



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 Numbers: 3008598, 3008864, 3008865

Applicant Name: Rachel Ben-Shmuel for
City Investors XI LLC and City Investors XX LLC

Addresses of Proposal: Application No. 3008598: 535 Westlake Avenue N
Application No. 3008864: 609 Westlake Avenue N
Application No. 3008865: 965 Valley Street

SUMMARY OF PROPOSED ACTION

Land Use Application to change the current use from automobile retail sales and service to construction services use, including provision of off-street parking at three locations. A total of 448 off-street parking spaces for construction worker vehicles will be provided.

The following approvals are required:

SEPA – Environmental Determination pursuant to SMC 25.05

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

BACKGROUND INFORMATION

Site and Area Description

The three project sites are located on three separate parcels in the Westlake/Terry and Lakefront Districts of the larger South Lake Union neighborhood. The three projects encompass six parcels totaling approximately 3.5 acres.

535 Westlake: This site occupies all but roughly the southeastern quarter of the block bounded by Mercer Street, Westlake Avenue North, Republican Street, and 9th Avenue North. The project site is approximately 71,003 sq. ft. (1.63 acres) and generally level or gently sloping, with no remarkable geographic features. Existing development on the property consists of two single-story wood/stucco commercial buildings on the northeastern corner of the block; the remainder of the site is currently used for automotive storage/parking and construction staging. There are no environmentally critical areas on the site.

609 Westlake: This site occupies roughly the western half of the block bounded by Broad Street, Westlake Avenue North, Mercer Street, and 9th Avenue North. The project site is approximately 37,462 sq. ft. (0.86 acres) and generally level or gently sloping, with no remarkable geographic features. Existing development on the project site consists of a one-story building that had been previously used for a service garage; the remainder of the site is currently used for automotive storage/parking. Roughly the northern half of this site is a liquefaction zone; there are no other environmentally critical areas on the site. The eastern half of the block is not included in the project.

965 Valley: This site occupies the north half of the block bounded by Valley Street, Terry Avenue North, Mercer Street, and Westlake Avenue North. The property is approximately 43,124 sq. ft. (0.99 acres) and generally level or gently sloping, with no remarkable geographic features. The site is presently vacant and contains no buildings. Remediation work as part of MUP # 3007463 is on-going and will be completed prior to any development under this Master Use Permit. Most of this site is identified as a liquefaction zone; there are no other environmentally critical areas on the site.

The 535 and 609 Westlake sites are zoned Seattle Mixed with a 65-foot height limit (SM-65); the 965 Valley site is zoned Seattle Mixed with a 40-foot height limit (SM-40). Properties to the east, west, and northwest are also zoned SM-40 or SM-65; properties to the south are zoned Seattle Mixed with an 85-foot height limit (SM-85); properties to the north are zoned Commercial-2 with a 40-foot height limit (C2-40).

The pattern of existing land uses surrounding the project sites includes a mix of commercial and retail uses. Ongoing development in the project area is contributing to a transition from past industrial and warehouse uses to more commercial office-oriented and bio-medical uses mixed with retail and residential uses.

Project Description

The project consists of developing construction services by restriping existing paved surface areas on three sites to accommodate construction worker parking for approximately 448 vehicles. The parking will be used to accommodate construction worker vehicle parking for several ongoing and planned construction projects in the South Lake Union area. This project is aimed at mitigating the impact of construction worker parking on existing public on-street parking. At 535 Westlake, the restriping will accommodate approximately 236 vehicles with access provided via existing curbcuts on 9th Avenue N, Republican Street, and Westlake Avenue N. At 609 Westlake, the restriping will accommodate approximately 57 vehicles with access provided via existing curbcuts on Mercer Street. At 965 Valley, the restriping will accommodate approximately 155 vehicles with access provided via existing curbcuts on Westlake Avenue N.

At all three project sites, fencing along the perimeter will provide a visual buffer from adjacent streets. This project does not change the use of the buildings located on the 535 or 609 Westlake sites nor does it make any changes to the eastern half of the block on which the 609 Westlake site is located. No demolition or grading is necessary as part of the projects.

PUBLIC NOTICES AND MEETINGS

Public notice of the Master Use Permit (MUP) project applications was published on May 15, 2008. The public comment period ended on May 28, 2008. DPD received no written comments on this proposal.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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, 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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust, 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. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

Earth/Grading

No excavation or subsurface work is required as part of the project. Remediation activity that was previously permitted under MUP No. 3007463, including excavation, is currently ongoing at the 965 Valley site. This activity will be completed prior to development of construction services parking on the site under this MUP.

Based upon the above considerations it is concluded that no SEPA-based conditioning is necessary.

Air Quality

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*

Noise

The project is expected to generate increased noise impacts during restriping and fencing of the project sites. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to

construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.

Long-Term Impacts – Use-Related Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased ambient noise due to increased human activity, increased light and glare, and increased vehicle traffic. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Historic

The 609 Westlake project site is located on the same block as the Pacific McKay and Ford McKay buildings, which have been designated as City of Seattle historic landmarks. The project proposal will only utilize the western half of the block; the Pacific McKay and Ford McKay buildings are located on the eastern half of the block and will not be impacted by the proposed project.

There is another designated landmark building near the project sites, the Van Vorst Building at 415 Boren Avenue North. The Van Vorst Building is being redeveloped under approved permit # 6120298. Numerous older buildings exist in the South Lake Union area and may be eligible for consideration as historic resources. The project is not expected to have any impact on any of these structures.

Archaeological

There is no surficial evidence to indicate that any archaeologically significant resources exist on-site and would be disturbed by the project. However, the project site is in an area identified as a historic fill zone near the former and existing shoreline of Lake Union. Historic records and previous limited archaeological excavations suggest that potentially historic archaeological resources may exist within such fill zones.

If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures would apply:

- work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;
- the City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) would immediately be contacted; and
- regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Otherwise, the project will not have any significant adverse impacts on archaeological resources.

Housing Impacts

The City's SEPA policies encourage preservation of existing housing, especially low income housing. SMC 25.05.675.I. These policies require compliance with City Code provisions on housing relocation, demolition, and conversion for proposed development to be in compliance with the housing policy. SMC 25.05.675.I.2.C. The proposed project will not require any demolition. No existing housing will be demolished, relocated, or converted. Therefore, no mitigation of housing impacts is required.

Traffic and Parking

The proposed project will provide approximately 448 construction worker parking spaces for provision of construction services in the South Lake Union area. These spaces will serve several commercial office and mixed-use residential projects in the South Lake Union Urban Center that are already under construction, already permitted, or for which permits may be issued in the near future. The proposal will not generate any new vehicular trips. The vehicle trips for construction services in the South Lake Union Urban Center are accounted for as part of the SEPA review for the individual development projects with which they are associated. The projects' construction services parking are generally within 800 feet of the construction sites for which they provide construction worker parking.

The off-street construction services parking provided for by this project will help mitigate construction parking impacts from ongoing and planned development in the South Lake Union Urban Center. The approximately 448 off-street parking spaces for construction workers will alleviate on-street parking demand throughout the South Lake Union Urban Center, freeing parking for business employees, visitors, and other users in the South Lake Union Area.

Therefore, traffic and parking impacts of the proposal are not significant and no mitigation of traffic or parking impacts is required.

Light and Glare

The proposed project may result in light and related glare impacts primarily from vehicles entering and exiting the parking areas in the early morning and evening hours. The amount of light and associated glare is not expected to differ substantially from that which presently occurs

from other similar parking and traffic proximate to the project. Fencing will be provided along the perimeter of all parking areas. The fencing will provide a visual screen between the parking areas and the street that would reduce light and glare spillage from the site. No significant light or glare-related impacts are anticipated. Therefore, no mitigation of light and glare impacts is required.

Existing and Projected Land Use; Comprehensive and Neighborhood Plan

The project sites were previously used for automobile storage and parking associated with automotive sales and service. With the redevelopment proposal, the project sites' outdoor paved areas would be restriped to provide construction services, particularly construction vehicle parking. The land use of the sites would thus be changed with the proposal.

The proposed project is compatible with surrounding uses and is located in an area of Seattle Mixed zoning. The sites themselves are zoned Seattle-Mixed with 40 and 65-foot height limits (SM-40, SM-65). The redevelopment proposal is consistent with the SM-65 zoning of the property. Construction services uses are permitted outright in the SM-40 and SM-65 zones. The proposal complies with development standards applicable to construction services uses within the SM-40 and SM-65 zones.

The City of Seattle Comprehensive Plan designates the sites as Commercial/Mixed Use, and it is located in the South Lake Urban Center. The proposed construction services development is consistent with the Comprehensive Plan designation, particularly in that the project proposal mitigates construction impacts that are an integral part of South Lake Union's continuing redevelopment into the vital and eclectic mixed-use neighborhood envisioned by the City Comprehensive Plan and the South Lake Union Neighborhood Plan.

No mitigation resulting from land use impacts is warranted.

Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. 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 – STATE ENVIRONMENTAL POLICY ACT (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. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), 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).

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – SEPA

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

During Construction

1. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.
2. Use well-maintained equipment to reduce emissions from construction equipment and construction-related trucks and avoid prolonged periods of vehicle idling.
3. Use electrically operated small tools in place of gas powered small tools wherever feasible.

Signature: _____ (signature on file) Date: July 10, 2008

Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

SK:bg