



City of Seattle

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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:** 3009575  
**Applicant Name:** Watershed Corp for Seattle Department of Transportation.  
**Address of Proposal:** 2199 N. Northlake Way.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow grading of 35 cu. yds. of material and 80 cu. yds. of fill in an environmentally critical area. Project includes habitat restoration and other site improvements.

The following approval is required:

**SEPA - Environmental Determination** (SMC Chapter 25.05).

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

**BACKGROUND DATA**

**SITE AND PROJECT DESCRIPTION**

**SITE**

The proposal site is an approximately 10,000 sq. ft. parcel stretching approximately 200 feet along the Lake Union waterfront in a area northeast of Gasworks Park south of the Burke Gilman Trail at a location known as Waterway 18. Portions of the site are overgrown with invasive species and others are bare. There is a two foot high retaining wall forming a bulkhead along much of the shoreline itself. Debris of a former dock and the bulkhead together create a barrier to public access and use of the site as well as providing a degraded shoreline habitat.

## PROPOSAL

The site is proposed to be restored to provide improved habitat for fish and wildlife and to improve shoreline access for the public. The shoreline armoring would be removed and replaced with a “natural” shoreline with a combination of large logs, boulders, cobble/gravel mix, and native vegetation. The design of the nearshore habitat is designed to attenuate wave energy while providing a habitat conducive to survival of juvenile salmonids. Planting of the above water areas with native vegetation is intended to eventually provide overhanging vegetation for shade, overhead and in-water cover, to increase allochthonous input of detritus and insects.

Public access would be provided to allow an opportunity to enjoy the habitat and for kayak and canoe launching.

## SURROUNDING USES

The immediately surrounding area, south of the Burke Gilman Trail, is characterized by marine and marine commercial and industrial uses with many moorages. To the north are areas of residential use; a part of southern Wallingford.

## PUBLIC COMMENT

No public comment was received during the SEPA comment period.

## 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, dated November 6, 2008, 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

The following temporary demolition and construction related impacts are expected: temporary soils erosion; potential degradation of water quality, decreased air quality due to vehicular emissions, dust and other suspended air particulate; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, some of these impacts warrant further discussion and in some cases mitigation.

#### Water Quality

The proposed activities would involve grading in the area adjacent to the Lake Union shore, landscape restoration both in and adjacent to the lake, and the introduction of new material into the beach areas creating a more natural, sloping transition. All of these activities pose the potential to introduce material into the lake waters. Measures to prevent eroded materials from entering the lake during the construction period and until such time as newly planted vegetation is well established are proposed in the application documents and summarized in the SEPA checklist for the proposal. In addition, permits from the other agencies, including a Section 10 Permit from the Army Corps of Engineers and Hydraulic project Approval from the Washington Department of Fish and Wildlife, will review the water quality measures to insure their effectiveness in protecting fish health and habitat and water quality in Lake Union.

No further conditioning pursuant the SEPA policy authority is necessary.

#### Construction Noise

Equipment to be used for grading and placement of materials is expected to generate an appreciable amount of noise. However, the predominantly commercial uses in the immediate vicinity are not known to be unusually sensitive to noise. Protection levels provided by the Seattle Noise Ordinance are expected to be sufficient.

### Earth/Drainage

Grading on-site will occur. This grading is subject to regulations of the Seattle Grading, Drainage and Stormwater Code which is expected to be sufficient to control soil stability during the construction phase. As discussed under Water Quality above, impacts of water leaving the site during construction are also expected to be adequately controlled. No SEPA policy based mitigation is deemed warranted.

### Construction Related Traffic and Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. Parking resources in the area, both on street and off, are well utilized. However, the number of workers expected to be present on the small site at any one time is small and existing parking resources in the area are expected to be sufficient.

### Historic and Cultural Preservation

Research in the immediate area has indicated that it is not probable that significant archeological resources would be discovered during proposed excavations. However, because of the proposed site's proximity to Lake Union, there is a possibility that unknown resources could be discovered during excavation. Therefore, consistent with DPD Director's Rule 2-98 on SEPA Environmental Review and Archaeological Resources, and in order to ensure no adverse impact would occur to an inadvertently discovered archaeological significant resource, the following conditions of permit approval are applied to the project.

1. Prior to issuance of the Excavation, Shoring, or Building Permits, the owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors would include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews be required to comply with these regulations.
2. 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 (Scott Kemp, 206-233-3866) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation. 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.
  - Abide by all regulations 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 Chapters 25.48 WAC, as applicable.

### Long-Term Impacts

Long-term or use-related impacts could also include impacts such as, but not limited to, increased traffic and parking in the area due to increased use of the proposal site after the proposed recreational enhancements. These long-term impacts are not considered significant because the impacts are minor in scope.

Disturbance of the site, by grading, removal of plants and re-landscaping would leave soils on the site protected by predominantly young plantings which are less durable than established plants. Some of these new plantings may die in initial years. Loss of new vegetation would threaten the water quality in the adjacent Lake Union. In order to avoid this outcome it is necessary to condition the project to require a three year monitoring and replanting plan be created and implemented.

### **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).

### **SEPA CONDITIONS**

#### 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. 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 (scott.kemp@seattle.gov) and the Washington State Archaeologist at the State Office of Archaeology and Historic

Preservation (360 407-0771). 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.

- Abide by all regulations 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 Chapters 25.48 WAC, as applicable.

Ongoing

2. Place on a plan sheet in the plan sets for this permit a listing of the conditions attached to the Shoreline Substantial Development Permit Exemption issued for this proposal including the requirement for a vegetation monitoring plan that ensures 80% survival of vegetation after 3 years and a contingency plan for replanting and, if necessary, revising the planting plan to insure long-term success of the new habitat.

Signature: \_\_\_\_\_ (signature on file) Date: February 23, 2009

Scott Kemp,  
Senior Land Use Planning and Development Analyst  
Department of Planning and Development

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