



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 3007368
Applicant Name: Tom Eanes for Ilahie Holdings
Address of Proposal: 901 West Ewing Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 3-story building containing 88,245 sq. ft. of office at ground with parking for 269 vehicles below grade in an environmentally critical area. Project includes 53,000 cu. yds. of grading.

The following approvals are required:

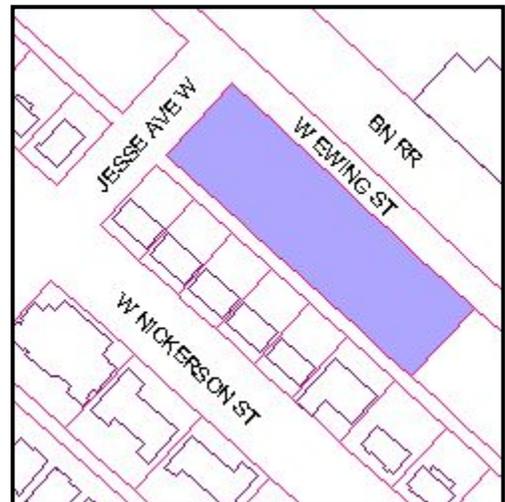
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

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

BACKGROUND DATA

Existing Conditions

The subject site is located in an Industrial Buffer Zone (IB U/45'). The 37,000 sq. ft. site located on the south side of West Ewing Street and the Lake Washington Ship Canal and abuts Jesse Avenue West, an unopened right-of-way to the west. The property is bounded to the south by a platted alley that runs between West Ewing Street on the north and West Nickerson Street on the south. The subject site is currently vacant. Properties located south of the project site across the platted alley are zoned Lowrise 3 with a Residential



Commercial component, L-3/RC. On the north side of West Ewing lies the Burlington Northern Railroad right-of-way and the future site of the Ship Canal trail extension. Uses along West Ewing include marine related light manufacturing and parking for employees of Foss Maritime located at the shoreline of the Lake Washington Ship Canal. The site slopes steeply from West Ewing up to the alley some 32 feet is a designated Environmentally Critical Area, Steep Slope and potential Landslide Hazard Area. This proposal is one of six applications for similar buildings along West Ewing (3007365, 3007367, 3007368, 3007369, 3007370; and 3007371). One additional application (3007372) is for an accessory loading area.

Proposal

The proposal is to construct an 88,245 sq. ft. 3-story office building with four levels of below grade parking for 269 vehicles. Vehicular access would be provided by a drive east of the proposed building and shared by the proposed building to the east (3007369). The shared access is proposed to be 24 feet wide. A loading area on the west side of the structure will be shared with the proposed structure to the west (3007367). The proposal also includes approximately 2500 sq. ft. of planting including trees, shrubs and groundcovers for the site.

Public Comment

Twenty-four comment letters and emails were received during the comment period which ended October 3, 2007. All but one respondent objected to the proposal. The reasons expressed by the majority of the respondents for their objection to the proposal were increased congestion, parking, traffic, noise, loss of habitat, impact on the shoreline and general neighborhood impacts.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 25, 2007. The information in the checklist, project plans, 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). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

The proposal site is located in an environmentally critical area, Steep Slope and Landslide Hazard Area. The applicant applied for, and received, a Limited Steep Slope Exemption, dated November 28, 2007, in which the Steep Slope Development Standards (i.e., threshold disturbance level of 30% of the Steep Slope Critical Areas and requirements for a Steep Slope Variance) are waived for the development. However, a Limited Steep Slope Exemption still requires ECA SEPA review.

In addition, the proposed building exceeds the SEPA exempt threshold of 12,000 sq. ft. for area and the SEPA exempt threshold of 40 spaces for parking. Therefore, further analysis is necessary to identify and mitigate potential adverse impacts.

Short-term Impacts

Earth/Soils

The proposal site is located in an environmentally critical area, Steep Slope and Landslide Hazard Area and potential impacts include erosion, excessive stormwater run-off, and temporarily hazardous slope conditions due to excavation activities. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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 landslide potential and/or a history of unstable soil conditions. A Geotechnical Engineering Design Report prepared by Matthew W. Smith, P.E. of GeoEngineers, Inc. of Redmond, WA, and dated July 24, 2007 was submitted and has undergone separate geotechnical review by DPD. The November 28, 2007 Limited Steep Slope Exemption is also conditioned upon the use of an active shoring system, i.e., soldier piles and tieback anchors as required in the above geotechnical report. The construction plans, including shoring of excavations and erosion control techniques are receiving separate review by DPD. 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; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction-related Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 53,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- 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 Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.

- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity (proposed 500,000 sq. ft. in six buildings) to be undertaken in association with the proposed project and the associated impacts, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The site is located in an Environmentally Critical Area, Steep slope and Landslide Hazard Area. The construction and grading plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances, codes and conditions 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 used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 30,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code 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.

Construction Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts, including additional traffic delays, hazards, obstacles, and congestion are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials and grading spoils will be removed from the site prior to construction. During demolition and grading a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 5,300 single-loaded truckloads or 2,650 double-loaded truckloads to remove the estimated 53,000 cubic yards of material. This number is doubled to account for the arrival of the empty truck.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. Information provided by the applicant in the West Ewing St. Development Construction Management Plan dated February 20, 2008 identifies three alternative routes for construction traffic which includes both demolition trucks and construction materials deliveries. The alternatives are 1) I-5 to Mercer Street to Westlake to W. Nickerson; 2) Hwy 99 to Elliott Ave. to W. Nickerson; 3) SR520 to Montlake Bridge to Pacific Ave. to Northlake Way and N. 34th St. to Fremont Bridge to W. Nickerson. Each of these alternatives is subject to traffic congestion during the p.m. peak hours, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

A detailed Traffic Control Plan and Haul Route Plan which is in compliance with the City of Seattle Traffic Control Manual for In Street Work and associated its standards will be required to be submitted to SDOT for approval prior to the commencement of any demolition or grading.

This condition will reasonably reduce the impacts from construction truck trips and their interference with daily peak traffic along these typically congested routes. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

This project, as stated, is expected to generate 2,650 to 5,300 truck trips or more associated with demolition and grading activities. For the combined projects an estimated 265,000 cubic yards of material is proposed to be removed generating approximately 13,000 to 26,000 one-way truck trips. To help mitigate the impacts of these truck trips, the traffic signal warranted at the intersection of 6th Avenue West and West Nickerson (see discussion below of Revised Traffic Impact Analysis, November 16, 2007, Heffron Transportation, Inc.) shall be installed prior to commencement of demolition and grading activities. This traffic signal, along with the Traffic Control Plan and Haul Route Plan, will provide reasonable mitigation for the construction traffic impacts.

Construction Parking

Parking utilization along West Ewing is near capacity and the elimination of permit parking lots for employees of Foss Maritime and the demand for parking by construction workers during construction will further reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Noise

Surrounding residential uses are likely to be adversely impacted by noise throughout the duration of construction activities. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures

for construction noise impacts. It is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area, the close proximity of these structures to the proposal site and the potential duration of the construction activities.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M. and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Stacking the building with the tower crane.
- C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy. However, Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

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.

The applicant will be required to attach a copy of the PSCAA Notice of Construction/Demolition to the building permit set of plans.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of an office/commercial structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage

Rain water on roofs and on the driveways is the major sources of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. Oil/water separators will be installed at the parking garage level. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk, and Scale

The height of the proposed office building is approximately 45 feet to the top of the roof. City height and setback standards have been met; therefore no additional mitigation is warranted under SEPA. Adopted Land Use Codes attempt to protect private views through height and bulk controls and other zoning regulations, but no code authority is available to protect private views through project specific review. (SMC 25.05.675.P.1(f))

Traffic and Transportation

The primary uses on this site would be administrative offices. The Revised Traffic Impact Analysis, dated November 16, 2007, by Heffron Transportation, Inc. indicates that future traffic volumes generated by the combined projects at build-out will warrant a traffic control signal at the intersection 6th Avenue West and West Nickerson Street. Because the anticipated grading activities will generate an estimated 2,650 to 5,300 truck trips (see discussion above), a condition will be added to require the traffic control signal to be installed prior to the commencement of demolition and grading activities.

The Traffic Impact Analysis also indicates that 11th Avenue West, a local access street that connects West Nickerson Street to West Ewing Street is in “very poor condition”, with a steep transition causing vehicles to scrape bottom when entering and exiting the street. While the primary access to the sites will occur at 6th Avenue West, it is acknowledged that there will be some trips arriving and departing to the west to and from projects 3007365, 3007367, and 3007368 using 11th Avenue West. Therefore, these projects will be conditioned to require approach and alignment improvements to 11th Avenue West to be approved by SDOT.

The SEPA Traffic and Transportation Policy (25.05.675R) state that Seattle’s land use policies call decreasing reliance on single occupant automobile and increased use of alternative transportation modes. King County Metro Transit routes 17 and 31 currently serve the area with stops located on West Nickerson Street at 6th Avenue West, 8th Avenue West, Jesse Avenue West and 11th Avenue West. While 6th Avenue West is assumed to be the primary access point, buildings located at the far west end of the project (3007367 and 3007368) are between 0.3 and 0.4 miles from the stop at 6th Avenue West. Jesse Avenue West and 8th Avenue West have no connection to West Ewing and 11th Avenue West has no pedestrian pathway. There is, however, a pedestrian activated stop light located at Jesse Avenue West to allow pedestrians to cross West Nickerson Street. There is also a connecting pedestrian hill-climb continuing south on Jesse Avenue West. In order to encourage transit use and provide safe and convenient access for transit riders to the project, the applicant will be required to construct a pedestrian path and stairway at Jesse Avenue West connecting West Nickerson with West Ewing between projects 3007367 and 3007368. The stairway will be required to be completed prior to the issuance of a certificate of occupancy for any of projects 3007367 or 3007368.

Parking

The Traffic Impact Analysis, dated November 16, 2007, by Heffron Transportation, Inc. estimates a parking demand for all related projects to be 950 spaces based on a parking demand rate of 1.95 spaces per 1,000 square feet of use. The retail space (3007371) would generate a demand for an additional 50 spaces. There are additionally 200-250 vehicles currently parking in the West Ewing right-of-way and using surface parking lots that will be displaced by the proposed projects. The majority of these vehicles belong to employees of Foss Maritime which is located on the waterfront properties to the north of the project sites. The proposed development is proposing approximately 1,250 to 1,500 parking spaces within the buildings. Additionally on-street parallel parking will be provided on the south side of West Ewing. It appears that the parking demand will be met by the proposed number of below grade parking spaces. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Air Quality

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

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

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible 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.

- 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 Building Permit

1. A detailed Traffic Control Plan and Haul Route Plan will be required to be submitted to SDOT for approval prior to the commencement of any demolition or grading.
2. This project, as stated, is expected to generate 2,650 to 5,300 truck trips or more associated with demolition and grading activities. For the combined projects an estimated 265,000 cubic yards of material is expected to be removed generating approximately 13,000 to 26,000 one-way truck trips. To mitigate the impacts of these truck trips the traffic signal warranted at the intersection of 6th Avenue West and West Nickerson shall be installed prior to commencement of any demolition and grading activities.
3. The applicant will be required to attach a copy of the PSCAA Notice of Construction/Demolition to the building permit set of plans.

During Construction

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 weatherproofing material and shall remain in place for the duration of construction.

4. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M. and on Sundays from 10:00 A.M. to 5:00 P.M.:
 - A. Surveying and layout.
 - B. Stacking the building with the tower crane.

- a. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- b. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

5. Construction workers will be required to park on-site as soon as the garage is completed.

Prior to Building Permit Final for projects 3007365, 3007367, or 3007368

6. Approach and alignment improvements approved by SDOT to 11th Avenue West shall be completed prior to the building permit Final for any of projects 3007365, 3007367 or 3007368.

Prior to Building Permit Final for projects 3007367 or 3007368

7. A pedestrian path and stairway shall be constructed to SDOT standards at Jesse Avenue West connecting West Nickerson with West Ewing, between projects 3007367 and 3007368. The stairway will be required to be completed prior to the building permit Final for any of projects 3007367 or 3007368.

Signature: _____ (signature on file) _____ Date: November 20, 2008
Marti Stave, Land Use Planner
Department of Planning & Development

MS:bg