



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

**Record Number:** 3027104-LU  
**Applicant Name:** Adam Hutschreider with SHKS Architects  
**Address of Proposal:** 4500 West Marginal Way SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to expand an existing vehicle storage and maintenance facility and allow four new buildings (warehousing and vehicle wash). Outdoor storage is also proposed. (Seattle Public Utilities Drainage and Wastewater South Operations Center). Existing building to be remodeled and garage to be demolished. Surface parking for 112 vehicles proposed. Determination of Non-significance by Seattle Public Utilities.

The following approvals are required:

**Administrative Conditional Use pursuant to Seattle Municipal Code (SMC)  
23.50.014**

**SEPA** – for conditioning only pursuant to SMC 25.05.660

**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.

**Notice of Applicant and Public Comment:**

The public notice of application and comment period began October 23, 2017 and ended on November 6, 2017.

One commenter asked for improvements along West Marginal and the Duwamish trail. The writer asked to add trees/landscaping to improve the appearance of the space from the public right of way.

Another commenter asked for pedestrian and bicycle improvements where the Duwamish Trail crosses the site access drives and suggested the following: Provide clear site lines at site entry drives meeting City standards for sight triangle at east side of trail. Maintain the transparency of the fencing. Provide stop bar, stop sign and speed cushion on property side of trail crossing. Provide lighting on trail in balance with lighting of vehicle entry drive so that drivers can see pedestrians and bike riders. If there will be a security gate or security card access point requiring entering vehicles to stop, that point should be recessed onto the property to avoid the need for vehicles to block the trail while waiting for access. Improve the trail crossing at the railroad tracks

at north end of property. This is an extremely rutted track crossing, dangerous for people on bikes, and not in compliance with ADA. Plant/replace compatible street trees.

Both comments have been considered and are addressed by either the land use code development standards or Seattle's Department of Transportation (SDOT) design standards. Any changes to West Marginal Way SW would be required to meet SDOT design standards.

## SITE & VICINITY

Site Zone: General Industrial, IG1 U/85,  
Conservancy Recreation, CR Shoreline  
Environment

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

Lot Area: 261,361 SF

### Access:

Pedestrian and vehicle access is from W Marginal Way SW.

### Environmentally Critical Areas:

Riparian corridor, Liquefaction zone, Wildlife habitat.



## I. ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

### 23.50.014 Conditional Uses.

A. *Criteria for all conditional uses. All conditional uses are subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:*

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

The proposal relocates a portion of the existing nonconforming Vehicle Storage and Maintenance Facility use from the existing building (ID: A) to the Wash Rack (ID: E), a new structure on site (see submit plans).

The existing use has no history of being materially detrimental to the public's welfare or injurious to property's in the zone or vicinity. The proposed changes that relocations and moves the existing vehicle wash operations, currently located inside the Shoreline District, outside of the Shoreline District would help protect the adjacent shoreline and wetland and reduces the nonconforming Vehicle Storage and Maintenance Facility use on the site from 28,230 square feet to 27,094 square feet. Future trees provide screening of on-site structures from West Marginal Way.

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

The proposal reduces the nonconforming use area on site from 28,230 square feet to 27,094 square feet and relocates a portion of the nonconforming use outside the Shoreline District to help protect the adjacent shoreline and wetland.

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*

The proposal increases the landscaped area on site from 4,081 square feet to 13,584 square feet and adds 70 native trees to provide additional screening from West Marginal Way. Development standards insure the compatibility of the use with the surrounding area.

4. *The conditional use shall be denied if it is determined that the 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.*

The proposal reduces the area on the site used and relocates the vehicle wash use.

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

The proposal is consistent with recommendations of the Council-adopted Greater Duwamish Manufacturing and Industrial Center Plan.

*B. Administrative conditional uses. The following uses, identified as administrative conditions uses in Table A for 23.50.012, may be permitted by the Director if the provisions of the subsection 23.50.014.B. and subsection 23.50.014.A. are met.*

13. *A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors.*
  - a. *New uses shall be limited to those first permitted in the next more intensive zone;*
  - b. *The Director shall evaluate the relative impacts of size, parking, traffic, light, glare, noise, odor, and similar impacts of the two uses, and how these impacts could be mitigated;*
  - c. *The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.*

The proposal is a Vehicle Storage and Maintenance Facility that is permitted by administrative conditional use in the next more intensive zone and the subject zone. The relative impacts of size, parking, traffic, light, glare, noise, and odor are similar to the use impacts of the existing use. Current development standards mitigate any impacts for the use. The relocated use is no more detrimental to the property in the zone and vicinity than the existing use.

The new use does not convert the existing nonconforming use to a use not otherwise permitted in the zone. The proposal relocates a portion of the existing nonconforming use to a new structure on site.

## **CONCLUSION – ADMINISTRATIVE CONDITIONAL USE**

In conclusion, the proposal is not materially detrimental to the public welfare or injurious to the property in the zone or vicinity. The proposal is consistent with adopted municipal codes.

The use area on the site has been reduced and has been design to protect the shoreline and wetland. Landscaping areas and native trees have been provided. Screening and vehicular access controls insure compatibility of the use with the surrounding area. No mitigation or conditions are required under the administrative conditional use.

## **II. 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 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 Overview Policy states, in part, *“Where City regulations have been adopted to address 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 and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposal will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08)

### **Short-term Impacts**

The following temporary construction-related impacts are expected: increased noise during work hours from construction operations and equipment; minor increased traffic and parking demand from construction personnel; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). These are not significant impacts.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically, these are: 1) Grading Code (SMC 22.170) & the Stormwater Code (SMC 22.800) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

### Construction Noise

As construction proceeds, noise associated with construction activities at the site is anticipated to be minimal on the surrounding uses. The Noise Ordinance is found to adequately mitigate the potential noise impacts, subject to the following condition pursuant to the SEPA Overview Policy (SMC 25.05.665)

### Truck Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC 11.62. No further conditioning of traffic and transportation is warranted pursuant to SEPA policies.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Environmental Health

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992 \(Title X\)](#), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

### Historical Preservation

The proposal 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.

Since Seattle Public Utilities (SEPA Closeout Memorandum, August 29, 2017) information noted a probable presence of archaeologically significant resources on site, Section A of Director’s Rule 2-98 applies. The following conditions are warranted to mitigate impacts to potential historic resources, per SEPA Policies 25.05.675.H and Section A of Director’s Rule 2-98:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI 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 SDCI 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.

Plants and Animals

SDCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity. Local wildlife populations should benefit from the increased habitat and other vegetation being provide by the proposal. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

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.

Construction activities, primarily vehicular trips associated with the project 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.

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; 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, parking and traffic, and greenhouse gas emissions 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.

**CONCLUSION - SEPA**

In conclusion, several temporary adverse effects on the environment are anticipated resulting from the proposal. These impacts are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

**DECISION - SEPA**

This decision was made after review by the responsible SDCI official and lead for determining project conditions as may be required based on authority granted by SEPA. The completed environmental checklist and other information is on file with SDCI. This information 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 43.21C.030(2)(C).

**CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

*None.*

**CONDITIONS – SEPA**

Prior to Issuance of Master Use Permits

1. The owner and/or responsible parties shall provide SDCI 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 SDCI (Colin R. Vasquez, Senior Land Use Planner, 206-6845639 or [colin.vasquez@seattle.gov](mailto:colin.vasquez@seattle.gov)) 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.

Colin R. Vasquez, Senior Land Use Planner Date: August 9, 2018  
Seattle Department of Construction and Inspections

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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 SDCI 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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.