



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND SUBSTANTIVE CONDITIONING OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

DPD Application Number: 3011662
Applicant Name: Christine Woelfel
Address of Proposal: 10735 Stone Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new Public Facility (storm-water detention facility) consisting of a 3 million gallon capacity above grade open storm-water treatment volume. Project includes 36,500 cubic yards of grading and demolition of five (5) buildings comprising 35,400 sq. ft. Determination of Non-Significance issued by Seattle Public Utilities¹.

The following approval is required:

SEPA – [Chapter 25.05](#) Seattle Municipal Code (substantive conditioning)¹

- SEPA DETERMINATION** Exempt DNS MDNS EIS
- DNS with conditions
- DNS with conditions involving non-exempt grading or demolition or involving another agency with jurisdiction.¹

¹ DNS published by SPU on 11/4/2010.

BACKGROUND, SITE AND PROPOSAL

SPU proposes an at grade open detention water quality treatment facility in the Northwest Neighborhood. The site locates midblock between N 107th St, N 110th St, Midvale Ave N and Stone Ave N. SPU purchased the property in order to create the facility, with the purpose of reducing flooding in the immediate area, which affects many properties in the area bound by Aurora Ave N, N 110th St, N Northgate Way and Stone Ave N.

The 1.8 acre site and associated development is proposed to collect storm water runoff from a 1,120 acre basin which flows in an existing storm drain adjacent to the site and currently overflows during storm events. SPU proposes to demolish the existing structures on site, remove the existing pavement and excavate 7' to 12' down, the area of which would temporarily fill during storm events. The facility would include a year round pond 3'-5' ft deep holding 0.8 million gallons that would treat storm-water runoff.

The facility is proposed to temporarily hold 2.7 million gallons of storm water up to an additional 7-ft of water during severe storms.

Landscaping would be provided meeting Green Factor requirements of the Land Use Code (SMC 23.47A.016-A) well beyond code requirements. Landscaping would consist of a mix of shrubs, grasses, bushes and trees layered in a fashion to form a natural barrier from the year round pond level. Landscaping design would not block clear site lines into the facility. 600' of new sidewalk, curb and planting strip are to be provided on both abutting rights of way, Stone Ave N and Midvale Ave N.

Infrastructure improvements are also included in the proposal with 300' of new storm drain pipes and water vaults. Fencing, lighting and a site crossing pedestrian walkway (along north property line of site) are planned for the project. Details for these elements are still being developed. Conditioning at the end of this decision provides a requirement for more detailed plans during review of the construction permit, the SEPA analysis below provides further information.



Public Comment

The DPD comment period for this proposal ended on March 9th, 2011. During the public comment period, DPD received three public comment letters regarding the proposed project which represents many businesses and property owners in the area. Comments are summarized as follows:

- Fencing should be applied around the pond area
- Lighting should be placed around the site at many locations (not just on street light poles)
- Landscaping should not preclude views into the site
- Open areas in this area of town are prone to criminal activity
- The site should be fenced with a strong 8' cyclone fence (with color for visual appeal)
- Lighting on the eastside should be directed away from the residential zoning and uses to the east
- Use evergreen trees not deciduous

Design Commission Review

The Design Commission has reviewed the application and approved the concept design for the proposal with a vote of 7-0 on 8/19/11. The Design Commission does not require the proposal to return for further approvals unless the project design changes to such extent warranting additional review.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), [WAC 197-11](#), and Seattle's SEPA Ordinance ([Seattle Municipal Code Chapter 25.05](#)).

Disclosure of the potential impacts from this project is made in the environmental checklist submitted by the applicant dated November 4th, 2010. DPD has analyzed the environmental checklist, reviewed the project plans and the supporting information in the file and referenced by SPU. As indicated in the information, this action may result some impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Appropriate conditioning will also mitigate possible impacts. A discussion of these impacts, short and long term, is warranted.

Short - Term Impacts

Construction Impacts

Construction activities (grading) for the project could result in the following adverse impacts: construction dust, 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. Several constructions related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Grading and Drainage Code; Noise Ordinance; Environmentally Critical Areas Ordinance, Land Use Code and Building Code. Following is an analysis of the applicable SEPA policies.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation.

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.

An issue not always required to be mitigated in other City Code requirements is dirt/dust created by excavation materials onto the adjacent street system. Considering the 35,400 cubic yards grading proposed in concert with the fact that trucks will be maneuvering near or on the site and in the area for a substantial duration during construction. SEPA conditioning is warranted to mitigate the impact of dust particulates in the air: Repeated wetting of the soils during grading activities and in uncovered trucks to keep dirt and dust impacts to a minimum and in the surrounding street system by requiring wheel washing facilities for trucks leaving the site (conditions #1 and #2).

Construction is 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](#)).

Construction Noise

Noise associated with excavation could adversely affect surrounding properties in the area, which include residential uses. Due to the proximity of the project site to residential uses to the east, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), conditioning is warranted (condition #3).

The hours of all work should be limited to between 7:00 AM and 6:00 PM on weekdays to mitigate noise impacts and as stated in the SEPA checklist for proposed work hours. Emergency work may be allowed if prior approval is secured from the undersigned Land Use Planner or DPD's noise abatement team.

Emergency work hours are limited to emergency construction necessitated by safety concerns, project complication, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited alternate work hours will be considered only when the contractor provides three (3) days prior notice to allow DPD to evaluate the request. DPD will require an email be sent to the project's email list to inform surrounding residents of the construction work.

Construction Vehicles

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, no conditioning is necessary from DPD.

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 en route to or from a site.

Long - Term Impacts

The following long-term or use-related impacts, slight increase in demand on public services and utilities; and increased energy consumption are not considered adverse; furthermore, other City Departments will review in detail the service requirements needed to meet the project impacts/demand.

Environmentally Critical Areas (ECA)

Contained in the development area is one mapped ECA: Flood Prone. This is not an ECA that requires SEPA mitigation pursuant to SMC 25.09.908, although DPD did have the proposal reviewed for compliance with the Flood Plain Ordinance and it was determined to be consistent with the code. The very reason for the project is to reduce flooding in the area. No further analysis is necessary.

Air Quality and Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in small 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 small contribution of greenhouse gas emissions from this project due to its function and nature.

SPU executed two Environmental Site Assessments (ESA) for the site. The reports found that underground fuel tanks are present at the site, although the 2nd ESA shows that of 12 soil samples taken and no exceedances of the Model Toxic Control Act were detected in any samples tested. Two test sites had detectable levels of petroleum carbons. As a result no SEPA conditioning is necessary.

SPU is required to submit the proper paperwork and notification to Puget Sound Clean Air Agency in order to mitigate for any Asbestos Abatement and Notice of Demolition. As a result no SEPA conditioning is necessary; it is a code requirement of the project.

Historic Preservation

As cited in the SEPA checklist, review under information from the Office of Archaeology and Historic Preservation demonstrated there are no indications of eligible historic resources or any known archeological sites in the vicinity of the proposal. As a result, no conditioning is necessary or required for Historic and Cultural Preservation impacts.

Public Services and Facilities

Public comments summarized above were aimed at two safety concerns: controlled access (fencing) and provisions for comprehensive lighting of the site at appropriate times. Public comment shows that there is criminal activity in the area and if not properly controlled for with fencing and lighting, the site could foster criminal activity. The Master Use Permit plans are preliminary and do not include details for fencing or lighting at this time as SPU is still determining the appropriate measures to meet the community needs.

As a result, conditioning is warranted to ensure the building permit documents include fencing and lighting plans. The lighting proposed must provide ample light from dusk to dawn in order to illuminate the entire site to a level that will discourage criminal activity. Fencing should be provided as appropriate.

In the latest discussion with SPU, larger fencing (cyclone or wrought iron) is to be placed along the western property line facing commercial uses with a pedestrian access gate which will not be open at the initial opening of the facility. On the east property line, which faces residential uses, SPU proposes to have no fencing or possibly a less harsh wood split rail or lower wrought iron fencing to respond to the residential character of that side. The current plan includes a pedestrian path and access through the site which is proposed along northern property line, allowing a future east/west connection through the site. The path will not be open initially to access from the west side; a lockable gate will be added. SPU may open the gate at a later date to allow access through the site depending on future needs and community input. SPU has another public meeting on this issue set for 6/1/2011.

Conditioning is warranted to ensure that SPU will change fencing, access and or lighting after the project is constructed and the permits are finalized, if police reports and public comments from neighbors on criminal activity warrant such a change.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the conditions stated below and analyzed above, the project will be compliant with SEPA policies.

Existing codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy ([SMC 25.05.665](#)).

DECISION – SEPA SUBSTANTIVE CONDITIONING

This review was made after review by the responsible official for the lead agency (SPU) of the completed environmental checklist and DNS. This constitutes the exercised authority of DPD to review SPU's DNS for substantive conditioning authority pursuant to SEPA Policies.

CONDITIONS – SEPA

Prior to Submittal of the Building Permit

1. Include lighting and fencing plan details as part of the building permit application that comply with the SEPA analysis above under “Public Services and Facilities” above.

For Life of the Project

2. SPU will change fencing, access and or lighting after the project is constructed and the permits are finalized, if police reports and public comments from neighbors on criminal activity or lack thereof warrant such a change.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting 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. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building/grading 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.

3. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.
4. Construction vehicles leaving the construction site shall make provisions to wash vehicle tires, wheels and exteriors in order to prevent spillover of particulates into the adjacent rights of way.
5. The contractor and any responsible party shall limit the hours of all work to between 7:00 AM and 6:00 PM on weekdays to mitigate noise impacts. Emergency work may be allowed as detailed below.

Alternate work hours if allowed will be limited to emergency construction necessitated by safety concerns, project complication, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited alternate work hours will be considered only when the contractor provides three (3) days prior notice to allow DPD to evaluate the request to the undersigned Planner or Noise Abatement Team (Land Use Planner (Lucas DeHerrera 206.615.0724) or the Noise Abatement Team (David George 206.684.7843 or Jeff Stalter 206.615.1760)). DPD will require an email be sent to the project's email list to inform surrounding residents of the construction work and may require further mitigation.

