



City of Seattle

Edward B. Murray, 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: 3015988
Applicant Name: Greg Lish
Address of Proposal: 4 Nickerson Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 1,005 cu. yds. of grading for soil remediation. Project includes temporary installation of a groundwater treatment system with a 21,000-gallon sediment settling tank and two carbon canisters on the site.

The following approvals are required:

SEPA – Environmental Determination pursuant to SMC 25.05.

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

BACKGROUND and PROPOSAL:

The subject site is located at 4 Nickerson St. in Seattle. The portion of the site where the project is located is zoned Commercial 1-40 (C1-40) and is in the Urban Stable (US) Shoreline Environment. The remedial actions proposed for this project will take place approximately 80 to 160 feet from the Lake Washington Ship Canal. A shoreline exemption was applied for and approved for the project (DPD project number 6386681) as consistent with repair and maintenance criteria found in SMC 23.60.020 C, so a Shoreline Substantial Development Permit is not required for this project.

The subject property consists of a multi-story office building and an asphalt-paved parking lot. The property is bounded by Queen Anne Avenue North to the west; a multi-story office building

and playground to the north; a public walking and cycling trail to the northeast, which is adjacent to the Lake Washington Ship Canal; a multi-story office building to the east; Cremona Street to the south; and Nickerson Street to the southwest.

Based on the results of a subsurface investigation that was conducted in 2013, soil and groundwater at the eastern end of the subject property contains petroleum hydrocarbon concentrations that exceed clean up levels set by Washington State Department of Ecology. On September 25, 2013, SLR International Corporation prepared a Remedial Action Plan that detailed actions to remediate the impacted soil and groundwater. The proposed remedial action will be conducted by the applicants in accordance with Model Toxics Control Act regulations. The remedial action will consist of excavation and off-site disposal of the impacted soil and extraction and treatment of impacted groundwater from the open excavation. The treated groundwater will be discharged to the sanitary sewer in accordance with a King County Industrial Waste (KCIW) Program Construction Discharge Authorization.

A total of approximately 1,000 bank cubic yards (bcy) of soil will be excavated from an area at the eastern end of the property, including approximately 370 bcy of petroleum contaminated soil (PCS) that will be hauled off-site for disposal and approximately 630 bcy of clean overburden that will be used as backfill after sample analytical results confirm the soil does not contain petroleum hydrocarbon concentrations greater than the MTCA Method A cleanup levels. The excavation will extend to a depth of at least 1 to 2 feet below the groundwater table.

To remediate the petroleum hydrocarbon-impacted groundwater that enters the open soil excavation, a suction pump will be placed below the water level in the excavation and the groundwater will be pumped into a temporary groundwater treatment system that will be located near the excavation area. The treatment system will consist of a 21,000-gallon sediment settling tank and two, 1,000-pound carbon-filled canisters in the series. The treated water will be discharged to the sanitary sewer system near the property in accordance with a Construction Dewatering Authorization obtained from the KCIW program. An estimated 100,000 gallons of groundwater will be pumped from the soil excavation.

Following completion of the remedial action, the excavation will be backfilled with clean imported fill and the excavated soil that contains petroleum hydrocarbon concentrations below the Method A cleanup levels. After backfilling, the asphalt parking area will be repaved to match pre-existing conditions and grade. There is no change in use of the property or new development proposed as part of this project.

Public Notice and Comment Period

Notice of the application was published on February 20, 2014. The required public comment period ended on March 5, 2014. No public comments were received.

ANALYSIS - SEPA

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 October 24, 2013. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file. As indicated in the annotated checklist, this action will result in adverse impacts to the environment. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

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 25.05.665D.1) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Grading and filling activities pose some potential danger of contamination of groundwater and surface water at and adjacent to this site. The applicant will implement a number of Best Management Practices during the project to reduce the risk of contaminated runoff or erosion, including installation of a permeable filter fabric insert over each of the stormwater catch basins on the property. All stockpiled excavated soil will be placed on top of and covered with plastic sheeting, and straw bales will surround each stockpile. All treated water from the project will be discharged to the sanitary sewer system in accordance with a Construction Dewatering Authorization obtained from the KCIW program.

During construction, stormwater within the active construction area will be prevented from entering nearby surface waters, per the Construction Stormwater Control Plan. Erosion control measures will be addressed in a Temporary Erosion and Sediment Control (TESC) Plan prepared by the contractor and adhered to during construction.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts in the submitted environmental documents. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); 2) Building Code (construction measures in general, including best management practices to address potential runoff of surface water and sediment to the Duwamish during construction); and 3) the Stormwater Code and Grading Code place considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits.

Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the movement of vehicles — 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 increased contribution of greenhouse gas emissions from this project.

Long-term Impacts

No long-term or use related impacts are anticipated from the proposal. There will be no change in uses at the property as a result of the project and the remedial actions will result in a cleaner environment at the property with reduced levels of contaminants in the soils and groundwater compared to existing conditions and reduced risk of further contamination to groundwater, soils and nearby surface waters.

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

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 with conditions. 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).

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: June 16, 2014

Ben Perkowski, Land Use Planner
Department of Planning and Development