



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: 3010299

Applicant Name: Robert Kroese for SEACON Construction Management

Address of Proposal: 8249 5th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 125,000 sq. ft. of outdoor bus storage in an environmentally critical area for buses that service the Seattle Public School District and allow an additional 246,000 square feet of outdoor storage for heavy construction equipment, empty containers/trailers and garbage collection containers. 191 parking stalls accessory to the outdoor storage uses are proposed. (revised from original project description).

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

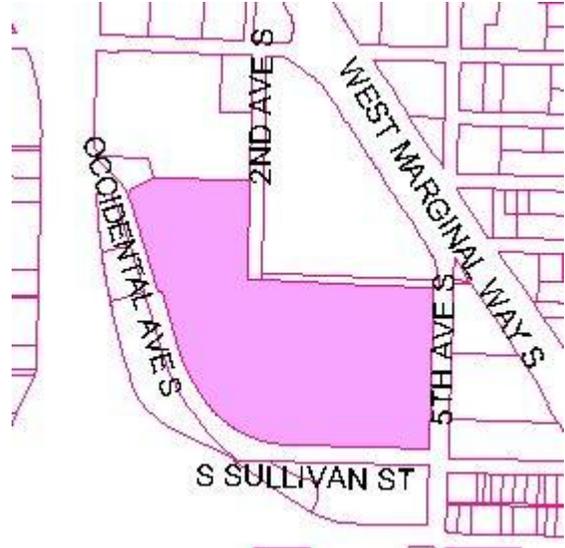
SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject property is located in Seattle's South Park area immediately west of West Marginal Way. The 19.48 acre site is bounded on the east by 5th Avenue South; Occidental Avenue South on the west and South Sullivan street on the south. Second Avenue South extends to the site on its northern property line. The property is bordered on the north by the 6.49 acre Kenyon Business Park and the .43 acre W G Clark Construction Company site. The site is also adjacent to the City's Public Utilities Department South Recycling and Disposal Station (east of proposed project). The project site and surrounding properties are zoned General Industrial 2 with a 65 foot structure height

limit (IG2-65). A portion of the project site (southeastern corner) is zoned Industrial Buffer with a 45 foot structure height limit (IB -45). This zoning extends to the south across South Sullivan Street and 5th Avenue South eastward. Southeast of the site lies residential properties zoned Lowrise 3 (L3) between South Sullivan Street and South Cloverdale Street. South of here the residential area is zoned Single-family 5000 (SF5000). This residential area is 150 feet from the southeastern corner of the project site.



The project site slopes up from the surrounding streets approximately 16 feet and is fairly level. A centrally located trough runs east to west and links to a depression that runs south to north parallel with Occidental Avenue South. These areas were originally constructed to divert stormwater across the site to the city's stormwater collection system which is connected to WSDOT's constructed wetlands system and ultimately drains into the Duwamish River. These on-site areas are mapped as Environmentally Critical Areas (ECAs). The drainage area contains steep slopes and mapped wetlands. The mapped ECAs are within the proposed project's area. The proposal has received exemptions from DPD due to the fact that these areas were manmade. The ECA regulations will not apply to this proposal.

The South Park Landfill site was previously owned by Metropolitan King County (MetroKC) and the landfill was operated by Seattle Public Utilities until its closure in 1978. The site was used as a Municipal Solid Waste (MSW) landfill. A Site Characterization Study has identified that there are several pollutants contained within the MSW and has migrated beyond the site because rainwater seeps into the ground providing an avenue for the pollutants to leach beyond the limits of the old landfill.

The South Park Landfill site is generally located at 8100 & 8200 2nd Avenue South in Seattle, Washington in the South Park neighborhood, on the west side of the Lower Duwamish Waterway.

The South Park Landfill site encompasses approximately 40 acres. The subject 19.4 acres out of the original landfill is currently owned by South Park Property Development, LLC. The remaining area consists of the South Recycling and Disposal Station which is owned by the city of Seattle (City), and a portion of the Kenyon Business Park property owned by private parties.

The property was used as a landfill as early as the 1930s. Open refuse burning was a common practice at the site until 1961. Starting in the 1950s, part of the landfill was also used as an auto wrecking yard which continued into the 1970s. The landfill stopped accepting refuse when the City built the South Transfer Station in 1966 to ship trash out of the area.

From 1984 to 1996 King County leased portions of the site to a variety of lessees for storage, mostly consisting of truck storage. In 2006, King County sold its remaining 19.4 acre parcel to South Park Property Development, LLC (SPPD).

Proposal

The proposal was initially to establish 125,000 square feet of outdoor storage to store 185 buses and establish 63 parking stalls. No grading or construction is proposed. The outdoor storage uses are to permit outdoor storage of 185 buses owned and operated by First Student, Inc. Maintenance of the buses would not be performed on-site until the site has been fully remediated consistent with the pending Washington State Department of Ecology (DOE) Clean-up plan. The site clean-up is proposed under Application #3009668. The application is still in review for the proposed clean-up. The application has been amended to include the establishment of other outdoor storage uses.

The northern area (considered to be north of the proposed pre-load area indicated on the site plan) contains approximately 235,000 square feet. This area includes the bus storage area and an additional 110,000 square feet of outdoor storage not related to the bus storage area. An additional 55 parking stalls will be established as accessory parking to this proposed use. The southern portion of the site is proposing 146,000 square feet of outdoor storage and establishing 73 parking stalls.

The proposal is not proposing to conduct any grading or paving or construction of any support buildings. This would be through future permits that would follow the landfill remediation action and the formal establishment of a bus base and maintenance facility. This action is anticipated to be finalized sometime during the final half of 2009. The outdoor storage uses are considered to be intermittent uses to permit First Student, Inc. a location to store their busses while they wait for the clean-up action to be approved by the Washington State Department of Ecology (DOE) and related construction permits to be approved by the City of Seattle.

The other proposed outdoor storage facilities are for outdoor storage of construction equipment (Ness Cranes), empty containers for garbage collection (Waste Management) and empty trailers/containers for an unidentified trucking company. These uses have been operating on-site and have not been legally established.

Public Comments

Public notice of the project application was published on June 4, 2009. The required public comment period ended on June 17, 2009. DPD received a request to extend the public comment period to July 1, 2009. DPD received two comment letters in regard to this proposal. The comments included concerns over the trees that were being cut down and the proposed use. Response to the relevant issues will be addressed within the body of this report and decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of the proposed project was made in the environmental checklist dated July 10, 2009.

The SEPA Overview Policy (SMC 25.05.665) 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. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates and hydrocarbon emissions from vehicles and equipment; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, 2) Noise Control Ordinance; and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). 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.

Air Quality

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing 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 specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increases in carbon dioxide and other greenhouse gas emissions.

Long-term impacts such as this are typical of this type of project and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are the: Stormwater, Grading and Drainage Control Codes; and the Land Use Code (aesthetic impacts).

Other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by condition.

Air

Emissions from the generation of greenhouse gases due to existing traffic may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

