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: 3002988

Applicant Name: Bill Fuller for Interbay Urban Investors LLC

Address of Proposal: 1827 15th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Permit to approve a one-story, 32,063 sq. ft. retail building. Surface parking for 112 vehicles to be provided on site. Project includes 6,500 cubic yards (cu. yds.) of grading.*

*Note: The project description and the project address (previously 2021 15th Avenue West) have been revised from the original notice of application.

The following approvals are 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 77,120 square foot (sq. ft.) rectangular site is located in an Industrial General (IG-2 U/45) zone, situated on the west side of 15th Avenue West. The subject site is accessed via several curb cuts along 15th Avenue West.

15th Avenue West is an improved street with curbs, sidewalks, gutters and street trees in front of the subject site. It is classified as a principal arterial street, pursuant to SMC Chapter 23.53 with a total of seven (7) lanes of traffic-three (3) lanes of traffic running north, three (3) lanes of traffic running south and one (1) east/west turn lane.

The entire site is identified as Environmentally Critical Area (ECA)-Liquefaction Prone. This vacant site is relatively flat with topography sloping westerly downward from 15th Avenue West to the western edge of subject site.

Adjacent zoning surrounding the site is as follows:

North	General Industrial 2 (IG2 U/45)
East	Industrial Commercial (IC 40)
South	General Industrial 2 (IG2 U/45)
West	General Industrial 2 (IG2 U/45)

Adjacent uses are as follows:

North	Warehouse
East	Car Wash and Gas Station
South	Warehouse
West	Port of Seattle warehouse buildings

Proposal

The proposed redevelopment of the site involves the construction of a 19,577 sq. ft. one-story retail building. 112 surface parking stalls are proposed outside, just north of the proposed building. Vehicular access to the surface parking spaces would occur via 15th Avenue West. The vehicle (truck) access to one (1) loading berth located perpendicular of the north façade of the building would be via an ingress/egress access easement from West Amory Way. The project includes approximately 6,500 cu. yds. of grading. Street improvements including landscaping along 15th Avenue West are proposed. Additional landscaping improvements are proposed within the parking area and along the subject site's easterly and westerly property lines. The principal exterior building materials proposed are corrugated metal siding, concrete walls, metal and low-reflective glazing.

Public Comments

The required public comment period for this project ended September 14, 2005. DPD received one (1) written comment from a Port of Seattle representative regarding this proposal. The comments related primarily to questions regarding future access from Howe Street to the proposed development.

Additional Information

The applicant has submitted a Lot Boundary Adjustment (LBA) application with DPD (#2505852) that is currently being reviewed. This LBA proposal includes the adjustment of property lines to create the following property areas: Parcel A: 77,120 sq. ft., Parcel B: 33,628 sq. ft., Parcel C: 145,741 sq. ft. and Parcel D: 95,816 sq. ft. It is expected that the LBA will be recorded with King County prior to the issuance of this application.

Ultimately, three (3) separate development sites will be created. It is anticipated by the applicant that future development activity in addition to this proposal (located on Site "A") will include the construction of a one-story with mezzanine multi-purpose convenience store building (Whole Foods) on Sites "B" and "C". The applicant has submitted a Master Use application (#3003017) for the previously mentioned proposal. No development is proposed for Site "D". However, the subject site is dependant upon vehicular easements from both neighboring sites ("B", "C" and "D") to allow for vehicular access from West Amory Way and 15th Avenue West.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 23, 2005. 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.

Additionally, given the relationship of this project and an adjacent project to the north (refer to MUP #3003017); the discussion below will consider the cumulative impacts and the need for mitigation (SMC 25.05.670 Cumulative effects policy).

Short-term Impacts

The following temporary demolition and construction activities on this site and the site to the north 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, 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 noise, earth, grading, historic preservation, streets and parking impacts.

Noise

Noise associated with construction of the building on the subject site and the northern proposal could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; 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.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site and the northern proposal to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site and the southern site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of demolition activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.)

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a Preliminary Geotechnical Study prepared by Herman Reda A. Mikhail, P.E. (Hart Crowser, Inc.) dated November 6, 2002. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, grading, earthwork and foundation construction.

The summary of the findings of the report is the following: After drilling seven borings at approximate locations on the subject site and the site to the south, it was determined "strata 2 through 4 consist generally of very loose Sand and very soft Silt. Stratum 5 consists of competent soils for foundation bearing, and is located at depths ranging from about 25 to 42 feet below grade. Groundwater is located about 3 to 7 feet below grade." Test results indicate, "Strata 2 through 4 have high potential for liquefaction (loss of strength) under the design earthquake". The geotechnical study further states, "site grading may require 2 to 3 feet of fill to achieve the proposed grade. Settlement due to fill placement may occur relatively fast because the dominant soils are granular….and this issue should be further evaluated during the design phase of the project". The submitted report, which is located in the project file, further details the specific requirements for proper installation of shallow foundations with shallow ground improvement and deep foundations; slabs-on-grade; excavation; grading techniques; site preparation; and seismic considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the Stormwater, Grading and Drainage Control Code (SGDCC) (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Possible excavation based on geotechnical design recommendations and the import of fill to achieve the proposed grade will be necessary. The maximum amount of grading proposed is approximately 5’ and will consist of an estimated 6,500 cu. yds. of material for the subject site and 20,400 cu. yds. of material for the site to the north. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Parking

The proposal includes on-site excavation/grading on this site and the northern site. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R). These activities are controlled by an excavation permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.)

This area of the City is known to have congested streets, especially during peak hour traffic periods. Large construction vehicle associated with grading, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinances to address the impact of large vehicles or highly congested streets. As a result, mitigation is warranted as described below.

Construction activities may result in sidewalk closures or other obstacles to pedestrians. Similarly, traffic lanes may be affected by construction staging, deliveries, etc. Adverse impacts are not adequately mitigated by existing City codes. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675 B). A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate identified impacts.

Historic Preservation

The City's GIS (Geological Information System) identifies portions of this site and the site to the north as being located within an Archeological Buffer Area-property located within 200' of the US Government Meander line. SMC 25.05.675 H provides for mitigation of impacts on potentially significant archeological resources. Currently, both proposals include the import of material onto the site in order to achieve proposed grades. However, the submitted geotechnical evaluation suggests that excavation (shallow ground improvement) may be necessary to increase the allowable bearing capacity and to reduce damages that may occur due to liquefaction. If shallow ground improvement is required, the project geotechnical engineer states the amount of excavation cannot be determined until further testing and coordination with a structural engineer occurs during the final design phase of the projects. Because of the uncertainty of the level of additional excavation that may be required, mitigation for potential impacts must be addressed. Therefore, in order to ensure that discoveries made during excavation and construction are adequately addressed, the applicant should provide DPD a statement that contract documents with contractors will include reference to regulations regarding archeological resources and that construction crews will abide by them. Additionally, if a probable archaeologically significant resource is discovered during construction, procedures in DPD Director's Rule 2-98 shall be followed.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal and the northern proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; 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. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

Transportation Solutions, Inc. (TSI) prepared a Transportation Analysis report (dated April 2006) for this proposal and the multi-purpose convenience store proposal north of the subject site-referenced in the report as the "Interbay Whole Foods Market retail development". This report is divided into three (3) major sections: section one (1) describes current traffic, parking and transit conditions; section two (2) describes the estimated future traffic conditions in the

study area (forecasted to 2008), with or without development of the proposed project; and section three (3) explains the additional traffic and parking demands likely to be generated by the proposed new development and proposed actions to mitigate these impacts. The analysis in this report is based on a development consisting of a 64,700 sq. ft. multi-purpose convenience store and a 19,577 sq. ft. retail building with 367 onsite parking spaces occupied by mid-2008.

The traffic volume resulting from this project was estimated by using the *Institute of Transportation Engineers (ITE) Trip Generation Manual (7th edition)* for the category of "Grocery and Specialty Retail". Taking into consideration the reduction of trips associated with the removal of the existing land uses-manufacturing, warehousing and office, the report states the new development would generate a total of approximately 1,922 net new daily trips with a total of 209 net new PM peak hour trips.

The transportation report identified seven (7) signalized and six (6) unsignalized intersections for analysis during the weekday PM peak hour and three (3) selected intersections during weekday AM peak hour for operational characteristics. The table below illustrates each intersection's existing level-of-service (LOS) in the year 2005 and forecasted LOS in the year 2008 with or without the project. The identified delays are divided into several grade levels, ranging from LOS-A (minimal) to LOS-F (long delays).

Signalized Intersections	**Existing 2005 LOS**	**2008 LOS Without Project**	**2008 LOS With Project**
W. Dravus St./15th Ave. W. Southbound Ramp	C	C	C
W. Dravus St./15th Ave. W. Northbound Ramp	C	C	C
Gilman Dr. W./15th Ave. W.	B	B	B
W. Armory Way/15th Ave. W. (AM)	A	A	B
W. Armory Way/15th Ave. W. (PM)	A	A	A
W. Garfield St./15th Ave. W.	B	B	A
Magnolia Bridge/W. Galer St. Ramp/Elliott Ave. W.	B	B	B
W. Mercer Pl./Elliott Ave. W.	D	E	E
Unsignalized Intersections			
W. Emerson St./W. Nickerson St.	C	C	C
W. Nickerson St./15th Ave. W.	C	D	D
W. Emerson St./15th Ave. W.	F	F	F
Armory Way Access	-	-	A
15th Ave. W. South Access (AM)	-	-	B
15th Ave W. South Access (PM)	-	-	D
15th Ave. W. North Access (AM)	-	-	B
15th Ave. W. North Access (PM).	-	-	D

The LOS analysis indicates one (1) of the signalized intersections-West Mercer Place and Elliott Avenue West-degrades from an LOS D to an LOS E. Additionally, one (1) unsignalized eastbound approach to 15th Avenue West from West Emerson Street is forecasted to continue to operate at an LOS F. Per the report, these poor levels-of-service would occur with or without the project. The remaining existing intersections, with the addition of new project trips, would continue to operate at a peak hour LOS ranking of C or better. Three (3) proposed site accesses are forecasted to operate at a LOS-D or better and further decreased traffic delays are predicted once site users become more familiar with the site. Overall, it is predicted that a small increase in traffic delay would occur; however, the extent of the additional delay will not be noticed by most drivers. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The Land Use Code requires a total of 227 parking spaces and four (4) loading berths for the entire development: forty-nine (49) parking spaces and one (1) loading berth for the retail building; and 178 parking spaces and (3) loading berths for the multi-purpose convenience store building. The submitted MUP plans indicate a total of 365 surface parking spaces (112 parking stalls for the retail use and 253 parking stalls for the grocery store use) and four (4) loading berths are provided. Per the applicant and as documented on the submitted plans, reciprocal access and parking agreements between the property owners of the subject site and the site to the south will allow for parking to be shared between the various users. Vehicular access to the surface parking spaces would occur via two (2) curb cuts along 15th Avenue West. The main vehicle (truck) access to three (3) loading docks located at the northwest corner of the grocery store building and to one (1) loading berth located north of the retail building would be via an ingress/egress access easement from West Amory Way.

A parking demand analysis was included within the Transportation Analysis report prepared by TSI (dated April 2006) to assess how closely the proposed number of parking spaces would match the anticipated parking demand. Originally, TSI researched information from the *Urban Land Institute (ULI)* publication *Shared Parking (2nd edition)* and the *Institute of Transportation Engineer's (ITE) Parking Generation (3rd edition).* Per the TSI transportation engineer, the land use definitions provided by ULI and ITE did not accurately reflect the proposed land use mix on the combined development site. Therefore, TSI developed "hybrid" parking generation rates for the proposed uses on both project sites based on the ITE surveys. TSI estimates a peak parking demand rate of four (4) vehicles for every 1,000 sq. ft. of supermarket building area and 3.5 vehicles for every 1,000 sq. ft. of specialty retail building area. Using these multipliers, the estimated parking demand would be 259 parking spaces based on approximately 64,700 sq. ft. of supermarket building area and 68 parking spaces based on approximately 19,577 sq. ft. of specialty retail building area. It is estimated that the combined peak parking demand (for both uses) for 327 parking spaces would be at 2:00 PM during the weekday and at 12:00 PM on the weekends. The development will provide 365 parking spaces; therefore, during peak periods, an additional thirty-eight (38) parking spaces would be available.

Based on the amount of parking being provided, it is determined that there will be adequate on-site parking spaces to accommodate unanticipated parking impacts. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

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

Prior to the issuance of a Grading or Building Permit

1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation and other subcontractors will include reference to regulations regarding archeological 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 will be required to comply with those regulations.

2. To further mitigate construction related transportation and parking impacts, applicant must prepare and submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). The CTMP must include, at the minimum;

    - approximate phases and duration of construction activities
    - identification of haul routes to and from the site
    - identification of potential street closures
    - identification of potential sidewalk closures and management of pedestrian routes

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. Comply with the provisions set forth by the approved Construction Transportation Management Plan.

2. If resources of potential archeological significance are encountered during excavation or construction, the owner and/or responsible parties shall:

    - Stop work immediately and notify DPD (Tamara Garrett at 684-0976) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). 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 Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: May 25, 2006
Tamara Garrett, Land Use Planner
Department of Planning and Development

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