



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: 3008672
Applicant Name: Valerie Quallis
Address of Proposal: 412 Broadway

SUMMARY OF PROPOSED ACTION

Land Use Application to allow excavation of 17,000 cubic yards of soil for remediation. Project includes demolition of four existing structures.

The following approval is required:

SEPA – Environmental Determination- Chapter 23.05 Seattle Municipal Code

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The subject site comprises four parcels containing 21,632 square feet (approximately one-half acre) at the southeast corner of Broadway and East Jefferson Street. Three multi-family dwelling units occupied the site containing a total of 14 dwelling units. At the corner of Broadway and E. Jefferson, a vacant commercial structure built in 1925 once served as gasoline service station and later as an automotive repair facility.

The corner parcel containing the commercial building is zoned Neighborhood Commercial Three with a 65 foot height limit (NC3-65). The three parcels to the south possess a Midrise (MR) zoning designation which allows for multi-family residential development. Zoning classifications to the north include NC3-85 and a Major Institutional Overlay with a 105 foot height limit for the Seattle University campus.

Proposal

The land use proposal consists of excavating approximately 17,500 cubic yards of contaminated and clean soil in order to prepare the site for future development. The consultant estimates that 2,500 cubic yards of contaminated soil will be removed from the subject property. In addition, the applicant proposes to remove 5,000 cubic yards of gray soil (soils that may contain petroleum hydrocarbons based on visual and olfactory evidence though the soil may contain petroleum hydrocarbons below laboratory detection limits) and 10,000 cubic yards of clean soil.

A maximum excavation of approximately 60 feet will be required along Broadway and East Jefferson St. The excavation will be undertaken in the northwest corner of the site and will extend approximately 110 feet to the east along E. Jefferson St. and 135 feet to the south along Broadway. Temporary shoring will be needed along the property lines to support the adjacent property and streets.

Four underground storage tanks (USTs) below the corner parcel and a single 300 gallon tank east of the residence at 420 Broadway were removed by the previous site owners in February 2006. The remedial excavation extended to a depth of 18-21 feet below grade in the northwest corner of the northern most parcel. Follow-up investigations indicated that a deeper zone of petroleum hydrocarbon impact had occurred, which appears to be related to migration and redeposition of petroleum hydrocarbons directly above the water table at a depth ranging from approximately 35 to 45 feet below ground surface (bgs) under the building at 426 Broadway and beneath the structure at 420 Broadway.

Public Comment:

No comment letters were received from the public during the comment period, which ended on July 16, 2008.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant 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) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, 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 (SMC 25.05.665) mitigation can be considered.

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, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several excavation-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Air Quality

Demolition and excavation activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

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. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Noise

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department’s conclusion that limiting hours of excavation beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit excavation activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Grading

The maximum depth of the excavation is approximately 60 feet and will consist of approximately 17,500 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. 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 minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Approximately 17,500 cubic yards of soil are expected to be excavated from the project site. The soil removed for excavation will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 1,750 round trips with 10-yard hauling trucks or 875 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM. Truck access to and from the site has been documented in a construction traffic management plan submitted to DPD and SDOT. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Long-term Impacts

Long-term or use-related impacts are anticipated from the proposal include loss of vegetation and the demolition of an older commercial structure built in 1925.

Construction impacts including 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 increase 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.

These long-term impacts are not considered significant because the impacts are minor in scope.

Historic Preservation

The commercial structure and three multi-family buildings that currently occupy the corner site exceed 50 years, warranting review for historic and architectural significance. Based on an analysis of the buildings proposed to be demolished, the Department of Neighborhoods' review states that the existing buildings do not meet the standards for designation as an individual landmark.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which 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 official on behalf of DPD as the lead agency of the 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.

- [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).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

Prior to Issuance of a Demolition, Grading, or Building Permit

1. Attach a copy of the PSCAA demolition permit to the demolition application permit or set of plans.
2. The submitted construction traffic management plan shall be approved by SDOT (previously approved and modified by DPD). Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 4:00 and 6:00 p.m.

During Excavation

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. In order to further mitigate the noise impacts during excavation, the owner(s) and/or responsible party(s) shall limit the hours of excavation to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature after approval from the Land Use Planner.

Signature: (signature on file)
Bruce Philip Rips, Senior Land Use Planner
Department of Planning and Development

Date: August 25, 2008