



City of Seattle

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: 3009537 and 3010071
Applicant Name: Bill Armour for Seattle Iron and Metal
Address of Proposal: 601 S. Myrtle Street
701 S. Orchard Street

SUMMARY OF PROPOSED ACTION

3009537 - 701 S. Orchard Street

Land Use Application to change the use from warehouse/manufacturing to salvage yard (86,257 sq. ft. total*). Project includes installation of interior/exterior material sorting equipment, 14 ft. high security walls, surface repaving, construction of 200 sq. ft. gate house, an 87.5 ft. truck scale and a 300 lineal ft. connection to existing storm water drain system. Surface parking for 44* vehicles to be provided. Three buildings totaling 6,198 sq. ft. to be demolished.

*99,437 square feet proposed on most recent plan set.

**60 parking spaces proposed on most recent plan set.

3010071 - 601 S. Myrtle Street

Land Use Application to allow a 14 ft. high, 24 ft. wide security gate and installation of an access opening in the existing building to the adjacent site (701 S. Orchard St.). Project includes a 150 lineal ft. connection to existing storm water drain system. No change to parking. The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

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 Vicinity Description

The sites, on which activities will constitute one unified industrial operation, are in the Duwamish industrial zone south of downtown, and they are zoned IG1/85'. The shoreward property (601 S. Myrtle Street) is partially within the shoreline district, in a UI environment. The shoreward property also contains a steep slope, which the applicant indicates is due to the stockpiles on the site; the steep slope is clearly not associated with the shoreline itself. (The steep slope area is well outside the proposal area.) Both properties are within an ECA liquefaction critical area.

The waterfront site has a few small buildings, an open-air metal shredder, stockpiles, baling equipment, staging areas, and maneuvering areas for trucks and other equipment. There are a couple of more substantial buildings on this property's eastern edge. The adjacent property (701 S. Orchard Street) is developed with a three-story manufacturing and warehouse building on its western ½ (or so), and with surface parking on the eastern ½.

Adjacent streets are open, and except for S. Garden Street, seemingly heavily used. S. Garden Street presently appears virtually entirely unused.

Proposal Description

In essence, the applicant proposes to intensify the processing of its regular raw materials to extract a greater proportion and greater number of metals from scrap automobiles and other metal refuse. A new sorting system will be installed on the new property (701 S. Orchard Street), and minor changes made to the existing property (601 S. Myrtle Street), including a cut through the east wall of one building to accommodate access through the west wall of an adjacent building, a 14-foot high wall. Above-ground storage tanks will also be added to the east end of the waterfront site. A detailed description of the proposal may be found in the SEPA checklist.

Public Comments

There were four comment letters. Concerns expressed include risk of contaminated run-off to the Duwamish, demolition of potentially historic structures, increased traffic, increased traffic hazard, noise, vibration, and air emissions.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, 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 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 such limitations/circumstances (SMC 25.05.665 D1-7) 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 are expected: decreased air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

The project requires an application to the Puget Sound Clean Air Agency, which has full jurisdiction over impacts to Air. The application has been deemed exempt from requiring a PSCAA permit, an exemption granted only after exhaustive evaluation of extensive submittal information. This exemption confirms PSCAA's lack of concern about impact to both indoor and outdoor air. No further mitigation is warranted pursuant to SEPA authority.

Earth

The Phase II environmental site assessment of the 701 S. Myrtle Street building by Floyd/Snider concludes, regarding soils contaminants, "While all concentrations were less than regulatory concern or reporting requirements, as a precaution, if the current building is torn down and the area under it where low concentrations of volatile organics is regarded, soil from this area should NOT be exported off-site without further testing to characterize its contents for disposal or re-use elsewhere." There is no proposal to tear down the building. Moreover, SEPA exists to mitigate identified impacts, not to take precautions. Accordingly, no conditioning for earth pursuant to SEPA is warranted.

Long-term Impacts

Long-term or use-related impacts anticipated by the proposal include: change of use from warehouse to major salvage yard, potential increased vehicular traffic, and noise impacts of the new, partially outdoor equipment. These long-term impacts are not considered significant because the impacts are minor in scope. However, some of the impacts warrant further discussion and review.

Air

The Puget Sound Clean Air Agency determined that no permit would be required from PSCAA for the proposal. Because PSCAA is the foremost authority on assessment of adverse impacts to air, DPD concludes that no mitigation for adverse impacts to air pursuant to SEPA authority are warranted.

Water

In a letter dated 4 March 2010 the applicant details the status of review of the project's NPDES status. It is clear that Ecology is thoroughly involved in the process of regulating any adverse impacts to water. The applicant expectation is that an amended NPDES permit will be issued prior to issuance of a DPD construction permit. However, administrative processes being unpredictable, to ensure that the construction permit is not issued prior to DOE approval of the amended NPDES, project approval is conditioned upon such sequencing.

Noise

There are various noise issues associated with operations of the existing shredder, which are presently being addressed by DPD in separate actions. The present proposal would not exacerbate those impacts, and the new functions proposed on the two sites would not have additional adverse noise impacts. No mitigation pursuant to SEPA authority is warranted.

Traffic

The applicant has credibly stated that the proposed intensification of processing would not substantially change the amount traffic to or from the site, though it would utilize S. Garden Street, which is not presently utilized. Because of use of S. Garden Street, existing queuing on S. Myrtle Street should be reduced. There would be a substantial reduction in traffic due to termination of the historically permitted uses in the building. Only a small portion of the building would be retained in the existing permitted uses. Hence, overall, there would likely be a substantial reduction in trip generation by the site activities, particularly during peak hours for this area. Thus, the traffic-related impacts do not rise to a level warranting mitigation pursuant to SEPA authority. Required parking would be provided on site, and no spillover parking demand is anticipated.

Greenhouse gases

The proponent has provided a spreadsheet documenting estimated greenhouse gas generation over the life of the project to be 207,425 metric tons of carbon dioxide equivalent. There are no regulations limiting the amount of such emissions, nor does Seattle require any mitigation at this time.

