



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: 3007444
Applicant Name: Kelly Shyne for Goodman Northlake LLC
Address of Proposal: 1341 North Northlake Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow alterations to an existing 46,360 sq. ft. building in an environmentally critical area. Project includes replacement of exterior siding, roofing, windows and exterior stairs/elevator tower.

The following approval is required:

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

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

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 62,921 square foot (sq. ft.) site is situated south of North Northlake Way on the north shore of Lake Union. The property is zoned Industrial Commercial (IC-45) within the Urban Maritime (UM) shoreline environment. Development on the site consists of the following structures and uses: a floating boat shed; a boat yard; and a three-story with basement commercial building with accessory surface parking consisting of fourteen (14) parking stalls. The existing building and attached docks are partially situated over Lake Union. Also, this property includes existing dock extensions encroaching waterward into State-owned property. The owner leases this submerged area from the Department of Natural Resources (DNR) (#9507).

The site is accessed via three (3) curb cuts along North Northlake Way and an access easement (King County Recording (KCR) #20071010001464) situated along the subject site's westerly boundary line also via North Northlake Way. North Northlake Way is an Arterial street, partially improved with curbs, sidewalks and gutters on one (1) side of the street.

The site's topography is relatively flat with an upward sloping condition from south to north resulting in an 8' grade change occurring at the retaining wall condition along the site's north boundary line. This site has an identified Environmentally Critical Area (ECA)-Fish and Wildlife Habitat Conservation Areas.

Adjacent zoning surrounding the site is also IC-45. Development surrounding the site consists mainly of marine-related uses and commercial uses. The development site is bounded to the south by the waters of Lake Union. To the east is City-owned property (Waterway 21) controlled by Seattle Department of Transportation (SDOT). To the west of the subject site is boat sales and boat moorage. Directly across North Northlake Way and just north of the site is a construction office building. Both Gasworks Park and the Burke Gilman Trail are north and southeast respectively of the subject property.

Proposal

The applicant proposes to substantially renovate an existing three-story with basement 46,360 sq. ft. building which includes the following uses: vessel repair on the basement level; marine retail sales and service on the first floor; and storage on the two (2) remaining upper floors. No change of use or alterations to the existing parking areas is proposed. A 274 sq. ft. bump-out along the building's eastern façade which houses an elevator and stair access will be removed and replaced by 148 sq. ft. elevator/stairwell tower enclosure. The proposal includes interior alterations consisting of internal stairwells, bathrooms, mechanical rooms and seismic upgrades. Exterior alterations consisting of window replacements, door removals/replacements, overhead door upgrades, mechanical louvers, new metal siding and new roofing membrane system are also proposed.

Public Comments

The required public comment period ended on January 9, 2008. During the public comment period, DPD received one (1) written comment letter requesting extension of the original comment period date.

Additional Information

DPD is currently reviewing a separate Master Use SEPA and shoreline substantial development application proposal (#3004966) at the subject property. The proposal includes repair of an existing pier, construction of a pier extension and construction of a bulkhead.

The analysis and decision of this SEPA application is reviewed on its own merits.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 16, 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 Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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

Short-term Impacts

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

Water Impacts

The proposal does not involve any in-water construction. However, exterior and interior alterations will occur to that portion of the building that is erected over water. As a result, construction debris could enter the water during construction. Therefore, measures should be in place to prevent this from occurring. The Stormwater, Grading and Drainage Control Code require Best Management Practices for containment and clean up of spills of hazardous materials during demolition and construction of a project. Since this proposal will occur over water, additional mitigation of the impacts is necessary. Therefore, pursuant to SEPA Water Quality Policies, the proponent will be required to submit a Best Management Plan (BMP) and Spill Prevention, Containment and Countermeasures Plan that details the method of containment and removal of any structural debris or material that may enter Lake Union during construction.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased ambient noise associated with increased human activity and vehicular movement; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Thus, No further conditioning is warranted pursuant to SEPA policies.

Summary

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

DECISION - SEPA

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

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

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

CONDITIONS - SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of the Master Use Permit

1. Develop a Best Management Practices (BMP) Plan to be included on the plan set. The BMP plan shall indicate how construction will take place to ensure that no debris or deleterious material shall enter the water through the duration of the proposed work.
2. A Prevention, Control and Countermeasures (SPCC) Plan shall be prepared and submitted to the Land Use Planner. This plan shall include the following:
 - Construction planning elements.

- Identification of all hazardous or toxic material used and/or kept on site.
- A description of preventative measures and BMPs that will be used to ensure that hazardous or toxic materials are controlled during business operations to prevent a release of such material. Hazardous materials are defined in RCW 70.150.010 under "hazardous substance".
- Description of responsive actions, including notification and reporting procedures and measures that will be taken to control the hazardous or toxic substance, in the event of a spill or release of hazardous or toxic material.
- Description of personnel responsibilities, project site security, site inspections and training of appropriate personnel.
- The requirement that an emergency spill kit be kept at the site.
- The requirement that the appropriate number of personnel shall be trained to ensure the proper implementation of this plan.

Prior to Issuance of the Construction Permit

1. The Best Management Practices (BMP) Plan shall be included on the construction plan set.

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 waterproofing material and shall remain posted on-site for the duration of the construction.

1. Notify in writing all contractors and sub-contractors of the requirements and conditions of this permit.
2. The owner(s), builder(s), or responsible party(s) shall follow the Best Management Practices and the Spill Prevention Containment and Countermeasures plans developed to prevent debris and other deleterious material from entering the water during construction including the installation of a boom to prevent debris from entering the water.

Signature: _____ (signature on file) Date: May 29, 2008

Tamara Garrett, Land Use Planner
Department of Planning and Development

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