



City of Seattle
Edward B. Murray, 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: 3016998
Applicant Name: Connie Zimmerman for Seattle Department of Transportation
Address of Proposal: 51 R Union Street

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow two pedestrian bridges between Post Alley and Alaskan Way in the Union Street right of way to link downtown to the waterfront. One bridge will be located between Post Alley and Western Ave and the second bridge will be located between Western Avenue and Alaskan Way. Stairs and an elevator will be installed on the side of each bridge. Project includes street level improvements (Seattle Department of Transportation, Union Street Pedestrian Connection Project).

The following Master Use Permit components area required:

Shoreline Substantial Development Permit: to allow development in the Urban Harborfront (UH) shoreline environment.

SEPA Environmental Review – Seattle Municipal Code Section 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 INFORMATION

The Seattle Department of Transportation proposes to construct the Union Street Pedestrian Connection Project, located on two blocks of Union Street between 1st Avenue and Alaskan Way, in order to develop a more accessible route for pedestrians to travel between 1st Avenue and the waterfront, where individuals must currently navigate a series of steep and hard-to-find

access stairs. The project site is the right-of-way of Union Street between 1st Avenue and Alaskan Way.

The proposal includes elevated pedestrian walkways (also referred to as decks), elevators, and stairs. The first elevated pedestrian walkway will extend horizontally from Union Street, at its terminus west of 1st Avenue, adjacent to the existing Four Seasons Hotel and above Post Alley. This walkway will extend over Post Alley to the dual bank of elevators to be installed at the southeast corner of Union Street and Western Avenue, adjacent to the existing Seattle Steam building. The second pedestrian walkway will extend west horizontally from the southwest corner of Union Street and Western Avenue to a single elevator to be constructed on the eastern side of Alaskan Way, adjacent to the existing Public Storage building.

Stairs will be installed along the north side of each of the elevated pedestrian walkways. The elevated pedestrian walkways will vary in width, from 8 feet to 24 feet, providing space for social gathering and lookouts.

The project also proposes street-level improvements which include full-depth pavement reconstruction on Union Street from the east side of Alaskan Way to Western Avenue and from Western Avenue up to Post Alley. In addition to the Americans with Disabilities Act (ADA) accessible routes offered by the proposed series of elevated walkways and elevators, street-level pedestrian improvements include widened and rebuilt (where necessary) sidewalks and a narrower and smoother crossing at Western Avenue.

Union Street will be treated as a driveway where it intersects with Western Avenue. Curb ramps will replace the existing curb returns, and Western Avenue will be raised up 3 inches through the intersection, reducing curb heights from the standard 6 inches to 3 inches. This reduction in curb height will in turn reduce the size of adjacent curb ramps, creating a smoother transition for pedestrians crossing the intersection. This is intended to increase pedestrian space and improve pedestrian access along Western Avenue while still maintaining sufficient vehicular access to Post Alley. Western Avenue will be reduced in width from 46 feet to 31 feet through the replacement of existing parking lanes with curb bulbs, creating a shorter pedestrian crossing.

Foundational support shafts for the walkway structures and elevator towers could require excavations up to 90 feet below grade in order to reach below the artificial fill and into the more solid tideflat deposits. The elevator pits will be approximately 10 feet wide by 8 feet long by 8 feet deep. The elevator pits may have additional foundations to support the elevator towers; there will likely be 4 deep shafts for each elevator tower, for a total of 8 shafts. Asphalt and sidewalk removal will total approximately 28,800 square feet, and will be replaced with new concrete sidewalk and pavement.

Public Comment: The public comment period began May 29, 2014 and ended on June 27, 2014. One public comment was received, which is addressed in the SEPA analysis that follows.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

The bulk of the proposed project area is outside the Shoreline District (see Figures 1, 2). However, the proposed stairs will extend approximately 28 feet into the Shoreline District. The

overall area of the project (including proposed paving) within the Shoreline District and the Urban Harborfront (UH) Shoreline Environment is 2,305 square feet. Of that area, approximately 406 square feet is the proposed stairs.

The Shoreline Master Program (SMP), Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's Shoreline District in order to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

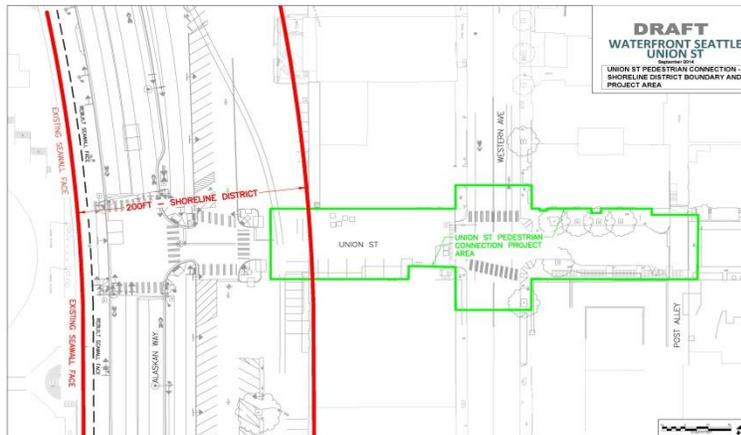


Figure 1: Site plan showing project area and Shoreline District.

The SMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a Shoreline Environment. SMC 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC

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 Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. 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. The Shoreline Management Act of 1971 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 insuring 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 23.60 that also incorporates the provisions of Chapter 173.27 WAC. 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 policies of the Act regarding preferences for uses in the Shoreline District are articulated in RCW 90.58.020. These use preferences include two preferences that are particularly relevant to this proposal:

- Increase public access to publicly owned areas of the shorelines; and
- Increase recreational opportunities for the public in the shoreline.

The proposed pedestrian walkway improvements will increase public access to the City's shoreline in the downtown area as well as increase recreational opportunities for the public through the public spaces provided by the project as well as the improved pedestrian access from one portion of downtown Seattle at the upland extent of this project to the waterfront and shoreline that this project will provide. This proposal is consistent with the policies of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program." In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030. Development standards of the shoreline environment and underlying zone must be considered as well as any conditioning that may be necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004, and meet development standards for the shoreline environment in which the site is located.

Each of these elements is evaluated below in the order they are listed in the Shoreline Master Program. The shoreline designation for the area of this project within the Shoreline District is the Urban Harborfront (UH) Shoreline Environment.

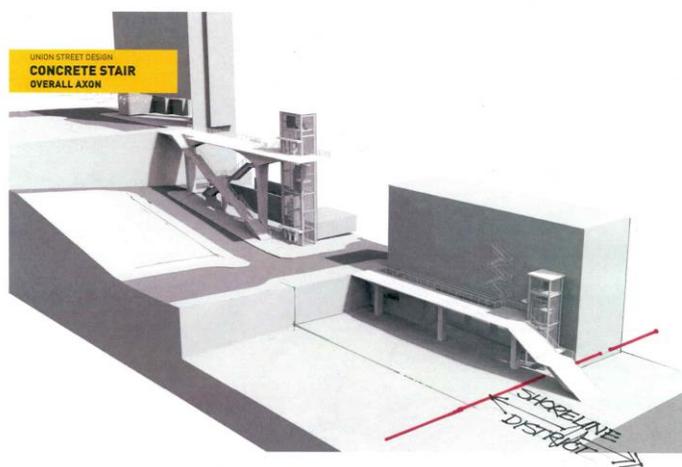


Figure 2: Design drawing of overall project with Shoreline District delineation.

SMC 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage improved public access to and along shorelines. Land Use Goal 46 promotes development of "a transportation network that supports and enhances use of and access to the shorelines." The proposed project will allow for greater opportunities than currently exist for the public to access and enjoy the shoreline environment along the waterfront and upon completion, the project will enhance the functional and aesthetic qualities of the shoreline environment (consistent with Land Use Goal 47).

The purpose and locational criteria of the UH environment is stated in SMC 23.60.220.C.8. This section states that the purpose of the UH Environment is:

"to encourage economically viable water dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and enhance elements of historic and cultural significance and preserve views of Elliott Bay and the land forms beyond."

The proposal is consistent with these criteria as the project will enhance public access to the shoreline and waterfront and increase viewing and recreational opportunities of the shoreline through improved pedestrian flow along Union Street to the waterfront, as well as providing viewing opportunities of Elliot Bay and Puget Sound from expanded public spaces on the elevated pedestrian walkways.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permit

This application has followed the procedural requirements for a Master Use Permit as specified in subsection A of SMC 23.60.064. This section also 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 23.60, and with RCW 90.58.020.

SMC 23.60.064.C. In evaluating whether a development that requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located.

The proposed project is not a prohibited use in the Urban Harborfront Shoreline Environment. The proposed uses for this project are the same as the current uses for the project location and are described in more detail above. The project uses are consistent with streets and bridges permitted outright in the UH Shoreline Environment pursuant to SMC 23.60.600 D. The underlying zones are Downtown Mixed Commercial and Pike Market Mixed. The proposed project is not a change of use and the existing use in the right-of-way is not prohibited in the underlying zones either, pursuant to SMC 23.49.042 and SMC 23.49.336.

2. The development meets all applicable development standards of both the shoreline environment and underlying zone.

The conformance of the project with the general development standards and development standards in the shoreline environment in which the project is located is discussed below.

3. *If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Section 23.60.034, 23.60.036 or 23.60.032, respectively.*

The proposal does not require a shoreline conditional use, variance or special use approval.

Shoreline Development Standards

A portion of the proposed development (see Figures 1, 2) is located in the Urban Harborfront Shoreline Environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to the:

1. general development standards (SMC 23.60.152);
2. development standards for uses in the UH Shoreline Environment (SMC 23.60.660 SMC).

1. SMC 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*
- *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*
- *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.*

- *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*
- *All shoreline developments and uses shall control erosion during project construction and operation.*
- *All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- *All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*
- *All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- *All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.*
- *All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.*

A number of Best Management Practices (BMPs) will be employed during the implementation of this project to address potential risks to the shoreline environment, including those risks posed by stormwater runoff and erosion during grading and excavation activities. These BMPs are shown on the plans and contained in the application material, including the SEPA Checklist. Erosion control measures will be addressed in a Temporary Erosion and Sediment Control (TESC) Plan prepared by the contractor and adhered to during construction. The project is designed to meet the City's Stormwater Code and Drainage Code as well as the City's Standards Specifications for Road, Bridge, and Municipal Construction.

The project as proposed and conditioned below meets the applicable general development standards for the shoreline environment.

SMC 23.60.660 - Development Standards in the UH Environment

The development standards set forth in the Urban Harborfront environment relate to height, maximum size limits, lot coverage, view corridors, regulated public access, and location of uses (SMC 23.60.690). The proposed development has been reviewed and is consistent with these development standards, where applicable.

The proposed uses for this project in the UH Environment are described in more detail above and are consistent with streets and bridges permitted outright in the UH Shoreline Environment pursuant to SMC 23.60.600 D.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit is **GRANTED**.

SEPA ANALYSIS

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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated May 20, 2014). The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, any additional information in the file and comments that have been received regarding this proposed action. This action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.554D) 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include 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.

Short Term Impacts

Grading and excavation activities pose some potential danger of contamination of groundwater and surface water at and adjacent to this site. The applicant will implement a number of Best Management Practices during the project to reduce the risk of contaminated runoff or erosion, consistent with City of Seattle’s Stormwater Code and the City’s Standard Specifications for Road, Bridge, and Municipal Construction. Erosion control measures will be addressed in a

Temporary Erosion and Sediment Control (TESC) Plan prepared by the contractor and adhered to during construction. SDOT will obtain all necessary permits for discharge of groundwater to the sanitary sewer or storm sewer if dewatering during excavations is required.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts in the submitted environmental documents. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); 2) Building Code (construction measures in general, including best management practices to address potential runoff of surface water and sediment to Elliott Bay during construction); and 3) the Stormwater Code and Grading Code place considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits. The project is designed to meet the City's Drainage Code, which will include new green stormwater infrastructure for flow control treatment. Best Management Practices will be implemented to ensure that waste materials such as oil, grease, or concrete slurry do not enter any surface or groundwater.

Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Noise

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA 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.

Although compliance with the Noise Ordinance is required, due to the presence of some 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 Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval (see below), the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the movement of vehicles — 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 due to the increased contribution of greenhouse gas emissions from this project.

Long-term Impacts

The project will replace existing staircases with new ones and will include elevators to provide access for people with disabilities. The project does not result in a change of use from existing conditions but an enhancement of the pedestrian flow in the Union Street right-of-way between 1st Avenue and Alaskan Way. Operation of the elevators will increase noise levels in the surrounding area. However, the ambient noise increase due to operation of the system will not be substantial. No adverse long-term or use related impacts are anticipated from the proposal. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DPD received one comment letter, which was submitted by attorney Elaine Spencer on behalf of the Seattle Historic Waterfront Association. Ms. Spencer's letter focuses primarily on the adequacy of the EIS that is being prepared for the overall Waterfront Program, but also suggests that conducting SEPA review for the Union Street project constitutes unlawful "piecemealing" under SEPA. Based upon information received from SDOT, the Union Street project is planned to occur regardless of the extent to which the Waterfront program is implemented. Accordingly DPD disagrees with the assertion that this SEPA review of the Union Street project is unlawful.

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. 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 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.

CONDITIONS – SEPA

During Construction

1. Except as provided in condition 2 below, the hours of all general construction work is limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to [SMC 25.08.155](#)) weekdays and between 9:00 AM – 6:00 PM Saturdays. Work using impact types of equipment are further limited consistent with subsection SMC 25.08.425 C of the Noise Ordinance (8:00 AM – 5:00 PM weekdays and 9:00 AM – 5:00 PM Saturdays).

2. Construction activities conducted outside the above stated hour limits, but within the sound level limits of the Noise Ordinance, may be authorized by DPD when a Construction Management Plan is provided and approved by DPD. This plan will be coordinated with the DPD Noise Abatement Office, the applicant, and the contractor.

Signature: _____ (signature on file) Date: October 13, 2014
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BP:drm

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