



City of Seattle

Edward B. Murray, Mayor

Seattle Department of Construction and Inspections

Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3017842
Applicant Name: Kathy Craft
Address of Proposal: 6050 East Marginal Way South

SUMMARY OF PROPOSAL

Land Use Application to allow two, 3-story warehouse structures, one 492,747 sq. ft. and a second 309,155 sq. ft. structure. Parking for 542 vehicles will be provided on the site and in a 21,492 sq. ft. parking structure.¹

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

¹ The project was originally noticed on 1/15/2015 as two, 2-story warehouse structures, one 331,212 sq. ft. and a second 8,374 sq. ft. structure with parking for 332 vehicles. The project was renoticed on 10/22/15 and 10/29/15.

SITE AND VICINITY

Site Zone: Industrial General 2 (IG2 U/85)

Nearby Zones: North: IG2 U/85
South: IG2 U/85
West: IG1 U/85
East: IG2 U/85

ECAs: The site is mapped as an ECA liquefaction zone.

Site Size: 596,454 square feet



PUBLIC COMMENT:

The public comment period ended on November 11, 2015. Three comments were received and carefully considered, to the extent that it raised issues within the scope of this review. These areas of public comment related to archaeologically significant resources and a potential stormwater treatment facility proposal for the area.

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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and last updated 9/11/2015. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. 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, and 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, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas, earth/soils, and environmental health, as well as mitigation.

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Earth / Soils

The applicant submitted a geotechnical engineering study (*Geotechnical Master Use Permit Report, Georgetown Crossroads Development*, GeoEngineers, 3/6/2015). The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Environmental Health

The applicant submitted studies regarding existing contamination on site ("Environmental Conditions Summary and Generalized Environmental Cleanup Plan, 6050 East Marginal Way South, Seattle Washington, Farallon PN: 1071-007 (Task 10)", Farallon Consulting, 7/7/2015). The report indicated that the site historically contained up to 12 known or suspected petroleum-containing underground storage tanks, and that of diesel-range organics and oil-range organics have been detected at concentrations exceeding MTCA Method A cleanup levels.

If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist and the “Environmental Conditions Summary and Generalized Environmental Cleanup Plan”, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project. The document notes that the proposed cleanup plan will be developed with oversight and approval by Ecology under the Voluntary Cleanup Plan (VCP) MTCA Method A cleanup levels, unless otherwise approved by Ecology. The document notes the plan will include various steps to comply with MTCA and work with Ecology.

If the recommendations described in the “Environmental Conditions Summary and Generalized Environmental Cleanup Plan” are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The “Environmental Conditions Summary and Generalized Environmental Cleanup Plan” describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority. These strategies are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health, per SMC 25.05.675.F.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project’s 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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

Historic Preservation

The project is within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. The applicant submitted a report (“Cultural Resources Records Research and Literature Review for the Georgetown Crossroads Project, City of Seattle, King County, Washington,” Historical Research Associates, July 2015) which indicated that the subject property has a very high probability for cultural resources. The report recommended monitoring ground-disturbing excavation in native soils, and at the interface of fill and native soils.

Since the information showed there is probable presence of archaeologically significant resources on site, Section B of Director’s Rule 2-98 applies. The report included further analysis and a mitigation plan prepared by a professional archaeologist, consistent with Section B of the Director’s Rule.

The recommendations in this report for mitigation included the monitoring of ground-disturbing excavation in native soils, and at the interface of fill and native soils. This will required as a condition to be followed during construction.

The report also noted the process to be followed regarding discovery of any human remains, consistent with Washington State requirements in RCW 68.50, 68.60 and 27.44.

In addition to the condition of monitoring during construction, the following conditions are also warranted to mitigate impacts to potential historic resources, per SMC 25.05.675.H and consistent with Section B of Director’s Rule 2-98:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide Seattle DCI 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, 27.53, 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.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify Seattle DCI (Katy Haima at katy.haima@seattle.gov or 206-684-4193) and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). 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.

Transportation

The Traffic Impact Analysis (“*Updated Response to Correction Notice #1, Georgetown Crossroads*,” Transportation Engineering Northwest, 3/12/2015) indicated that the project is expected to generate a net total of 2,604 daily vehicle trips, with 264 net new PM Peak Hour trips and 266 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide Seattle DCI 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, 27.53, 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.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify Seattle DCI (Planner name and phone #) and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). 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.
3. Monitoring for cultural resources shall be conducted during any ground-disturbing excavation in native soils, and at the interface of fill and native soils.

Katy Haima, Land Use Planner Date: March 17, 2016
Seattle Department of Construction and Inspections

KH:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.