



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3011676, 3012625 and 3012626

Applicant Name: Laurie Geissinger

Addresses of Proposal: 1250 Denny Way
121 Pontius Ave N
145 Yale Ave N

SUMMARY OF PROPOSED ACTION

MUP No. 3011676 — Land Use Application to demolish existing building and grade 65,800 cu. yds. of material (20,000 cu. yds. of contaminated soil to be disposed of off-site with 45,800 cu. yds. clean soil to be stored on 121 Pontius Ave N). Environmental review includes future replacement of the 45,800 cu. yds. along with an additional 18,000 cu. yds. of material.

MUP No. 3012625 — Land Use Application to allow 45,800 cu. yds of grading (soil stockpiling) and temporary construction staging area.

MUP No. 3012626 — Land Use Application to allow a temporary construction staging area.

This analysis and decision covers all three related applications.

The following approval is required:

SEPA – for conditioning only.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions¹

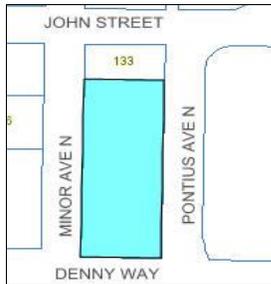
DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

¹ A Determination of non-significance has been prepared by Seattle City Light, issued September 19, 2011.

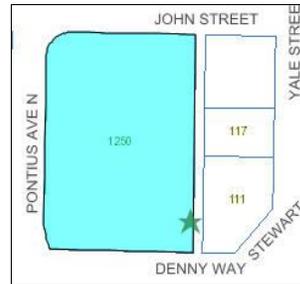
BACKGROUND DATA

Site Location and Zoning

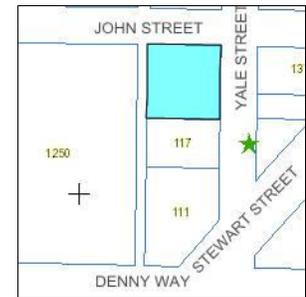
The project sites are located in the South Lake Union neighborhood within an area bounded by John St on the north, Denny Way on the south, Minor Ave N on the west and Yale St on the east. The three sites are identified as Site A, Site B, and Site C, as depicted on the maps, below.



Site A (MUP 3012625)



Site B (MUP 3011676)



Site C (MUP 3012626)

All of the sites are also located within the South Lake Union urban center and are zoned Seattle Mixed (SM-125') with a 125' height limit. None of the parcels include mapped or observed environmentally critical areas on the site.

Site areas and Existing Uses/Conditions

Site A is a surface parking lot approximately 0.82 acres in size, which will be used as a construction staging area and stockpiling area.

Site B is a former Greyhound bus maintenance facility — used for more than 60 years — approximately 2.09 acres in size, including portions the public rights-of-way adds 0.33 acres. Historical operations included fueling, parts washing, vehicle maintenance, vehicle washing, painting, and paint removal. As a result, significant amounts of chemicals were released into the ground below the property. Underground storage tanks (USTs) and their associated piping for dispensers containing diesel and gasoline, a grease rack, and waste oil are the likely source of the contamination.

Site C is a surface parking lot approximately 0.33 acres in size, which will be used as a construction staging area and construction worker parking.

Parcel Identification Nos. (PINs): 2468400075, 6849700005, and 6849700085, respectively.

Project Description

Seattle City Light (SCL) is proposing to redevelop the site A and B in the future for an electrical substation that will serve the South Lake Union neighborhood. The redevelopment will consist of two phases, the first of which will be an independent environmental cleanup of the existing soil due to contamination from prior use of the site for bus maintenance. The contamination is located within site B property limits and beyond, extending in John St and Pontius Ave N. This analysis and decision pertains to the environmental cleanup.

The environmental cleanup (contaminated soil cleanup) involves demolishing the existing 42,765 square foot former Greyhound Maintenance Building and the associated site features within the property boundary, as well as removing areas of asphalt roadway and concrete walkways in John St and Pontius Ave N. Once demolition is complete, a shoring wall will be installed around the contaminated soils. The soil will be excavated to depths shown on the permit drawing. After excavation, the site will be backfilled with clean excavated materials and clean imported fill to match existing elevations at the property boundary and right-of-way limits. A stormwater detention system will be installed and connected to the public combined sewer line in Pontius Ave N. The final site condition this phase will be a fenced gravel lot.

Activities that can be expected to occur within the construction staging areas include, but are not limited to the following:

- Installation of solid construction walls, fencing, and security lighting,
- Demolition of existing structures,
- Soil nailing and retaining walls,
- Grading and/or fill,
- Utility capping, relocations or disruptions,
- Installation of gravel or paved surfaces,
- Collection, storage, treatment, and discharge of construction water and/or ground water,
- Delivery and storage of construction materials and equipment,
- Access, egress, and storage of various types and sizes of vehicles,
- Temporary construction contractor trailers/offices,
- Installation of soldier piles/retaining walls,
- Changes to site egress and ingress,
- Temporary road, sidewalk or lane closures,
- Truck wheel washing facilities,
- Conveyor systems for excavation site materials,
- Temporary storage areas for excavated site materials,
- Removal of excavated site materials, and
- Final site restoration and landscaping.

The following equipment is likely to be utilized at the site:

Excavators, cranes, backhoes, front end loaders, pavement breakers, auger drills, dump trucks, concrete trucks and mixers/pumpers, delivery trucks; and compressors, pumps, blowers, and fans.

All activities and equipment that generate noise are subject to the City of Seattle Noise Control Ordinance (SMC 25.08).

The contractor will determine the most efficient layout for staging area access and will be responsible for obtaining approval for site access from SDOT.

Notice and Comment Period

Notice of the application was published on November 3, 2011. The required public comment period ended on November 16, 2011. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000².

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in a draft environmental checklist submitted by the applicant, dated July 26, 2011 and annotated by the Land Use Planner. A final environmental checklist was issued September 19, 2011. The information in the checklist, 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

The following temporary construction-related impacts are expected: temporary soils erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; 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](#)). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

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 and Drainage Control Ordinance, 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).

² <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

Drainage and Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cu. yds. of material. The current proposal involves grading of more than 100 cu. yds. of material, and the applicant has prepared a geotechnical report for the site. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to issuance of any required building permits or demolition permits.

Air Quality

Given the age of the existing structure on site, it may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections [25.05.675 A](#) and [F](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the project’s anticipated adverse air impacts will be adequately mitigated. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Filing of a Notice of Intent to that agency will alert them of the development proposal and help insure air quality impacts during demolition and construction are controlled. To insure this outcome SEPA Construction Impacts authority will be imposed to require the owner or developer of the proposed project to file a Notice of Intent with the PSCAA prior to beginning any work on the site.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000. The applicant has received Wastewater Discharge Authorization from King County under Authorization No.334-05.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496. For this project, the applicant has indicated there are no suitable facilities for disposal within King County, and the contaminated soils will be taken to an approved facility outside King County.

Existing regulations adequately address potential impacts to environmental health. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at site could adversely affect the surrounding residential/commercial uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found 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](#)), mitigation is warranted.

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 AM to 7 PM. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 AM and 7 PM once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the **Noise Abatement Coordinators** (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Street and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

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](#). This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/fill material, with each truck holding approximately 20 cu. yds. of material, thus requiring approximately 1,900 truckloads (3,800 trips)³.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

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 en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Parking

Offsite parking in the vicinity of the site is constrained by daytime/nighttime uses and the busy arterials. On-street parking is currently well utilized, but does not appear to be saturated during nighttime hours. For surrounding uses, daytime on-site parking appears to be generally available, for a fee.

Off-site construction parking is not likely to occur on-street during early phase of demolition and excavation because construction related parking will be available on Sites A and C within the project boundaries. However, due to temporary closure of a portion of Pontius Ave. North and John St. during construction, some on-street parking will be temporarily unavailable. This construction-related impact is likely to be relatively minor and of short duration. DPD therefore determines that no further mitigation is warranted in this regard.

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.

³ Currently estimated at 20,000 cu. yds. of exported materials and 18,000 cu. yds. of imported materials.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of short-term impacts and no further conditioning is warranted by SEPA policies.

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.

Land Use

The temporary staging area uses would displace the use of the development site for surface vehicle parking. However, because this existing parking is not required by the Land Use code no mitigation is warranted pursuant to SEPA policy.

Historic Preservation

Background information related to existing structure on the site indicate that the existing structure on the site would not likely to qualify as a landmark. Staff at the Department of Neighborhood concurs with this assessment. No mitigation is necessary pursuant to [SMC 25.05.675 H](#).

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 DPD 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 DPD. 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 – SEPA

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.

The owner(s) and/or responsible party(s) shall:

During Demolition, Grading, or Building Permit

1. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 4:00 and 6:00 p.m.
2. All construction activities are subject to the limitations of the Noise Ordinance⁴. Construction activities shall be limited to non-holiday weekdays between the hours of 7:00 am and 7:00 pm. Interior work that involves noisy construction equipment, including compressors, may be allowed on Saturdays between 9:00 am and 7:00 pm, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restriction may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours are weekend days must be submitted to **Noise Abatement Coordinators** — David George david.george@seattle.gov (206) 684-7843 or Jeff Stalter jeff.stalter@seattle.gov (206) 615-1760 — at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

During Demolition, Grading, or Building Permit

3. Construction traffic truck routes within the City shall be subject to review and approval by the Seattle Department of Transportation (SDOT). Please contact Don Smith (SDOT Commercial Vehicle Enforcement & Traffic Permits) @ 206-684-5125 for specific requirements.

Signature: _____ (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: February 9, 2012

⁴ Including but not limited to demolition, grading, deliveries, framing roofing, and painting.