



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: 3007208
Applicant Name: Ellen Judson, 206-282-6222 ext. 1805
Address of Project: 3801 East Marginal Way

Land Use Application to demolish an existing 4,900 square foot storage silo and to expand a heavy manufacturing facility (Ash Grove Cement) by adding a new 14,307 (16,700 sq. ft. per EDMS PASV) square foot (100 feet tall) cement storage dome and a machine room building (approximately 700 sq. ft.).

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 [SMC] Chapter 25.05). Public notice was published on May 11, 2007. The required public comment period ended on June 13, 2007. No comment letters were received.

DISCUSSION

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 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.

A site visit was also conducted on May 29, 2007.

The Department of Planning and Development has analyzed and annotated the environmental checklist dated May 11, 2007; reviewed the project plans and any additional information in the file.

In reference to the SEPA Checklist B - ENVIRONMENTAL ELEMENTS #13. Historic and Cultural Preservation, b: it is noted that Director's Rule 2-98, Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archeological assessments, applies to this project.

This proposal is located in the Meander Line Buffer, which identifies Seattle's existing and former shoreline areas, which may contain sites of potential archeological significance due to settlement patterns of Native Americans and early European settlements along Puget Sound. It is likely that one would find most potential archeologically significant resources located within 200 feet of this meander line.

SEPA policies provide the opportunity for analyses of these sites. The requirement for Appendix A or Appendix B of DR2-98 is not required for this project. However, conditions concerning construction will be placed on the project.

As indicated in the checklist, these actions will result in adverse impact to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will generally provide sufficient mitigation. The only further conditioning or mitigation that is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665) is for the proponent to notify the Puget Sound Clean Air Authority of building demolition plans, prior to issuance of a demolition permit (including prior to issuance of this MUP, which authorizes demolition).

DECISION

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).

CONDITIONS – SEPA

Prior to Issuance of Master Use Permits:

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 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 will be required to comply with those regulations.

Prior to Issuance of Demolition Permit

2. The applicant shall submit to DPD a copy of the PSCAA (Puget Sound Clear Air Authority) Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

During Construction

3. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - a. Stop work immediately and notify DPD (Carreen N. Rubenkonig, (206) 684-5821 or Supervisor Jerry Suder, (206) 386-4069 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.
 - b. 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)
Carreen N. Rubenkonig, Land Use Planner
Department of Planning and Development

Date: July 26, 2007