



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 Number: 3012634
Applicant Name: John Sandhop
Address of Proposal: 1013 NE 45th St

SUMMARY OF PROPOSED ACTION

Land Use Application to remove three 10,000 gallon underground fuel tanks and replace with two 12,000 gallon tanks. Review includes 1,068 cubic yards of grading (534 cu. yds. cut; 534 cu.yds. of fill). (Shell Gas Station).

The following approval is required:

SEPA – Environmental Determination — pursuant to Seattle Municipal Code 23.05

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

BACKGROUND DATA

The subject site is located at the southwest corner of 11th Ave NE and NE 45th St. An alley borders the site to the west. The 19,121 SF rectangular shaped site is comprised of several lots, containing a convenience store building, cover pump island, and carwash; with 185 feet of frontage on 11th Ave NE and 103 feet along NE 45th St. No portion of the site is designated as an Environmentally Critical Area on City maps.

The site is located within the NE 45 Station Area District, zoned Neighborhood Commercial 3 – 85 with an Urban Village Overlay.



Thus, the proposal is subject to use and development standards of the underlying zone: Neighborhood Commercial 3 – 85.

Proposal

The land use proposal consists of removing three 10,000 gallon underground storage tanks (USTs). Excavation of approximately 534 cubic yards of soil to prepare the site for future installation of two 12,000 gallon underground storage tanks (USTs). The applicant estimates that 534 cubic yards of soil will be removed from the subject property and approximately 534 cubic yards of soil will be used to re-grade the site. The excavation area is focused in the northern area of the site.

The north-south 30 feet by east-west 43 feet excavation area is north of the pump island canopy. The remedial excavation will extend to an approximate depth of 12 feet below grade. The excavated soil will be hauled off site and disposed of at a disposal facility. Imported clean soil will be used to backfill the excavation to a depth of 12 feet.

Notice and Comment Period

Notice of the application was published on August 25, 2011. The required public comment period ended on September 19, 2011. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated July 20, 2011 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.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

Air Quality

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.

Grading

The maximum depth of the excavation is approximately 12 feet and will consist of approximately 534 cubic yards of exported materials and approximately 534 cubic yards of imported materials. 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. 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 107 round trips with 10-yard hauling trucks or 54 round trips with 20-yard hauling trucks. Considering the volume 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. 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.

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.

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).

SEPA CONDITIONS

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.

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. In order to further mitigate the noise impacts during excavation, the owner(s) and/or responsible party(s) shall limit the hour 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. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

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

Date: October 10, 2011