



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: 3004624

Applicant Name: Kathy Craft for Stanley Fleischman of Restaurant Depot

Address of Proposal: 3670 East Marginal Way South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 63,225 sq. ft. wholesale showroom (Restaurant Depot) with surface parking for 199 vehicles. Existing 85,427 square foot manufacturing buildings (Nicholson Steel) to be demolished.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

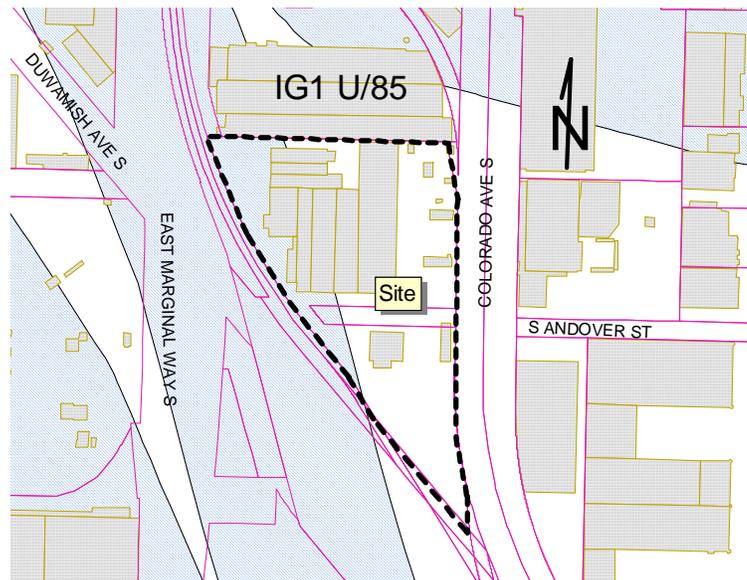
BACKGROUND DATA

Site and area description

The 229,606 square foot site is located in a General Industrial (IG1 U/85) zone on East Marginal Way South immediately south of the West Seattle Bridge between South Spokane St and South Nevada St. The site is flat and mapped with a Liquefaction Environmentally Critical Area (ECA). The site is also located in the Meander Line Buffer, which follows the original shorelines and indicates the potential for archaeological resources.

Properties in all directions of the subject property are also zoned IG1 U/85. The nearest zone change is approximately 2,000 feet to the southeast, where the zoning transitions to IG2 U/85. The entire area is located in a Liquefaction ECA and large areas of the site are located in the Meander Line Buffer (shown as hatched areas on the site plan to the right).

The site is currently occupied by 85,427 square feet of factory industrial buildings and 45 surface parking spaces. All existing structures will be demolished.



For illustrative purposes only

A Lot Boundary Adjustment was completed on these parcels under MUP #3005752 and recorded with King County (Recording # 2007040500009)

Proposal Description

The applicant proposes to construct a 63,225 square foot building for a wholesale showroom for The Restaurant Depot and 201 surface parking spaces. The proposed building would be placed in the middle of the site with parking on the west, south, and east sides of the site. Vehicular access would be from East Marginal Way S via two curb cuts near the center and north end of the property. Truck loading bays are proposed at the north end of the building. The construction application for this project is currently under review with permit application #6127644.

Public Comments

The public notice was issued on April 19, 2007. No public comments were submitted.

ANALYSIS - SEPA

The proposed development is subject to environmental review because the proposed development exceeds the threshold of 12,000 square feet new construction and demolition of more than 12,000 square feet in an industrial zone and the threshold of more than 20 new parking spaces.

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 March 14, 2007. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: temporary soil erosion, increased noise from construction operations and equipment, impacts to water quality, and potential historic and cultural resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-2006 and DR 33-2006 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. The Noise Ordinance provides sufficient mitigation for noise impacts in this area. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition and construction activities may create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities which produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Construction could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with a history of unstable soil conditions. A geotechnical report was considered in this case due to the Liquefaction ECA on the site. The applicant has submitted “Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report; Proposed Warehouse; Seattle, Washington,” prepared by Matthew Miller, P.E., of Associated Earth Sciences, dated December 13, 2006 (Project No. KE060525A). The construction plans, including shoring of excavations as needed and erosion control techniques are under separate review by DPD with the construction permit application. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-2006 and DR 33-2006) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction Noise Impacts

Proposed demolition and construction of the existing factory-industrial buildings and parking, and construction of the proposed warehouse and parking are not expected to have adverse impacts due to the composition of surrounding industrial land uses. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Historic and Cultural Preservation

The City mapping system indicates that the subject property is located within the Meander Line Buffer, which follows the original shorelines of Seattle. Per Director’s Rule 2-98 the applicant has provided information regarding the proposed level and type of excavation, research on the property’s potential for archaeological resources, and results of conversations with the Washington State Office of Archaeology and Historic Preservation (OAHP).

The subject property is located on the tip of what in 1895 and before was an island near the mouth of the Duwamish River and Elliott Bay. Sometime between 1895 and the early 1900’s, fill was placed over the area. 1936 aerial photographs indicate that the area contained branching drainage channels. Industrial buildings were constructed in the area sometime in the 1940’s.

The proposed foundation uses pilings as a base and would not involve excavation below the level of the late 19th-early 20th century fill. As a result, the OAHP noted that “given [the] construction plan is to drive piles and not excavate below the area fill...While the soil data are intriguing, they are not enough to warrant the level of pre-construction testing that would be required to determine if intact cultural deposits are present below the fill.”

Given that the site is close to the original shorelines, 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, DPD conditions the project in accordance with the Director’s Rule as detailed in the conditions below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces and increased vehicle trips, and parking.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of these long-term impacts.

Parking Impacts

The applicant proposes to remove 45 existing parking spaces and construct 199 new parking spaces on site.

The Institute of Transportation Engineers (ITE) Parking Manual 3rd Edition includes a limited number of uses. Wholesale warehouse use, supplying restaurant-specific supplies to a limited clientele of only business owners and non-profit agencies is not one of the options in the ITE Manual. The closest use to the proposed use is “warehouse,” since there would be a limited number of customers and a large amount of warehouse area.

The ITE Manual indicates that warehouse use would generate peak demand for approximately 26 vehicle parking spaces:

- 0.41 spaces per 1,000 s.f. warehouse x 63,225 s.f.

The existing use is “manufacturing” and generates peak demand for approximately 87 vehicle parking spaces:

- 1.02 spaces per 1,000 s.f. manufacturing x 85,427 s.f.

The proposed number of parking spaces exceeds the peak demand for parking. The proposed parking demand decreases with the proposed use, and the number of parking spaces is increased, therefore reducing on-street parking demand in the vicinity of the subject property. No mitigation is warranted under SEPA.

Traffic

The proposed use would include wholesale warehouse area. The applicant has stated that the proposed development would generate a total of approximately 836 vehicle trips per day and 74 peak hour trips. The existing development generates a total of approximately 327 vehicle trips per day and 63 peak hour trips. The applicant has provided the traffic memo describing this information: “The Transpo Group October 11, 2006 memo, Subject: The Restaurant Store.” This information was reviewed by DPD’s Transportation Planner.

Although the total vehicle trips per day would increase, the peak hour trips would decrease. The total trips per day would be more evenly distributed throughout the daytime business hours. The traffic memo noted that the proposed use is not covered under any category in The Institute of Transportation Engineers (ITE) Trip Generation Manual, since the proposed use is warehouse and wholesale sales with limited membership of business owners and non-profit agencies only.

The proposed change of use would decrease peak hour vehicle trips for this area and not create a significant increase in total vehicle trips per day. Therefore the traffic-related impacts are not considered significant under SEPA (SMC 25.05.675.R).

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.

[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

Prior to Issuance of Master Use 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 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, per Director's Rule 2-98.
2. Attach a copy of the recorded Lot Boundary Adjustment to the final plan set.

During Construction

3. 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 (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) 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: September 13, 2007
Shelley Bolser, AICP, Land Use Planner
Department of Planning and Development

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