



# City of Seattle

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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:** 3007371 & 3007372  
**Applicant Name:** Tom Eanes for Ilahie Holdings  
**Address of Proposal:** 601 & 631 West Ewing Street

### **SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit (3007371) to allow a 4-story building containing 20,000 sq. ft. of retail and 20,000 sq. ft. of office at ground level; 99,400 sq. ft. of office above, and; parking for 418 vehicles below grade. Existing structures to be demolished. Project includes 57,000 cu. yds. of grading.

Shoreline Substantial Development Permit (3007372) to allow loading area accessory to building for related Project 3007371.

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** - to allow retail, office and parking uses in an Urban Industrial (UI) shoreline environment (Section 23.60.788 Seattle Municipal Code).

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

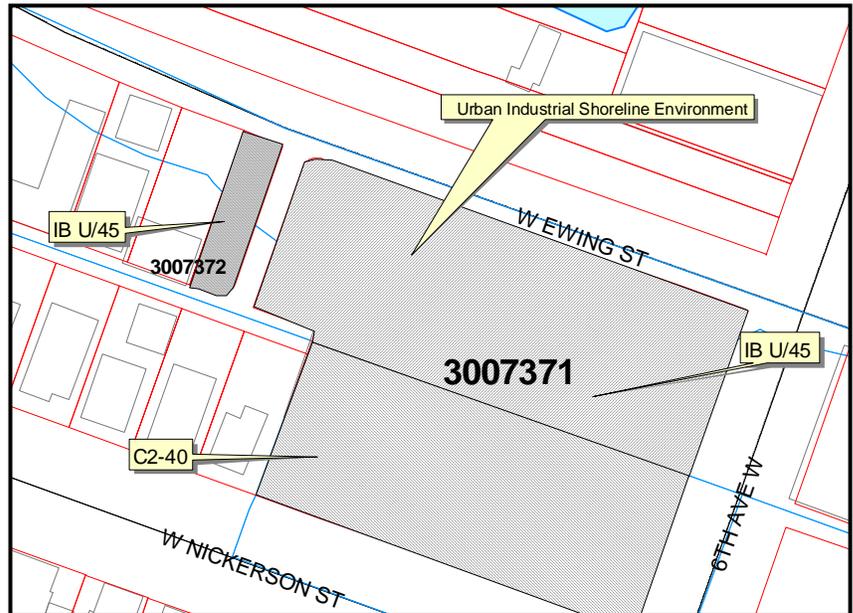
DNS with conditions

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

### **BACKGROUND DATA**

### Existing Conditions

The subject sites are located in an Industrial Buffer Zone (IB U/45') and a Commercial 2 with a 40 foot height limit (C2-40) in addition to an Urban Industrial shoreline environment. The sites are upland lots located north of West Ewing Street and the Lake Washington Ship Canal. The larger of the two sites (3007371) is 54,737 sq. ft. and is split zoned IB/U45 adjacent to West Ewing and C2-40 adjacent to West Nickerson. The site is bounded on the east by 6<sup>th</sup> Avenue West. The smaller property (3007372) is zoned IB/U45 and is



located across the alley to the west of the larger site and is 2,420 sq. ft. This site is vacant. The large site has three existing commercial buildings which will be removed. 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 12 to 14 feet and is a designated Environmentally Critical Area, Steep Slope and potential Landslide Hazard Area. This proposal is one of six related applications for similar buildings along West Ewing (3007365, 3007367, 3007368, 3007369, 3007370, 3007371). One additional application (3007372) is for an accessory loading area.

### Proposal

The proposal is to allow the construction of a commercial building located on the large site (3007371) and accessory loading area on the smaller site (3007372). The commercial building will consist of a 4-story portion in the C2-40 zone fronting on West Nickerson with 20,000 sq. ft. of retail at ground level and office space above. The portion fronting on West Ewing, zoned IB/U45 is also located in the UI shoreline environment and will be 3 stories of office use. The small site across the alley to the west will be for accessory loading area for the building on the large site. Vehicular access would be provided via the alley between the two sites. Full commercial improvement will be provided for the C2-40 portion, including street trees and green roof.

### Public Comment

Twenty-four comment letters and emails were received during the comment period which ended October 5, 2007. All but one of the respondents 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 - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section 23.60.030A of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

1. *The policies and procedures of Chapter 90.58 RCW;*
2. *The regulations of this Chapter; and*
3. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as an upland lot (SMC 23.60.924) and is located within an Urban Industrial (UI) shoreline environment. SMC23.60.022.2 states that

“Where a substantial development is proposed that would be partly within and partly without the Shoreline District, a shoreline substantial development permit is required for the entire development...”. Approximately 2/3 of the northern portion of the building lies within the UI shoreline environment and the proposed improvements will cover this area. The proposed office uses are classified as “commercial uses” and as such are permitted outright in the UI and IB/U45 zones (SMC23.60.850).

### **Shoreline Policies**

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan’s Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. An area objective for this portion of the Lake Washington Ship Canal is to meet the long-term and transient needs of all Seattle’s ships and boats -- including fishing, transport, recreation and military, while at the same time to protect and enhance migratory fish routes and feeding areas (please refer to Area Objectives for Shorelines of Statewide Significance, Policy LU269-2a). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220 C11 is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependant and water-related industrial uses. Views shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan.

While the proposed office uses are not water-dependent or water-related, all commercial uses are permitted in the UI shoreline environment.

### **SMC 23.60.152 - Development Standards for all Shoreline Environments**

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as ... fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred gallons (10,500) or more.

- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes and do not warrant further conditioning.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort; DPD developed a Director's Rule 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the adjacency of the Lake Washington Ship Canal, and the proposed work associated with demolition and construction of structures, the potential exists for impacts to adjacent waters during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

### **SMC 23.60.870 - 882 - Development Standards for UI Environment**

All development must conform to the development standards in the UI Shoreline Environment. The portion of the proposed structure that lies within the UI shoreline environment does not exceed the maximum 35-foot height permitted on UI zoned lots. The UI Environment allows structures to occupy up to 100 percent of both submerged and dry-land lot area of a waterfront lot (SMC 23.60.874-A). There is no over water coverage proposed. View corridors, setbacks, public access are not affected or required by the proposal.

Chapter WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, the criteria and procedures of SMC Chapter 23.60 are consistency with WAC 173-27 and RCW 90.58.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **CONDITONALLY GRANTED** subject to the conditions noted at the end of this document.

## **Conclusion**

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

Thus, as shown in the applicant's development plans, the Director has determined that the proposal is consistent with the criteria for a shoreline substantial development permit and may be conditionally approved.

## **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, 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 will receive 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 57,000 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 a 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 57,000 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 adversely impact 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 5,700 single-loaded truckloads or 2,850 double-loaded truckloads to remove the estimated 57,000 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. 34<sup>th</sup> St. to Fremont Bridge to W. Nickerson. Each of these alternatives are 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 its associated 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 2,850 to 5,700 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 6<sup>th</sup> 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, 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 are 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 and 35 feet in that portion of the building located in the UI shoreline environment. 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 6<sup>th</sup> Avenue West and West Nickerson Street. Because the anticipated grading activities will generate an estimated 2,850 to 5,700 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.

### 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.

- [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 MUP Issuance

1. Update plans to show required parking for bicycles per SMC23.54.015 Chart C.

Prior to Issuance of Building Permit

2. 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. Included in the plan will be a condition that for the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the a. m. and p.m. peak traffic hours on weekdays.
3. This project, as stated, is expected to generate 2,850 to 5,700 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 trip the traffic signal warranted at the intersection of 6<sup>th</sup> Avenue West and West Nickerson shall be installed prior to commencement of any demolition and grading activities.
4. 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 DCLU. 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.

5. 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.

Signature: \_\_\_\_\_ (signature on file) Date: September 25, 2008  
Marti Stave, Land Use Planner  
Department of Planning and Development

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