



City of Seattle
Edward B. Murray, Mayor

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: 3019691
Applicant Name: Bob Fadden
Address of Proposal: 5917 4th Avenue South

SUMMARY OF PROPOSAL

Land Use Application to allow a 53,682 sq. ft. warehouse structure, including a mezzanine level containing an office, training room and wholesale showroom. Surface parking for 42 vehicles to be provided. The work will result in approximately 1,260 cubic yards of cut and 8,834 cubic yards of fill material. Existing structures to be demolished.

The following approval is required:

SEPA – Environmental Determination (Seattle Municipal Code) Chapter 25.05

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

SITE AND VICINITY

Site Zone General Industrial 2
 (IG2 U/85)

Nearby Zones:

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



Site Size: 118,395 sq. ft.

Environmental Critical Area (ECA): Liquefaction Prone Area-ECA5

PUBLIC COMMENT:

The public comment period ended on December 13, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to potential risk of exposure to lead and other hazardous materials during the demolition of the existing structures and the potential for unrecorded archaeological deposits.

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 as a result of this project was made in the environmental checklist submitted by the applicant on August 30th, 2015.

The Seattle Department of Construction and Inspections has reviewed and annotated the environmental checklist in addition to submitted project plans and other relevant information in the file. The information contained in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to have a lasting long term effect.

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, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations.

Under such limitations or circumstances (SMC 25.05.665 D) 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, construction traffic, and earth impacts, 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.

Construction Impacts (Traffic)

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Earth /Soils

The ECA Ordinance and Director's Rule (DR) 3-2007 require submission of a soils report to evaluate the site conditions and provide recommendation for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a Geotechnical Report prepared by Terra Associates, Inc. dated June 4, 2015. The report evaluates existing soil and site conditions related to erosion and drainage controls, site stabilization, and grading work. A second Subsurface Investigation Report prepared by Sound Earth Strategies dated March 23, 2016 for the purpose of identifying the presence of contaminated soil and their source. The applicant is also required to provide additional information showing conformance with the ECA Areas Ordinance prior to issuance of building permits.

The Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used and therefore, no additional conditioning is warranted pursuant to SEPA policies SMC 25.05.675.D.

Environmental Health

The applicant submitted information regarding existing contamination on site (Subsurface Investigation Report for Mobile Crane Property, dated March 23, 2015 by Sound Earth Strategies). The report showed several sources of contamination at and adjacent to the site. The proposal includes removal and disposal of 200 yards of contaminated soil from the site.

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.

The Cleanup Site is listed with Ecology, under the Cleanup Site ID 6950 and the name “Mobile Crane Co.” The Ecology website shows the proposed remediation was reviewed through Ecology’s Voluntary Cleanup Program.

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Seattle DCI also received comments from Washington State Department of Ecology (“Ecology”), describing requirements related to potential risk of exposure to lead and other hazardous materials during the demolition of existing structures. Mitigation of contamination and remediation is in the jurisdiction of 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.

Adherence to WAC, the applicable Ecology provisions, and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The letter from Ecology describes requirements related to Washington State Department of Ecology regulatory authority. The applicant has acknowledged compliance with those requirements in the SEPA checklist. The requirements 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 and drainage impacts 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

Some of the existing structures on site were constructed in 1946 and 1966 and are more than 50 years old. The structures are older wood frame storage and manufacturing buildings in poor condition and are unlikely to qualify for historic landmark status. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted for removal of the existing structures per SMC 25.05.675.H.

The project is also 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 Cultural Resources Monitoring and Inadvertent Discovery Plan and a Cultural Resource Investigation (both by Tetra Tech, dated January 2016). The Inadvertent Discovery Plan outlined a number of monitoring requirements that will be carried out during excavation activities.

Section A of Director's Rule 2-98 applies. The following conditions are warranted to mitigate impacts to potential historic resources, per SMC 25.05.675.H consistent with Section A 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 (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.

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

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David Landry, Land Use Planner _____ Date: June 16, 2016
Seattle Department of Construction and Inspections

DL:bg

Landry/3019691

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.