



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3022678
Applicant Name: Jodi Patterson-O'Hare
Address of Proposal: 1201 Amgen Court W

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development to allow below grade ground stabilization improvements to the shoreline around Pier 89.

The following approvals are required:

Shoreline Substantial Development Permit – (SMC Chapter 23.60) to allow land disturbance in the Urban Industrial (UI) shoreline environment.

SEPA Determination: Exempt DNS MDNS EIS

DNS with conditions

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

Proposal Description

The proposed work would include installation of ground improvements in the upland areas of the subject parcel situated in the Urban Industrial (UI) shoreline environment for the purpose of protecting against potential soil liquefaction and lateral spreading at Pier 89 in the event of an earthquake. The ground improvement area is anticipated to be up to about 45,000 square feet and extend to about 60 feet below current site grades. The proposed ground improvements are anticipated to consist of vibroreplacement stone columns. This method basically involves vibrating a hollow steel probe to the design depth and placing crushed rock into the probe. The probe tip is raised and lowered as it is extracted to compact the crushed rock and densify the surrounding soil. While significant earthwork is not proposed, minor surface grading would occur following completion of work activities to level disturbed surfaces to approximate former conditions.

A separate project proposal has been submitted for review under Seattle DCI project #3021854. The project description includes a Shoreline Substantial Development Application to allow four 4-story buildings, two 2-story buildings and the expansion of four existing buildings. The proposal includes 1,200,365 square feet of office space and 2,070 parking spaces. In total the development will include 1,900,365 square feet of office space and parking for 3,300 vehicles to be provided. An Environmental Impact Statement is being prepared.

Public Comment

The project was originally noticed on February 4, 2016, the proposal included a public comment period ending on March 4, 2016. The project was then renoticed on May 23, 2016 and the comment period ended on June 21, 2016. Seattle DCI did not receive any public comments during the two public comment periods.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section [23.60A.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads:

A. *The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:*

- 1. Is consistent with the policies and procedures of RCW 90.58.020;*
- 2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
- 3. Meets the standards in this [Chapter 23.60A](#) and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
- 4. If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections [23.60A.032](#), [23.60A.034](#), or [23.60A.036](#), respectively.*

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.

1. The Policies and Procedures of Chapter [90.58.020](#) RCW

Chapter [90.58.020](#) 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 site stabilization is located on dry land, no work will be completed in the water, and the proposed stabilization will result in no overwater coverage and, using appropriate Best Management Practices during construction for protection of the aquatic habitat, will 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 [90.58.20](#).

2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;

The proposed project is located in the Urban Industrial (UI) shoreline environment and the Industrial Commercial (IC) underlying zone. SMC 23.60A.483 Table A specifies the uses allowed on an upland lot in an UI shoreline environment. SMC 23.50.012 specifies the allowed uses in an IC zone. Office is a commercial use permitted both in the UI shoreline environment and the IC zone. The project proposal does not include any additional land uses for the site. The subject application is not prohibited in the shoreline environment or the underlying zone.

3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and

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 [23.60A](#) 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 and subsequent development 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 location criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of SMC [23.60A.152](#), the specific standards of the shoreline environment (SMC 23.60A.540) and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

Seattle Comprehensive Plan - Shoreline Policies

The proposal is subject to the Shoreline Policies of (SSMP) [23.60A.004](#), because the site is located within the shoreline district and requires a Shoreline Substantial Development Permit because the cost of the project exceeds \$6,416.00. The purpose of the Urban Industrial (UI) environment as set forth in Section [23.60A.220.C.9](#) is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses, and to allow for limited nonwater-oriented uses and development where they would not displace

water-oriented uses. The proposed shoreline stabilization work does not propose any additional land uses on the site, change the established use on the site, nor does it displace existing water-oriented uses.

The proposed project must meet the standards of the underlying zone, the general development standards for all shoreline environments (SSMP 23.60A.152) and the development standards for the UI shoreline environment. The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP 23.60A.063).

SMC 23.60A.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. The standards 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. Compliance with applicable codes and ordinances for construction of the project (e.g., Building Code, Stormwater Code, Grading Code) will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure, in part, protection of water quality and potential adverse impacts to fish and wildlife of Puget Sound during construction.

SSMP 23.60A.480 - Development Standards for UI Environment

Pursuant to SSMP 23.60A.483, commercial uses, including offices, are permitted outright on upland lots in the UI Environment. The subject property is classified as an upland lot and is located within an UI Environment, as designated by the Seattle Shoreline Master Program. As noted previously the project proposal includes actions to stabilize the existing liquefaction soil; there are no additional land uses proposed on the site. All development must conform to the development standards in the UI shoreline environment, as well as the underlying zone. Standards such as height, lot coverage, shoreline setbacks, view corridors, regulated public access are not relevant to this proposal.

The proposed development will result in no substantial impacts to the shoreline environment and has been designed and conditioned to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life.

- 4. If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.**

The proposed project does not require special use approval, a shoreline conditional use permit or a shoreline variance permit.

Conclusion

SMC Section [23.60A.063](#) 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 [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings). To be consistent with shoreline general development standards for protection of the aquatic environment (SMC 23.60A.152), the project will be required to employ

Best Management Practices during construction and installation to protect the shoreline environment.

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

SEPA ANALYSIS

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 11, 2015. The checklist was later revised on June 3, 2016. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Construction and Inspections has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file. As indicated in the annotated checklist, this action will result in adverse impacts to the environment. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

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 such limitations/circumstances (SMC 25.05.665D.1) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate

Short - Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency

regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during site stabilization construction and the final grading. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets are expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. It is anticipated that existing on-site parking garages will meet the demand for construction related vehicles. Minimal on-street parking impacts are anticipated. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation for potential traffic impacts is warranted and a Construction Management Plan (CMP) is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during the installation of the site stabilization columns. The proposed work consists of vibration activities, and does not include drilling or compaction. It is anticipated that the vibration activities will produce 87 decibels (dba) of noise 10-15 feet away from the area of work, 82 dba 20 feet away, and 77 dba 50 feet away. The proposed area of work is located approximately 50 feet away from the public trail. 80 dba is similar to the sound of a garbage disposal. The project team proposes to limit construction hours to 7:00 AM to 6:00 PM Monday through Friday. No works is proposed during the weekend.

The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in all zones not designated as Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones.

The proposed construction activities have the potential to impact the public use and enjoyment of the nearby trail, park and fishing pier. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities to non-holiday weekdays from 7:00 AM to 6:00 PM unless modified through a Construction Noise Management Plan.

A CMP will be required per the construction traffic impacts analysis above. The Construction Management Plan will be required prior to issuance of the permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts.

Earth

The subject property is designated as Liquefaction Prone area in the City's Environmentally Critical Areas (ECA) maps. The applicant has submitted a Geotechnical Engineering Report addressing soil composition for the development proposal. The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

Approval of the resultant plans and construction methods will be subject to the standards of the Stormwater, Grading, and Drainage Control Code, as well as the Environmentally Critical Area Ordinance. No further mitigation for the purposes of SEPA compliance is warranted.

Long-term Impacts

Long-term or use-related impacts are not anticipated as a result of approval of this proposal. As noted previously the project proposal does not include any additional land uses or structure. There will be no increase of impervious surface as part of this project. Areas within the project limits that are currently surfaced with gravel or asphalt will be stabilized with compost amended soils and hydro seeded. Any future development of the site will be subject to adopted City codes and/or ordinances to review and assess impacts for that project proposal.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

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 2c.

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 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment and complies with ECA regulations. An environmental

impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

- 1) Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The approved Construction Management Plan shall limit periods of construction activities to non-holiday weekdays from 7:00 AM to 6:00 PM unless a modified hours of construction are approved by Seattle DCI.

CONDITIONS – SHORELINE

During Construction

- 2) The owner(s), builder(s), and all responsible party(s) shall follow the best management practices as carried over to the approved construction set of plans. These BMPs shall be in place to prevent any toxic materials, petrochemicals and other pollutants from entering enter the surface water during the proposed construction.

Lindsay King, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: June 30, 2016

LK:drm

K:\Decisions-Signed\3022678.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.