



ECONOMIC & COMMUNITY DEVELOPMENT

Kurt Hanson, Director

PLANNING SERVICES

Erin George, AICP, Current Planning Manager

Phone: 253-856-5454

Fax: 253-856-6454

220 Fourth Avenue S.
Kent, WA 98032-5895

ENVIRONMENTAL REVIEW REPORT

Decision Document

ALEXAN GATEWAY

ENV-2019-6/RPSW-2190374

Responsible Official: Erin George, AICP

Staff Contact: Jason Garnham, AICP

I. PROPOSAL

Trammel Crow Residential proposes to construct approximately 283 residential apartments in three separate four-story buildings with associated parking, landscaping, and amenities. The project site is located at the northeast corner of Veterans' Drive and Military Road and is comprised of seven parcels totaling approximately 6.64 acres in area. Three existing single-family residences will be demolished.

II. BACKGROUND INFORMATION

Compliance with Kent's Comprehensive Plan (Ordinance 4163), the Washington State Growth Management Act (GMA), The Local Project Review Act (ESHB 1724 and ESB 6094), Kent's Construction Standards (Ordinance 3944) and Concurrency Management (Chapter 12.11, Kent City Code) will require concurrent improvements or the execution of binding agreements by the Applicant/Owner with Kent to mitigate identified environmental impacts. These improvements and/or agreements may include improvements to roadways, intersections and intersection traffic signals, stormwater detention, treatment and conveyance, utilities, sanitary sewerage and domestic water systems. Compliance with Kent's Construction Standards may require the deeding/dedication of right-of-way for identified improvements. Compliance with Title 11.03 and 11.06 of the Kent City Code may require the conveyance of Sensitive Area Tracts to the City of Kent in order to preserve trees, regulate the location and density of development based upon known physical constraints such as steep and/or unstable slopes or proximity to lakes, or to maintain or enhance water quality. Compliance with the provisions of Chapter 6.12 of the Kent City Code may require provisions for mass transit adjacent to the site.

In addition to the above, Kent follows revisions to the Washington State Environmental Policy Act, Chapter 197-11 WAC (effective November 10, 1997), which implements ESHB 1724 and ESB 6094, and rules which took effect on May 10, 2014 in response to 2ESSB 6406 passed by the State Legislature in 2012.

III. ENVIRONMENTAL ELEMENTS

A. Earth

The subject site is characterized as rolling and moderately sloping, with slopes of up to 10-15% in localized areas. According to the Geotechnical Report submitted with the environmental checklist, soils at the project site are mapped as Everett very gravelly sandy loam and Alderwood gravelly sandy loam. There are no known unstable or seismic hazard soils at the project site. However, the geotechnical report states that site soils will be susceptible to erosion when exposed during development. The report also states that this erosion potential will be adequately mitigated with proper implementation and maintenance of Best Management Practices (BMPs) for erosion prevention and sedimentation control. Approximately 27,000 cubic yards of cut and 45,000 cubic yards of fill are anticipated to prepare the site for development. Approximately 80 percent of the site will be covered with impervious surface upon project completion.

The applicant is required to submit and receive approval of a Detailed Grading Plan and a Temporary Erosion / Sedimentation Control Plan meeting the requirements of the City of Kent Construction Standards and the City of Kent Surface Water Design Manual from the City for the entire development.

The applicant is required to submit and receive approval of a Stormwater Pollution Prevention Plan (SWPPP) from the City of Kent, prior to issuance of Civil Construction or clearing and grading approval. The SWPPP will meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP).

The applicant is required to obtain NPDES permit coverage letter from DOE under the Construction Stormwater General Permit. The Applicant will submit a copy of the coverage letter to City of Kent prior to issuance of civil construction or clearing and grading permits. The construction site shall meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP).

B. Air

Emissions typical of construction equipment may occur during construction. Equipment will be kept in good working condition to minimize air pollution. During periods of dry weather, watering down exposed soils, washing truck wheels before exiting the site and maintaining gravel construction entrances in accordance with the approved Temporary Erosion/Sedimentation Control Plan will keep dust particle emissions to a minimum. Following construction, emissions will be generated from residents' vehicles entering and leaving the site and from heating the building.

C. Water

There are no known surface water bodies on or near the site, which is not located within a floodplain. No groundwater withdrawals or wastewater discharges are proposed. According to the environmental checklist submitted by the applicant, the proposed development will create impervious surfaces over approximately 80 percent of the project site. Stormwater runoff from buildings and paved areas will be collected onsite for detention and treatment via a City-approved system prior to its release.

The proposed project will require Full drainage review. The applicant shall develop and submit drainage plans and a Technical Information Report as specified in the *2017 City of Kent Surface Water Design Manual* and the *2016 King County Surface Water Design Manual*. The site is located within a Conservation flow control area and an enhanced basic water quality area and will comply with the requirements for those specific areas.

Erosion and sediment control BMP's will be in place prior to and during construction to control and treat runoff from disturbed site areas. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented during construction to prevent and reduce any water quality impacts. The project will comply with conditions of the NPDES Construction Stormwater General Permit.

D. Plants

The project area is vegetated with a mix of shrubs, grasses, and deciduous and evergreen trees. Most of the existing vegetation will be removed during development. New landscaping incorporating a mix of trees, shrubs, and groundcover will be provided as part of the development in accordance with Kent City Code 15.07, the Midway Design Guidelines, and the 2009 City of Kent Design and Construction Standards. Both the Kent Planning Division and Development Engineering Division must approve these plans prior to, or in conjunction with, the approval of the Engineering Plans.

E. Animals

Birds and small mammals have been observed in the project area and are likely to use the site. While the site is located within the Pacific Flyway for migratory birds, as is most of the Puget Sound Region, no threatened or endangered species are known to use the site. Planting of vegetation as part of required landscaping will minimize the impacts to wildlife and their habitat from the proposed development.

F. Energy and Natural Resources

Electricity and natural gas will be used to meet the project's energy needs for lighting and heat.

G. Environmental Health

Some noise will occur during construction due to the use of construction equipment and machinery. Hours of construction and noise levels will comply with Kent City Code. Mufflers will be required on all vehicles with combustion engines. Following project completion, noise will be generated from vehicle traffic entering and exiting the site. Given the proximity of Veterans Drive and Military Road, arterial roadways, and Interstate Highway 5, a major high-speed road to the west, the new traffic noise generated will not be out of character with existing noise levels. However, existing noise levels from the Interstate Highway may adversely impact future residents of the proposed development. The applicant states in the environmental checklist that traffic noise will be mitigated through building design, which will meet the US Housing and Urban Development Noise Guidelines to attenuate interior noise to 45 decibels. Retention of several trees and the addition of landscape plantings along the eastern property line will provide additional noise buffering.

The project site is north of and across Veterans Drive from the site of the former Kent Highlands Landfill. Landfill gas mitigation measures may be required per King County Health Code 10.09.060. Kent Building Services is responsible for requiring these measures, which include installation of vapor barriers for enclosed structures. Submittal and City approval of a vapor intrusion study prepared by a qualified professional will be required prior to City issuance of a building permit for the proposed development, as conditioned. Any mitigation measures recommended by the vapor intrusion study shall be implemented during construction.

According to the Tacoma Smelter Plume searchable map found at: <https://fortress.wa.gov/ecy/smeltersearch/>, the site is shown to be in an area of potential arsenic contamination between 40.1 and 100 parts per million. Soil contamination from the former Asarco smelter in Tacoma poses a risk to human health and the environment. Written comments were received by City staff from Eva Barber of the Washington State Department of Ecology (DOE) in an email dated February 19, 2019, recommending sampling of onsite soils for arsenic and lead contamination and sending the results to DOE for review. If lead or arsenic are found at concentrations above the Model Toxics Control Act cleanup levels, DOE staff also recommend that the applicant develop a soil remediation plan, enter into a Voluntary Cleanup Program with DOE, notify persons who may be affected by the contamination in the future, minimize dust and water runoff from contaminated soils during construction, and isolate contaminated soils from future open spaces such as yards and play areas.

The applicant submitted an Environmental Site Assessment (ESA) prepared by Terracon Consultants, Inc and dated November 9, 2018, which identified the potential soil contamination and recommended

additional testing of soils on the site. The ESA also identifies the potential presence of undocumented underground heating oil tanks associated with former and existing residences on parcels 1522049059 and 1522049129. Additional investigation to further evaluate these conditions was also recommended.

The applicant subsequently submitted a Limited Site Investigation report (LSI) prepared by Terracon Consultants, Inc. and dated February 20, 2019, describing the methods and results of soil sampling on the project site. Concentrations of lead and arsenic were detected in surface soil samples collected from 44 locations throughout the site. Elevated concentrations of lead were detected in one soil sample and elevated concentrations of arsenic were detected in 18 soil samples. However, the report states that these detections were below the average elevated concentration levels established by DOE and do not exceed regulatory action levels, and the report indicates that additional investigation does not appear to be warranted. The LSI was reviewed by DOE staff, who agreed with its findings and determined that no remediation for Tacoma Smelter Plume contamination is needed for this project.

While the concentrations of lead and arsenic were found to be below the levels requiring regulatory action, there is a potential risk of exposure for workers on-site during construction. The Washington Department of Labor and Industries (LNI) has rules to protect workers from arsenic and lead. These rules apply to any workers exposed to soils within the Tacoma Smelter Plume. Condition 3 therefore requires the developer to notify contractors of the potential exposure to lead and arsenic and provide guidance for protective actions as required by the LNI. Residents of nearby properties may also be at risk from dust particles escaping the site during construction. The neighboring apartment complex to the east is occupied by many families with children, who are especially at risk for negative health effects resulting from exposure to contaminants. Regular watering of exposed soils and implementation of erosion control measures as required under the DoE construction stormwater general permit will minimize emission of dust particles from the site during construction and protect area residents from potential exposure to contaminants.

Terracon did not identify a release to the site from potential heating oil use or underground storage tanks. However, the report states that the potential exists for encountering underground storage tanks, associated piping, or petroleum-impacted soils in areas that were not investigated by the survey. Terracon recommends further assessment by a qualified consultant and remedial action if these conditions are found during construction. Condition 4 ensures that any petroleum contamination or related equipment encountered during construction will be evaluated and remediated accordingly.

H. Land and Shoreline Use

This site is not located within 200 feet of any waterbodies identified as shorelines in the Kent Shoreline Master Program. The zoning designation of the subject site is MCR, Midway Commercial Residential, and the Comprehensive Plan land use designation is TOC, Transit Oriented Community. Adjacent properties to the west, south, and east are also zoned MCR, while properties to the north are zoned SR-6, Single Family Residential. Adjacent land uses include single-family residences to the north, a residential apartment complex to the east, the vacant site of the former Kent Highlands Landfill to the south, and recreational vehicle and bakery retail businesses to the west. The State Route 509 project will involve a westward extension of Veterans Drive to be constructed by the Washington State Department of Transportation. In addition, a southward extension of Link Light Rail and construction of a high-capacity transit station at Highline Community College are planned by Sound Transit. The Transit Oriented Community land use designation and MCR zoning designation of the site were created to encourage redevelopment of properties in the area with high-density residential and commercial uses to support these public transportation infrastructure investments.

I. Aesthetics

The new buildings will be four stories tall and will have a height of approximately 45 feet. Building materials will be fiber cement lap siding, fiber cement panels, and wood lap siding. The project is within the Midway Subarea and is thus subject to Midway Design Review and the provisions of the Midway Design Guidelines, which are intended to facilitate high-quality projects near future high-capacity transit facilities. Setbacks and perimeter landscaping per Kent Zoning Code requirements and building design details required by the Midway Design Guidelines will minimize the aesthetic impacts from the building and associated parking and vehicle maneuvering areas. The applicant submitted a Midway Design Review application to the City on February 1, 2019. Views of Kent Valley and Mount Rainier are prominent from portions of the site. While the proposed buildings and site amenities may be configured to maximize enjoyment of these views by residents, the proposed development will not block known views of these landscape features from other nearby properties due to the situation of the project site atop the east-facing slope and the forested condition of the area.

J. Light and Glare

Parking lot lighting will be shielded to minimize glare onto neighboring properties and streets, while perimeter landscaping will further minimize impacts from these, and from vehicles maneuvering and parking on the site. A detailed lighting plan meeting the requirements in Kent's Design & Construction Standards and Midway Design Guidelines will be required prior to City issuance of a building permit for the project.

K. Recreation

Grandview Off-Leash Dog Park, a regional public recreation facility, is located approximately 600 feet northeast of the project site and within the City of SeaTac. Russell Woods Park, a City of Kent Parks and Recreation facility, and the Green River Trail, a paved regional multi-use path, are located approximately 2/3- mile east of the site. The proposed development may result in additional use of these park facilities but is not otherwise anticipated to directly impact them. Recreation facilities proposed as part of the residential development include a pool, a gym, a community clubhouse, a top-floor indoor/ outdoor party and recreation space, walking trails, and a children's playground for use by the building residents.

L. Historic and Cultural Preservation

The project area is not listed on a national, state, or local preservation register, and the applicant states in the environmental checklist that a letter was received from the Washington State Department of Archaeology and Historic Preservation determining that no historic resources are present on the site or will be affected by the proposed development. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation and the City should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.

M. Transportation

Access to the site will be from Veterans' Drive via a driveway located near the southeast portion of the site, and from Military Road via a driveway located in the northwest corner of the site. The Veterans' Drive access will be limited to right-in/ right-out vehicle turning movements to minimize vehicle conflicts and maintain traffic safety.

Neither street is fully constructed to current street standards. To mitigate for the localized transportation related impacts, the proposed project will be required to construct road frontage improvements in accordance with the requirements in the 2009 Kent Design and Construction Standards or as deemed appropriate by the Department of Public Works.

This proposed development will add an estimated 116 PM peak hour trips to the public street system, based on information provided by the applicant and from the Institute for Transportation Engineers Trip Generation Manuals for Land Use Code No. 223. To mitigate for these system wide transportation impacts, the project will be required to pay transportation impact fees for the new PM peak hour trips in accordance with Kent City Code 12.14.

The Washington State Legislature created the Commute Trip Reduction (CTR) Law in 1991 with the goals of reducing traffic congestion, air pollution and petroleum consumption. This law requires major employers to encourage their employees to use commute alternatives such as transit, carpools, bicycles, walking, compressed workweeks, telecommuting, and flexible work schedules to reduce drive alone commute trips during the peak congestion periods. The City addresses the transit alternative by requiring that the applicant accommodate the needs for transit as expressed by King County Metro Transit. The site is located approximately 800 feet from a public bus stop located on Military Road, within approximately 400 feet of a park-and-ride lot, and also within one mile of the proposed Sound Transit Link Light Rail Station with expected service beginning in the year 2024.

N. Public Services

The proposed development will result in an increased need for police, fire protection, and emergency medical service. The applicant will be required to pay fire impact fees to mitigate for additional demand for fire and life safety services created by this development. The project site is located within the Kent School District and is subject to the School Impact Fee requirements of Kent City Code 12.13.

O. Utilities

The site is located within a sanitary flow basin contributing to the existing Kent North Lift Station, to the northeast of the site near the Green River. At the time this lift station was designed in 2006, the site area was within a commercial zoning district (GC, General Commercial) and a per-acre calculation was used to estimate the sanitary flow rate of future commercial development. The subsequent Midway Subarea Plan re-designated the project site and vicinity as MCR, Midway Commercial Residential, which allows both commercial and multi-family residential development.

The Alexan Gateway project proposes 283 residential units to be constructed on site, which will result in an increased impact to the sanitary sewer system. A cost per flow rate was determined based on the total construction cost of the lift station and the design flow rate. This cost per flow rate was applied to the proposed site development to determine the cost of the difference in sanitary flow rate generated by the proposed development, resulting in a sewer impact fee of \$425 per unit. As conditioned, the developer shall pay this fee to the City of Kent prior to City issuance of building permit(s), or as otherwise approved by Kent Public Works.

The applicant is extending the public sanitary sewer to serve the subject development as required by the City of Kent Public Works Department. The public sanitary sewer will be sized to serve all off-site properties

within the same service area. Existing septic systems - if any - will be abandoned in accordance with King County Health Department Regulations.

Water service is provided by the Highline Water District and is available to serve this development. The applicant is extending the public water main as required by the Highline Water District to serve the subject development. The public water system shall be sized to serve all off-site properties within the same service area. Existing wells – if any - will be abandoned in accordance with the requirements of the Department of Ecology.

The site is currently served by all other public and private utilities required for this development, including natural gas, electricity, solid waste, telephone, and cable.

IV. SUMMARY AND RECOMMENDATION

- A. Per WAC 197-11-660 and RCW 43.21C.060, the City of Kent may establish conditions to mitigate any identified impacts associated with this proposal. The following supporting documents serve as possible bases for any conditions and mitigating measures:
1. City of Kent Comprehensive Plan, as prepared and adopted pursuant to the State Growth Management Act.
 2. The State Shoreline Management Act and the Kent Shoreline Master Program.
 3. Kent City Code Section 7.07, Surface Water and Drainage Code.
 4. City of Kent Transportation Plan, Green River Valley Transportation action plan and current Six-Year Transportation Improvement Plan.
 5. Kent City Code Section 7.09, Wastewater Facilities Plan.
 6. City of Kent Comprehensive Water Plan and Conservation Element.
 7. Kent City Code Section 6.02, Required Public Improvements.
 8. Kent City Code Section 6.07, Street Use Permit Requirements.
 9. Kent City Code Section 14.09, Flood Hazard Protection.
 10. Kent City Code Section 12.04, Subdivision Code.
 11. Kent City Code Section 12.05, Mobile Home Parks and Section 12.06, Recreation Vehicle Parks.
 12. Kent City Code Section 8.05, Noise Control.
 13. City of Kent International Building and Fire Codes.
 14. Kent City Code Section 15, Kent Zoning Code.
 15. Kent City Code Section 7.13, Water Shortage and Emergency Regulations, and Water Conservation Ordinance 2227.
 16. Kent City Code Section 6.03, Improvement Plan Approval and Inspection Fees.
 17. Kent City Code Section 7.05, Storm and Surface Water Drainage Utility.
 18. City of Kent Comprehensive Sewer Plan.

19. City of Kent Fire Master Plan.
20. Kent City Code Section 11.06, Critical Areas.
21. The City of Kent Midway Subarea Plan and the City of Kent Midway Design Guidelines.

B. It is recommended that a Mitigated Determination of Nonsignificance (MDNS) be issued for this project with the following Conditions:

1. The applicant shall provide a Vapor Intrusion Study to the City for review and approval. This study shall be signed by a Washington state licensed geologist or professional engineer and shall analyze potential vapor intrusion impacts from the former Kent Highlands Landfill located southeast of the subject site. This analysis shall include consideration of all buildings to be placed on site, along with recommendations for mitigation of these impacts, such as placement of vapor barriers for the potentially impacted buildings.
2. The applicant shall implement any vapor mitigation measures recommended by the Vapor Intrusion Study prior to issuance of building permits.
3. The developer shall notify contractors of the presence of lead and arsenic in site soils and provide guidance to protect workers from exposure to contaminated soils, as required by the Washington Department of Labor and Industries. This notice and related requirements shall be noted on construction plans prior to City issuance of a grading permit for this development.
4. If underground tanks or evidence of petroleum contamination is found during construction activity, then work in the affected area shall stop immediately and a site assessment by a qualified consultant shall be conducted and submitted to the Department of Ecology. If petroleum contamination is found on the site, then remedial action shall be undertaken as recommended. Review and approval of revised grading plans by City of Kent Planning and Development Engineering staff may be required.
5. The developer shall pay a sewer impact fee of approximately \$425 per unit to the City of Kent prior to City issuance of building permits for this development, or as otherwise approved by Kent Public Works.

KENT PLANNING SERVICES
June 28, 2019