



City of Seattle

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**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:** 3013392  
**Applicant Name:** John Kane with Kane Environmental, Inc.  
**Address of Proposal:** 2418 Northeast 75<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow grading of 5,000 cu. yds. of material for soil remediation which includes the removal and replacement of 2,500 cu. yds. of soil. Project also includes installation of an underground hydraulic barrier wall 133 linear feet.\*

\*Note – The project description has been revised from the following original notice of application: Land Use Application to allow grading of 5,000 cu. yds. of material for soil remediation which includes the removal and replacement of 2,500 cu. yds. of soil. Project also includes installation of an underground hydraulic barrier wall 120 linear feet.

The following approvals are required:

**SEPA - Environmental Determination** (Seattle Municipal Code Chapter 25.05).

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

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

This approximately 9,440 square foot (sq. ft.) proposal site is a corner lot bounded by Northeast 75<sup>th</sup> Street to the south, 25<sup>th</sup> Avenue Northeast to the east and residentially-zoned properties to the north and west. This site is zoned Neighborhood Commercial 1 (NC1-30) located in the Northeast neighborhood. No development exists on the site. However, this site has been identified as having petroleum-contaminated soils resulting from past usage of the site as an auto repair garage and gas station.

Vehicular access is via existing curb cuts along both Northeast 75<sup>th</sup> Street and 25<sup>th</sup> Avenue Northeast. Both streets are improved with curbs, sidewalks and gutters. North 75<sup>th</sup> Street and 25<sup>th</sup> Avenue Northeast are classified as arterial streets, pursuant to SMC Chapter 23.53.

The topography of the property is relatively level with minimal existing vegetation. The entire site is identified as Environmentally Critical Area (ECA)-Liquefaction-Prone and Peat Settlement-Prone.

Surrounding property north and west of the proposal site is zoned as Single Family 5000 (SF 5000). NC1-30 zoning is south and east of the subject property. Existing development in the vicinity of the proposal consists of a retail business to the east; gas station with a convenience store and an apartment building to the south; and a variety of single family residences to the north, west and south varying in age and architectural style.

### Proposal Description

The proposed project is a soil remediation proposal comprised of the following actions:

- Grading of a total of approximately 5,000 cubic yards (cu. yds.) consisting of the removal of 2,500 cu. yds. of contaminated soil and the backfill of 2,500 cu. yds. of non-contaminated soil at the subject site.
- Installation of an underground hydraulic barrier wall (gravity wall) measured 133 linear feet in length and 25 feet (ft.) in depth; with 97 ft. extending along the site's eastern boundary line and wrapping the site's southeasterly corner to extend the remaining 36 ft. along the site's southern boundary line.
- Site dewatering to remove contaminated groundwater.

The gravity wall will be constructed by a slurry trenching method at the project site. After the gravity wall is installed, the contaminated soil will be excavated, placed directly in trucks and hauled offsite to an approved disposal facility. Contaminated groundwater will be pumped into a portable temporary holding tank, treated onsite, and then removed in compliance with the City of Seattle and King County water discharge requirements. Imported clean structural fill will be used to backfill the excavation on the property.

The applicant is participating in the Department of Ecology's (DOE) voluntary clean-up program and the project will be required to comply with requirements of the State of Washington's Model Toxic Clean-up Act.

### Public Comments

The required public comment period for this project ended June 27, 2012. At the request of the Department of Ecology (DOE), the public comment period was extended from its original date to end on July 5, 2012. DPD received no additional written comments regarding this proposal during the public comment period.

## SEPA ANALYSIS

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 12, 2012. The information in the checklist, supplemental information 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 the City's codes, policies and environmental review. 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. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

### Short - term Impacts

The following temporary or construction-related activities on this site 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, increased consumption of renewable and non-renewable resources, and a small increase in traffic and parking impacts due to construction-related vehicles.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Code, the Grading Code, the Street Use Ordinance, and the Building Code. Compliance with these and other applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. Further discussion of short-term construction related impacts follows.

### Noise

This corner site abuts two arterials-Northeast 75<sup>th</sup> Street and 25<sup>th</sup> Avenue Northeast. Residential properties are situated south, north and west of the project site. The applicant asserts on the SEPA checklist that short-term construction noise will occur during the hours of 7:00 a.m. to 4:00 p.m.

Short-term noise and vibration from equipment, grading and construction activity (e.g., backhoes, trucks, concrete mixers, generators, pneumatic hand tools, engine noise, back-up alarms, etc.); and construction vehicles entering and exiting the site are expected to occur as a result of construction and construction-related traffic. Compliance with the Noise Ordinance (SMC 25.08) is required.

It is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary for this soil remediation project on this specific site. No further conditioning or mitigation is warranted.

### Air Quality

This proposal will result in localized short-term increases in air particulates and carbon monoxide which could temporarily affect the quality in the vicinity. Construction activities that would contribute to these impacts include excavation, grading, soil compaction, hydraulic wall installation and operation of heavy trucks and smaller equipment (i.e., generators and compressors). Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

There is no indication of unusual short term adverse impacts. Current codes are adequate to provide mitigation and pursuant to the Overview Policy (SMC Section 25.05.665) and Air Quality Policy (SMC Section 25.05.675A). Therefore, no further mitigation is warranted.

### Earth/Grading

Excavation of contaminated soil and the import of clean fill material to restore existing grades at this ECA designated (Liquefaction-Prone and Peat Settlement-Prone) property will be necessary. The maximum amount of grading proposed will consist of 5,000 cu. yds. of material. All of the contaminated soil will be not be reused on the site and will need to be disposed offsite 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 en-route to or from a site.

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction/grading in potentially contaminated soils areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

### Construction-Related Transportation and Pedestrian Circulation

This proposal is expected to have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During grading/construction, a temporary increase in traffic volumes to and from 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 offsite. The applicant states, *“An estimated total of 80 truck trips over the period of 15 days will occur for this project (5 per day). The trucks will enter and exit at the existing entrance to the property, shown on the site plan on NE 75<sup>th</sup> Street. Trucks will travel to the property from Interstate 5 eastbound on NE 75<sup>th</sup> Street and return to I-5 using the same route.”*

Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department (SDOT). The Street Use Ordinance includes regulations that mitigate dust, and mud; as well as traffic. Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Therefore, the proposal is conditioned to restrict large (greater than two-axle) trucks from entering or exiting the site on weekdays between 4:00 and 6:00 PM.

### Greenhouse Gas Emissions

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

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

### Long - term Impacts

Potential long-term impacts anticipated by this proposal include: stormwater and erosion potential; and stability of the site.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater Code and Grading Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

### Summary

In conclusion, several effects on the environment would result from the proposed project. The condition imposed at the end of this report is intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

**DECISION - SEPA**

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.

- [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. An EIS is required under RCW 43.21C.030(2)(C).

**SEPA CONDITIONS**

During Grading or Construction

1. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site on weekdays between 4:00 and 6:00 p.m.

Signature: (signature on file)  
Tami Garrett, Senior Land Use Planner  
Department of Planning and Development

Date: October 22, 2012