



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: 3009160
Applicant Name: Pamela Morrill CDM Inc.
Address of Proposal: 513 Queen Anne Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 1,000 cubic yards of grading (500 cu. Yard. of soil to be removed, 500 cu. yard of soil replaced).

The following approval is required:

SEPA - Environmental Determination – SMC Chapter 25.05,

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS
[X] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

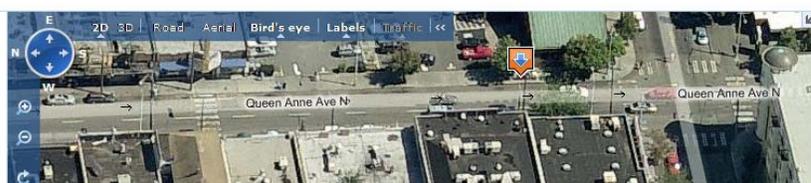
BACKGROUND DATA

Site and Vicinity Description

The site is located in the Uptown Urban Center in a parking area at the rear of a commercial building. The site is zoned Neighborhood Commercial Three with a pedestrian overlay and 40 foot height limit (NC3P-40). Across the alley to the west of the site is a recently constructed 3 story mixed use development with a grocery store and condominiums on the upper stories.

Proposal

The proposal involves excavation of an area of contaminated soil at the rear of the site to a depth of 15-20 feet (approximately 500 cubic yards of soil) to remove soils containing petroleum hydrocarbon concentrations in accordance with Model Toxics Control Act (MTCA) Method B Cleanup Levels. The removed soils will be taken to an approved off-site disposal facility and the excavations backfilled with clean imported structural fill. The asphalt pavement will be restored at the completion of the project.



SITE

Public Comment

No comments were received during the comment period, which ended on June 18, 2008.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 6, 2008, a Contamination Assessment prepared by CDM dated February 10, 2006 and a geotechnical memo by CDM dated August 12, 2008. The information in the checklist, public comment, reports, and the experience of the lead agency with 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, 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 D1-7) mitigation can be considered, thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Air Quality

During construction, dust resulting from demolition, excavation, and grading would contribute to concentrations of suspended particulate matter. The construction contractor would have to comply with the Puget Sound Air Pollution Control Agency's Regulation 9.15, which requires that reasonable precautions be taken to avoid dust emissions. This may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and covering dusty truck loads.

Construction would require the use of trucks and equipment such as excavators. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality, but

the amount of emissions caused by the construction equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area.

Construction activities including construction worker commutes, truck trips, and the operation of construction equipment and machinery 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Construction Noise

Most of the construction activity, including excavation and grading, will involve loud equipment and activities. This construction activity will have an adverse impact on the nearby residences. Because of the close proximity of the nearby residences, the Department finds that the limitation of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m.

Environmental Health

The cleanup on this site was prompted by the discovery of petroleum hydrocarbon contaminated soils during construction of the mixed use project directly west across the alley. Consultants on that project determined that the contamination had flowed from the east, leading the owners of this site to conduct borings and install monitoring wells to identify the nature and extent of contamination on this site. That investigation revealed soil contamination at levels above the thresholds that required remediation under the Model Toxics Control Act (MTCA, WAC 173-340 administered by the Department of Ecology). The consultant, CDM, has reported these results to the Department of Ecology in accordance with MTCA requirements.

The current action, excavating contaminated soils until concentrations of contaminants below MTCA thresholds are reached and then backfilling with clean soil, is designed to remediate the on-site contamination. The site will be regraded to smooth the slope upwards from the alley and repaved with asphalt.

Contaminated Soil Transport

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 to minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of limited duration and mitigated by enforcement of SMC 11.62. Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction.

Long-term Impacts

Long-term or use related impacts are not anticipated from the proposal since the use will continue to be accessory parking for the on-site businesses.

DECISION

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).

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following conditions 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 waterproofing material and shall remain posted on-site for the duration of the construction.

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, and deliveries) shall be limited to non-holiday weekdays from 7am to 6pm. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Compliance with the condition must be verified and approved by the Land Use Planner assigned to this project at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of a field inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a filed verification to ensure that compliance has been achieved.

Signature: _____ (signature on file) Date: September 29, 2008
Cheryl Waldman, Land Use Planner IV
Department of Planning and Development

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