



City of Seattle

Department of Planning & Development  
Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3009668

**Applicant Name:** Rob Howie for South Park Property Development, LLC

**Address of Proposal:** 8249 5<sup>th</sup> Ave. S.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to construct a two-story vehicle storage and maintenance (bus base) facility. Project also includes two, 2-story buildings for general manufacturing uses and grading of 51,000 cu. yds. of material for site remediation (south park landfill). Surface parking for 214 vehicles to be provided.

The following approval is required:

**Administrative Conditional Use** – to allow a bus base in an IG2 U/65 zone.

**SEPA Environmental Determination** - Section 25.05 - Seattle Municipal Code.

**SEPA Determination:**       Exempt     DNS     MDNS     EIS  
    DNS with conditions  
    DNS involving non-exempt grading, or demolition,  
   or another agency with jurisdiction.

**BACKGROUND INFORMATION:**

**Site and Area Description**

The proposal site is a part of what was once the meandering channel and floodplain area of the Duwamish River. The original soils are alluvial sands, silts and clays. Above these is a layer of fill soils of various depths from uncontrolled filling which likely took place in the early 1900's. In the 1930's the site became a depository of refuse. A refuse layer between 8 and 20 feet thick across the site consists of variable materials including industrial waste such as sheet metal and sandblast grit, and construction waste such as wood, bricks, burned debris, cement mixing waste and concrete rubble. The site presents the potential for soil liquefaction and is a source of out gassing from the ongoing decomposition and decay of fill materials.

The proposal site is within the Greater Duwamish Manufacturing Industrial overlay zone.

### Project Description

This application is for SEPA review of a proposal to undertake approximately 51,000 cu. yds. of fill implementing a State Department of Ecology endorsed plan to cap the 19.4 acre site thereby containing the contaminated soils in place. In addition Administrative Conditional Use authority is sought to establish a bus base for 185 school buses with three, two story buildings totaling 53,253 sq. ft. One building would be a vehicle maintenance facility; a part of the bus base. The other two would contain light manufacturing uses.

### **PUBLIC NOTICES AND MEETINGS**

Notice of this application took place on February 5, 2009. While the official comment period ended on February 18, 2009, public comments are accepted throughout the review period. No public comments were received.

### **ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

SMC 23.50.012 provides criteria which must be met for Administrative Conditional Use approval of uses in industrial zones and includes both general criteria and criteria applicable to specific proposed uses, including some criteria in subsection B.11 which are applicable to bus base applications.

Seattle Land Use Code provisions and analysis of the application follow with code provisions in italicized type.

- 1. The use shall be determined not to be detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed uses could be conducted on the subject site without detriment to the public welfare or local injury. The proposed bus base is the most likely to have impacts beyond the site boundaries in the form of traffic, air pollution and some noise. The location of the site is nearly adjacent to both State Route 99 and State Route 509. Buses would be able to access these major routes to disburse out to the various locals near public schools where they will be used to transport students to and from school. This fortunate adjacency avoids the prospect of heavy bus traffic through neighborhood streets inadequate to accommodate them. The other two uses proposed for the site, both buildings to hold manufacturing activities are permitted outright in the IB and IG zones and are not subjects of this Administrative Conditional Use analysis.

- 2. The benefits to the public that would be provided by the use shall outweigh the negative impacts of the use.*

Benefits to be expected from the proposal would include providing transportation of students to and from school through location of a bus base on a site in the southwest region of Seattle where one is desirable from a service provision perspective and where appropriate site are limited. A large site is necessary for this use as there needs to be parking space for the many buses and the

cars of drivers and mechanics. The proposal site has contaminated soils of limited stability which would make development with substantial buildings expensive. Development with light buildings and extensive pavement is a use which is reasonably economical to establish on the subject site and which provides the economic motive to implement a plan for containment of the pollutants on site. The proposal also allows for other industrial businesses to conduct business on the now vacant site.

Negative impacts which might be expected from the proposal would largely involve traffic impacts on immediately surrounding streets. This traffic, while noticeable, would be expected to be accommodated by the existing street infrastructure.

The expected benefits to the public are expected to outweigh the negative impacts of the proposed use.

3. *Landscaping and screening, vehicular access controls and other measures shall insure the compatibility of the use with the surrounding area and mitigate adverse impacts.*

Other uses present on the large block are the South Seattle Recycling and Disposal Station and the Kenyon Business Park, both of which are highly industrial in character and have their own vehicle access points which would be unaffected by the current proposal. Mitigation measures of the kind envisioned are not necessary on the proposal site.

4. *The conditional use shall be denied if it is determined that the negative impacts cannot be mitigated satisfactorily. However, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

Because of the low sensitivity of surrounding industrial and commercial uses the negative probable impacts from the proposed bus base are not expected to be notably adverse to them. The principal negative impact is expected to be traffic of vehicles to and from the site. The proposed use and therefore its traffic would be moving from the current location for the First Student Bus Base a block north of the subject site which reduced the net change in impacts on surrounding streets. A May 2009 Transportation Impact Analysis and June 19, 2009 Memorandum, both by Transportation Solutions, Inc., concluded that expected traffic impacts would be noticeable but minor in extent.

Another negative impact which might be expected from operation of a bus base is the glare of vehicle headlights viewed from nearby sites. The surrounding area is not, however, expected to be very sensitive to headlights, especially given the large distances involved between the generating and receiving properties. Surrounding uses are of tilt-up construction and are mostly used for warehouse functions. The sensitivity to vehicle lights leaving the site is low and mitigation of them is unneeded.

5. *In areas covered by Council-adopted Neighborhood Plans which were adopted after 1983, uses shall be consistent with the recommendations of the plans.*

The proposal site is within the mapped boundary of the Greater Duwamish Manufacturing/Industrial Center; a component of the City of Seattle Comprehensive Plan. Two Goals and one Policy from this neighborhood plan have strong applicability to the subject proposal.

*GD-G3 Land in the Duwamish Manufacturing/Industrial Center (“DMIC”) is maintained for industrial uses including the manufacture, assembly, storage, repair, distribution, research about or development of tangible materials and advanced technologies; as well as transportation, utilities and commercial fishing activities.*

As a transportation facility the proposed bus base is one of the uses recognized to be an appropriate use within the DMIC.

*GD-G18 Sufficient incentives exist in the industrial area so that the private sector can remedy environmental contamination and contribute to the expansion of the industrial job base.*

As noted in the description of the site and vicinity above, the soils beneath the site are contaminated by past activities. The site is very large, 19.4 acres, and any effort to clean the soils, remove them, or contain them in place would be very expensive. Many uses would require excavation for construction of buildings or other facilities and would require removal of contaminated soils. The proposed reuse of the site would cap the soils restricting polluted ground water from moving off site and it would provide system to collect out gassing, allowing scrubbing and release from a single point. The three structures proposed would require limited excavation for the instillation of pilings.

The proposed use is a good one in that it would provide an economically feasible way to remedy the on-site condition and reuse the area for productive use and employment.

*GD-P2 Strive to retain existing businesses and promote their viability and growth, with particular emphasis on small businesses.*

The business expected to occupy the proposed bus base is “First Student” a private “school bus” provider which is being displaced from a site nearby. Approval of this conditional use application would allow that particular business to continue as a viable business in the area.

*Bus bases may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:*

- a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of the industrial function of the area, the presence of a facility shall not obstruct the operation or likely expansion of industrial uses;*

The area of the site proposed to be used as a bus base is in the northwest portion of the proposal site with the remaining approximately two thirds to be used for other manufacturing business. This placement minimizes the amount of land area used by the bus base.

- b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;*

No uses would be displaced by this reuse of what is in effect a brown field parcel.

- c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and*

No such access exists for the subject parcel.

- d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.*

Consideration of the site location in relation to surrounding streets, routes and other sites, as well as a review of the Transportation Analysis provided leads to the conclusion that no transportation plan is warranted here.

### **DECISION – ADMINISTRATIVE CONDITIONAL USE**

The Administrative Conditional Use Application is **approved**.

### **ANALYSIS - SEPA**

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. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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/circumstances (SMC25.05.665) 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 are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density and close proximity of neighboring businesses, further analysis of construction impacts is warranted.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos.

The activities proposed, bringing clean fill to the site to fill the existing drainage ditch across it, and capping the site pursuant to a negotiated agreement with the State Department of Ecology, will involve some disturbance of existing on-site soils. It is expected that all potential dust emissions from the site during grading will be eliminated through watering when necessary. Control of dust emissions would be necessary to meet PSCAA emissions. No SEPA policy based conditioning to control short term air quality impacts appears to be warranted.

### 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends. The surrounding properties are developed with commercial uses. The distances across the subject site and across neighboring sites are large. The ambient noise in the area includes that generated by two nearby "freeway" highways and is fairly high. Given the lack of unusually sensitive receptor sites, the large distances involved between much of the noise generating activities and those receptor sites and the high ambient levels of noise in the area, SEPA policy based conditioning of construction noise is unwarranted.

### Construction Traffic

As disclosed in the Transportation Analysis provided as part of the SEPA documentation the existing traffic in the area is moderate with all but one intersection functioning at high levels; the exception being a stop sign controlled movement which includes an entrance to SR 509, an intersection movement to which the project proposal would contribute little traffic. Construction related traffic; even during the period of delivery of fill material is not expected to create a great enough impact on surrounding streets to warrant SEPA conditioning.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

### Drainage and Water Quality

Rain water on roofs and paved surfaces are the major sources of water runoff expected on this site. The rainwater will be collected in gutters and connected to an adjacent public storm drainage system. Water from paved surfaces is required by existing codes to be detained for controlled release and water quality treatment. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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 relatively minor contribution of greenhouse gas emissions from this project.

### Soil Contamination

The applicant has for several years now been working with the State Department of Ecology (DOE) and the current owners of the property to arrive at an Agreed Order for an on-site containment plan for fill materials found on the site. The process of completing the plan would involve several procedural steps with DOE culminating in issuance by DOE of a "Satisfaction of Completion" document for "Cleanup Action Plan" (CAP).

In order to insure the safety of future occupants of the site and of the public in general it is necessary to require that a Satisfaction of Completion of an approved Cleanup Action Plan for the entire proposal site be issued prior to issuance by DPD of any Certificate of Occupancy for new uses on the site to be established pursuant to this SEPA Threshold Decision.

### Traffic and Parking

Included in the environmental documents for the proposal include a Transportation Impact Analysis dated May 2009 and a Memorandum dated June 19, 2009, both from Transportation Solutions, Inc (TSI) analyzing the traffic context of the proposal and its impacts thereon. The TSI information was reviewed by DPD's traffic expert and accepted as a substantially accurate prediction that the traffic impacts of operation of the proposed new uses on the subject site would have minor impacts on the level of service of nearby intersections. The traffic study showed only minor negative impacts to surrounding intersection levels of service.

No SEPA policy based conditioning of long-term traffic impacts of the proposal appears warranted.

**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 43.21.030(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 2C.

**CONDITIONS - SEPA**

Prior to Occupancy

1. In order to insure the safety of future occupants of the site and of the public in general it is necessary to require that a Satisfaction of Completion of an approved Cleanup Action Plan for the entire proposal site be issued prior to issuance by DPD of any Certificate of Occupancy for new uses on the site to be established pursuant to this SEPA Threshold Decision.

Signature: \_\_\_\_\_ (signature on file)  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: December 8, 2011