



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3007730

Applicant Name: Franklin Ng

Address of Proposal: 1531 Utah Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six story building with retail/restaurant on ground floor (9,461 sq. ft.) and light manufacturing (49,271 sq. ft.), office (49,989 sq. ft.) and non-household sales & services (49,271 sq. ft.) above. Parking for 256 vehicles will be located within the structure. Review includes 16,024 sq. ft. demolition of two existing structures.

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 subject property includes the three irregularly-shaped parcels situated within Block 332 of the plat known as Seattle Tide Lands. Specifically, these parcels include the following:

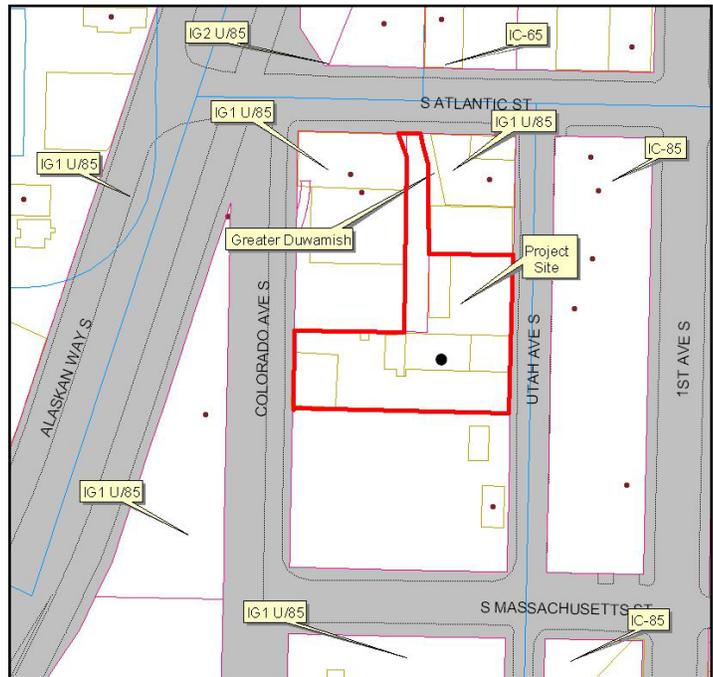
- A portion of lot 1, tax parcel 766620-7031.
- The westerly 35 feet of lots 18 through 22, tax parcel 766620-7066.
- Lots 6, 7, 16, 17, and easterly lots 18 and 19, tax parcel 766620-7045.

The site collectively covers 65,776 square feet located at 1531 Utah Avenue South in Seattle, Washington and is currently developed with two structures assigned with retail, light industrial storage, and distribution functions. Surface parking lots advertised as “Event Parking” are located to the north and south of the building fronting Utah Ave S. The surface parking areas provide 167

parking stalls. The parcel to the north consists of two distribution & light manufacturing buildings while a utility distribution center occupies the property to the south.

The topography of the site is generally flat, with grades descending from approximately seventeen (17) to sixteen (16) feet to the southeast from Utah Avenue South. The site is located relatively close to the north end of Elliot Bay 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 south side of South Massachusetts Street are similarly zoned General Industrial with a maximum structure height of 85 feet (IG1 U/85). Parcels immediately north of South Atlantic Street include both General Industrial with a maximum structure height of 85 feet (IG2 U/85) and Industrial Commercial with a maximum structure height of 65 feet (IC-65). Parcels immediately east of South Utah Street from the site are zoned Industrial Commercial with a maximum structure height of 85 feet (IC-85). The subject site is located within the Greater Duwamish Manufacturing/Industrial Center (Greater Duwamish MIC).



The existing surface parking stalls were developed in the area where Coast Crane Co. had established an outdoor storage yard for long term parking of their cranes and other company owned heavy equipment. There is no permit history that established surface principal use parking as a permitted use. There are signs surrounding the site that advertise “Event Parking”. This principal parking use has not been properly established and is not a permitted use outright within the IG1 zone when within the Duwamish M/I Center. The proposed parking is only for the proposed accessory uses and is prohibited by code from providing any principal use parking for events (e.g. Safeco Field and Qwest Field and Convention Center).

Proposal

The applicant proposes to construct a six-story building characterized as a light-industrial use on portions of three parcels which contain Environmentally Critical Area (ECA) Liquefaction Soils. The building will comprise approximately 283,860 square feet of building area, divided into the following over the six building levels:

- 4,999 square feet of food and beverage establishment
- 4,462 square feet of general retail sales and services
- 49,989 square feet of administrative office
- 49,271 square feet of heavy, non-household retail sales and services
- 49,271 square feet of light manufacturing
- 3,011 square feet of accessory indoor participant sports

- 109,882 square feet for accessory parking

Approximately 250 accessory parking stalls will be located within the first three levels of this building and will utilize approximately 109,882 square feet of building area. Access to parking will be achieved from South Atlantic Street and Colorado Avenue South.

The total building area when including accessory parking and loading areas is approximately 283,860 square feet.

As noted, the site is located within an ECA area for the presence of liquefaction soils. The application is subject to all ECA submittal and applicable development standards for *Liquefaction-prone Areas*, as provided in the Seattle Municipal Code (SMC) Section 25.09.100.

Public Comments

One comment was received during the two-week public comment period that ended on January 2, 2008. The public comment was in regard to potential impacts to the building's foundation due to the proposed grading and excavation adjacent to his building. This issue has been addressed through the project's geotechnical review.

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, thus the application is not exempt from SEPA review. However, 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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 5, 2007. The information in the checklist, the submitted geotechnical engineering assessment, Phase I environmental audit, Transportation Impact Analysis (TIA) 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) 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 the Associated Earth Sciences report, the review findings of DPD's geotechnical reviewer and the information in the SEPA checklist, no short and long-term impacts are

anticipated from this proposal provided applicable City regulations are followed. These regulations are in the Stormwater, Grading and Drainage Control Code, which provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, and other relevant City Codes. Based on these findings and conclusions no additional conditioning is warranted pursuant to SEPA policies.

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 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 (DR) 2-98 (SMC). In brief, this DR 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.

A Transportation Impact Analysis (TIA) for this project was prepared by The Transpo Group in December 2007. The roadway network surrounding this site is a dynamic network that links shipping to statewide transportation systems. For a complete description please refer to the study.

The project site is bounded by Utah Avenue South on the east, South Atlantic Street on the north and Colorado Ave South on the west. The property is directly adjacent to a City Light electrical substation at its southern property line. Access to the site is proposed from South Atlantic Street and Colorado Ave South. Access to the proposed loading dock is also off Colorado Ave South. Trucks hauling containers from Pier 46 frequently will utilize both Colorado Avenue South and Utah Avenue South turning south off of South Atlantic Street. On recent site inspections, this truck traffic seems to be at conflict with deliveries at Sound Produce (directly north and adjacent to the site along Utah Avenue South) and also with traffic along Colorado Avenue South because of the substandard pavement width in addition to the on-street parking along both sides of the street.

1st Avenue South (located 1 block to the east) connects downtown Seattle to State Route 509 (SR-509) and SR-99 at the Duwamish River. Parking on both sides of 1st Avenue South and Utah Avenue South is often restricted during events at Safeco Field and Qwest Field.

Utah Avenue south is a two-lane local access street on the east side of the project site. Utah Avenue South (adjacent to and directly across from the project) is often occupied by Sound Produce delivery trucks and employee vehicles that cause a conflict with pedestrian movement and traffic circulation. However, this is a larger issue that cannot be solved through any mitigation required of or put in place by the project's proponent. There are no curbs, gutters, sidewalks, or walkways for pedestrians along most of the street's length.

South Atlantic Street is developed with curbs, gutters, street trees and sidewalks. Vehicular traffic along South Atlantic Street is frequently delayed by trains at the tail track crossing adjacent to Alaskan

Way South. The railroad's tail tracks are in the process of being relocated to the west side of Alaskan Way South as part of the WSDOT's SR 99 Moving Forward Projects. South Atlantic Street has been renamed Edgar Martinez Drive South between 1st Avenue South and the single point urban interchange to the east. The SR 519 Phase 2 project will eventually provide a new west bound ramp onto Edgar Martinez Drive South at 3rd Avenue South. The portion of Edgar Martinez Drive South between 1st and 3rd will become a two-way street.

The nature of the proposed entryway off of South Atlantic Street does pose a concern in regard to adequate site distance due to on-street parking and street trees blocking views from the street and a driver's ability to adequately see oncoming traffic and pedestrians located on the sidewalk. A condition has been added to address both the site distance and provide a fair share contribution to WSDOT's SR-519 project.

South Massachusetts Street, south of the project site is classified as an access street. The roadway is wide and without land delineation. Vehicles parallel park on the shoulder area and on the south side of the street.

Colorado Avenue South is not developed to current standards. However, improvements to Colorado Avenue South will be constructed as part of WSDOT's Alaska Way Viaduct/SR-99 project.

The study reviewed impacts to the intersection of 1st Avenue S and S Massachusetts Street and identified that traffic delays would increase during the AM weekday peak hour. They identified that traffic would more than likely seek an alternative route to avoid this intersection. Therefore improvements to 1st Avenue S and S Massachusetts Street would not be required.

Event management is organized by the City of Seattle. The City has specific traffic and parking detour/closure plans for pre- and post-game times. These are coordinated with the Seattle Police Department. The City takes the lead on placing directional signage; officers are stationed at key intersections before, during, and after games. The personnel per intersection vary by proximity to the stadiums and detour complexities.

The project would provide pedestrian walkways adjacent to the site. No adverse impacts to the non-motorized facilities in the project vicinity would occur as a result of the project.

The peak parking for the office use is expected to occur mid-morning, while the peak demand for the restaurant use would occur in the evening. This means that the parking for these uses can be shared. The total parking supply of 788 spaces would accommodate the project's demand. In the late afternoon, the demand would decrease to open up the principal-use/event parking for evening events. Parking demand on Saturdays and Sundays would be very low since the office use would generate little or no parking demand on those days. Based on the analysis, all of the project's parking would be accommodated on site and no off-site parking impacts are expected.

A Construction Transportation Management Plan should be prepared prior to issuance of the building permit. This plan should document street use during construction including lane and sidewalk closures, show proposed construction haul routes and document where construction workers will park prior to the garage being complete.

To reduce the project's trip generation and minimize potential traffic and parking related impacts, the project proponent will implement a Transportation Management Plan (TMP) for the building. It will be consistent with Director's Rule 14-2002. The appropriate elements will be discussed with the City (John Shaw) during the building permit phase of the project. The project site is located in the Duwamish worksite zone. The traffic impact analysis was performed assuming an SOV rate of 66%, which is what is currently being achieved by other businesses in the vicinity of the site. The base year, first year goal should be 66% SOV travel. This percentage should gradually decrease over a 4-year period; with a goal of 62% in two years, and 57% in four years.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration 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 ECA areas with identified geologic 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.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Earth/Soils

The ECA Ordinance and 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. 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 with 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 Noise

There will be demolition of buildings on the site and grading to prepare the building site, as well as other noise generating construction activities. This is primarily an industrial area with no residential uses within the area. Compliance with the city's Noise Control Ordinance (SMC 25.08) should adequately address any noise issues emanating from the site during and after construction. The

Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or that could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers from the ordinance. Such waivers must be approved by the Department on a case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to: site security, surveillance, monitoring for weather protection, checking tarps, surveying, landscaping, painting, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

In addition, after the building is fully enclosed, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

Transportation/Construction

The Washington State Department of Transportation (WSDOT) currently holds an SDOT Street Use Permit for roadway and utility improvements in the Colorado Avenue South and South Atlantic Street rights-of-way. This work proceeds, and must be completed before, the removal of portions of the Alaskan Way Viaduct and reconfiguration of State Route 99 between South Holgate Street and South King Street. Therefore, WSDOT's roadway and utility work should take priority over work the applicant proposes within Colorado Avenue South and South Atlantic Street. This project priority will influence the applicant's design, and the applicant's approved use of temporary sidewalk and lane closures necessary to complete work on the subject property. However, SDOT does not anticipate that roadway and utilities work within Colorado Avenue South will preclude construction on the subject site if the applicant's work is well coordinated with WSDOT's SR 99 work.

The MUP should be conditioned to:

- (1) require priority consideration given to the design and construction of WSDOT's Alaskan Way Viaduct projects,
- (2) require the applicant to coordinate their project design and in-street construction activities with WSDOT and the City of Seattle, and
- (3) require as SDOT design approval and permit for work within City right-of-way.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding employers and large event sponsors generate their peak need for on-street parking in throughout the day and possibly overnight hours when construction workers can be expected to have departed. On-street parking capacity along Utah Avenue South and Colorado Avenue South has been shown to be fully occupied during most of the day. SEPA mitigation of parking impacts during construction appears to be warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA 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).

CONDITIONS - SEPA

Prior to Issuance of a Construction Permit

1. 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.
 - 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.
 - c) An emergency containment plan is required for all toxic material kept on site, including on-site containment equipment and trained personnel.
2. Please provide a copy of the required Puget Sound Clean Air Agency (PSCAA) Notice of Intent to Demolish/Construction.
3. The project plans should be updated to include the "mirrors and audible and visual warnings" proposed on page 5 of the TIA response to the correction notice. These alerts will be valuable to pedestrians, traffic exiting the project site at S Atlantic Street, and through traffic on S Atlantic.
4. A Construction Transportation Management Plan shall be prepared prior to issuance of the building permit. This plan should document street use during construction including lane and sidewalk closures, show proposed construction haul routes and document where construction workers will park prior to the garage being complete.

5. The design and construction of WSDOT's roadway and utility work will have priority over work the applicant proposes within Colorado Avenue South and South Atlantic Street.
6. The applicant shall contact WSDOT's Mark Anderson at (206-382-5252) to coordinate the applicant's project design with WSDOT's planned use of Colorado Avenue South and South Atlantic Street.
7. The applicant is required to obtain SDOT street improvement plan approval and obtain an SDOT Street Use Permit.
8. All Conditions of Approval shall be embedded on the Plan Cover Sheet.

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.

9. 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 (Craig Flamme, 206.233.7223) 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 Rule 2-98 for Assessment and/or protection of potentially significant archeological resources shall be followed. The applicant(s) and/or responsible party(ies) shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44 RCW and Chapter 25.48 WAC, as applicable.
10. All involved parties shall follow Best Management Practices (BMPs).
11. If there is evidence of leakage of hazardous materials to the ground, the use of such equipment shall be suspended until leaking is repaired.

Prior to Issuance of Certificate of Occupancy and for the Life of the Project

12. The applicant and/or responsible party(ies) shall develop and implement a Transportation Management Program (TMP) to reduce transportation and parking impacts. The program will be developed pursuant to Director's Rule 14-2002 and subsequent regulations and will have a 50% maximum single-occupant vehicle goal.

Signature: _____ (signature on file) Date: July 31, 2008
Craig Flamme, Land Use Planner
Department of Planning and Development

CF:bg