval is required:

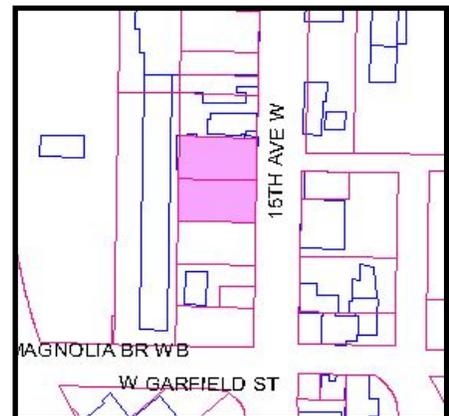
SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The project site consists of two individual tax parcels totaling approximately 35,200 sq. ft. of land located at 1631 and 1641 15th Avenue West. The property is currently vacant with a gravel surface on the south parcel and exposed soil on the north parcel. The topography of the site is generally flat, with grades descending from four (4) to five (5) feet to the west from 15th Avenue West.



The site is located near the north end of Elliott Bay, just west of Port of Seattle, Pier 91 and has been designated as a geologic hazardous area relative to the potential for soil liquefaction to occur during an earthquake. The adjacent parcels on the west side of 15th Avenue West are similarly zoned General Industrial with a maximum structure height of 45 feet (IG2 U/45). Parcels immediately east of 15th Avenue West are zoned Industrial Commercial (IC) and changes to Single Family (SF 9600) further east from 15th Avenue West as the topography gains elevation (to the top of Queen Anne Hill).

Proposal

The applicant proposes construction of a three-story office building built over one level of below-grade parking. The excavation for the parking level will extend approximately 10 to 11 feet below existing grades along 15th Avenue West, with the excavation depth reducing to approximately 5 feet along the west perimeter of the proposed building. Access to on-site parking will be from a driveway at the southwest corner of the site, extending west from 15th Avenue West.

Excavation related to the proposed development, including soil remediation, was reviewed and approved under MUP #3008290.

Public Comments

No comments were received during the two-week public comment period that ended on September 12, 2007.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The proposal site is located in a liquefaction-prone critical area and subject to all submittal requirements and development standards for liquefaction prone area as provided in Seattle Municipal Code (SMC) Chapter 25.09.100.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 13, 2007, a Geotechnical Report prepared by Terra Associates, dated October 26, 2007 and an Investigation and Remedial Selection Summary prepared by Sound Environmental Strategies, dated February 1, 2008. In addition, Heath and Associates provided a parking analysis, dated June 3, 2008 and a Transportation Management Plan (TMP), dated July 24, 2008. The applicant's submittal also included a letter from Northwest Archaeological Associates, Inc., dated July 27, 2007, which provided preliminary information regarding the potential for archaeological resources to be present in the proposed project area.

The information in the checklist, the submitted geotechnical engineering assessment, the remedial selection summary and the parking analysis along with the experience of the lead agency reviewing similar projects form the basis for this analysis and decision.

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.

Based on the recommendations of Heath and Associates’ parking analysis, the Terra Associates, Inc. geotechnical report, the review findings of DPD’s geotechnical reviewer and the information in the SEPA checklist, the short and long-term impacts anticipated from this proposal provided applicable if City and State regulations and this conditioned decision are followed. City regulations are in the Stormwater, Grading and Drainage Control Code, the adopted City of Seattle Building codes and other relevant City Codes, which provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

Short-term Impacts

The following temporary or construction-related impacts to the site are expected: 1) temporary soil erosion; 2) increased vibration; and 3) diminished air quality due to increased particulate matter from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated areas with identified liquefaction hazards. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Environmental Health - Earth, Air and Water

Conditions were established under the prior review of the related Master Use approval (3008290) for the remediation of contaminated soils and ground water on the subject site(s) through excavation and treatment. A number of Best Management Practices (BMP’s) for soil, air and water quality have been established at the subject site during excavation including: silt fencing, construction entrance stabilization, wheel washing, site watering and water pumping and treatment prior to release, as required. Those BMP’s will also apply to this Master Use permit approval.

State and Local regulations (previously noted) are in place that will mitigate the short term impacts and the proposed soil and water remediation will improve environmental (air water and soil) health on the subject site. Prior to issuance of this permit and prior to final approval of the construction permit a statement shall be provided by a certified professional stating the status of the voluntary clean-up identified under MUP #3008290. No additional conditioning for this Master Use Permit is warranted pursuant to SEPA policies.

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 liquefaction potential. The applicant submitted a Geotechnical Engineering Assessment by Terra Associates, Inc. and included soil reports with this submittal, provided as part of previous site investigation activities. The construction plans, including shoring of excavations as needed and erosion control techniques were done under a separate review by DPD (see MUP #3008290). Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized.

Historic Preservation

The archeological consultant identified that the proposed project is located within the U.S. Government meander line, and is expected to fall under the guidelines concerning cultural resources set out in the City of Seattle Department of Planning and Development (DPD) Director's Rule 2-98 (SMC). In brief, this Director's Rule states that many of the City's existing and former shoreline areas may be sites of potential archaeological significance due to settlement patterns relating to Native Americans and early European settlements along Puget Sound. Areas where sites or resources of potential archaeological significance could be found include freshwater and saltwater confluences, river confluences and their vicinity, and historical sources of certain kinds of geological formations. This Director's Rule also recognizes that, although research may not identify the probable presence within a proposed project of archaeological significant sites or resources, conditions may be imposed on the proposed project to ensure that no adverse impacts occur to an inadvertently discovered archaeologically significant resource.

Parking

Parking is restricted in the immediate area of the site due to curb cuts, a bridge / overpass and lanes reserved for commute travel. In addition, there are several major construction projects under way along 15th Ave. W. Construction related parking will be onsite whenever possible and compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation for this short-term impact and no further conditioning is warranted by SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: 1) increased surface water runoff due to greater site coverage by impervious surfaces, 2) water quality concerns due to off site soil contamination and 3) the parking demand generated by the proposed development.

As noted above, several adopted City codes and ordinances provide mitigation for the identified impacts. Specifically these are: the ECA Ordinance and the Building Code anticipate potential soil liquefaction; the Stormwater, Grading and Drainage Control Code requires provisions for controlled tightline release to an approved outlet and will require additional design elements to assure the water quality standards (set by the State) are met for any water discharged to the public sewer and storm water system; and the Land Use code provides the initial evaluation of parking requirements for a proposed use.

Environmental Health - Earth, Air and Water

State and local ordinances protect the quality of soils, air and groundwater. This project involves remediation of existing contaminated soils and groundwater that effect soil, air and water quality, through excavation and treatment. To preserve site conditions following clean-up, construction of a seam sealed metal pile wall is proposed to prevent off site contamination from migrating onto the site. In addition, all storm water runoff resulting from the increased site coverage (i.e. building footprint) will be tightlined and there will be a single discharge point for drainage from the entire site. Any groundwater that accumulates on the site will be pumped and tested prior to release to the City's drainage system. A program for water quality testing and treatment will be put in place and will be in effect for as long as sample results show that testing and treatment of groundwater on site is needed.

The long-term impacts to soil, air and water quality elements will be improved as a result of work at the site. Compliance with these applicable codes and ordinances, voluntary clean-up and on-going water quality monitoring is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted.

Parking

The total proposed parking supply of 92 spaces is insufficient to meet the expected peak parking demand of the project. With no mitigation, it is expected that the peak parking demand will be approximately 213 vehicles; this peak will occur in the early afternoon. Roughly 121 vehicles would not be accommodate on-site, and would seek parking elsewhere.

Approximately 200 on-street parking spaces were identified within a reasonable walking distance (1200') of the project site. Parking spaces on 15th Avenue West are restricted to accommodate peak period traffic flow; no parking is allowed on the west side of 15th Avenue West between 7 and 9 AM, and no parking is allowed on the east side between 3 and 6 PM. On-street capacity within the study area is limited to about 140 spaces during the morning peak period and 169 spaces during the afternoon peak period.

At the time of the parking analysis, on-street availability near the project site was substantially restricted due to repaving and roadway rehabilitation on 15th Avenue West. Recent aerial photos of on-street parking usage in the study area indicated that on-street parking utilization ranged from approximately 34% to 52% between 8 AM and 5 PM. Adding forecast project-generated parking demand to these base utilization rates, the unmitigated parking spillover from the project is expected to result in on-street utilization rates exceeding 100% at various times of the day. To mitigate this impact, a Transportation Management Program has been recorded. A goal of a maximum 35% reduction in employee single-occupant vehicle (SOV) trips is likely to achieve an acceptable level (80%) of on-street parking utilization, and will be made a requirement of the project.

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 - SEPA

Prior to Issuance of the Master Use Permit

1. Recording of the approved Transportation Management Plan (TMP).
2. The owner(s) and/or responsible party(s) shall provide DPD a statement by a qualified professional on the status of the soil and water remediation and or a “cleanup action report” will be provided to DOE and the City of Seattle.

Prior to Issuance of a Construction Permit

3. Applicant shall notify in writing all contractors and sub-contractors that proposal is subject to the following conditions:
 - a. All work shall protect surface and ground water on and adjacent to the lot and reflect agencies’ requirements found in the City’s Stormwater, Grading and Drainage Control Code.
 - b. Best Management Practices (BMPs) shall be employed. Include on the plans a written description of the BMPs to be used during the proposed work such as: site watering as needed to control dust and airborne particulates and wheel washing of construction equipment and employees vehicles, to prevent tracking soil off site.
 - c. An emergency containment plan is required for all toxic material on site, including on-site containment equipment and trained personnel.

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on or near the property line that is visible and accessible to the public and to construction personnel from adjoining street right-of-way(s). The conditions will be affixed to placards prepared by DPD, to be issued along with the building permit set of plans. The placards shall remain posted on-site for the duration of the construction.

4. Best Management Practices (BMPs), as required by the City and State and as identified by Sound Environmental Strategies, to protect air, water and environmental quality shall be employed.
5. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall stop work immediately and notify DPD (Justina Guyott, 206-233-7898) and the Washington State Archaeologist at the Office of Archaeology and Historic Preservation, Robert Whitlam, 360-586-3080, or the current person in the position. The procedures outlined in Appendix A of Director’s

