



City of Seattle

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: 3016146
Application Name: Scott Kirkpatrick for Sound Transit
Address of Proposal: 5701 M L King Jr. Way S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow grading of 400 cu. yds. of contaminated soil to be replaced by 400 cu. yds. of clean fill for total of 800 cu. yds. of grading. Determination of Non-Significance has been prepared by Sound Transit.

The following approval is required:

SEPA – for conditioning only - SMC Section 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions*

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

*Sound Transit issued a Determination of Non-Significance on January 24, 2013.

BACKGROUND DATA

Site and Vicinity Description

The proposal site is located at 5715 Martin Luther King Jr. Way South approximately 150 south of the intersection at Orcas Street in the east Beacon Hill neighborhood. The Central Link Light Rail tracks run along M L King Way Jr. S adjacent to the site. The site is zoned Commercial 1-

40. There is multifamily development to the south of the athletic field and a single family home abutting the site to the west.

The site is a former staging area for Central Link Light Rail construction and is no longer needed for project purposes. Phase I & II environmental assessments completed by CDM Smith confirmed the presence of gasoline-range petroleum hydrocarbon compounds and chlorinated solvents in the soil and groundwater exceeding MTCA Method A cleanup levels.

The Washington State Department of Ecology issued a “Contained-in Determination for Soils on September 5, 2012 authorizing excavation and disposal of contaminated soils, stating in part” “Based on the information received and reviewed, Ecology has determined that the soils are contaminated with listed waste constituents at concentrations that do not warrant management as dangerous wastes, and Ecology will not require the disposal of these soils as listed dangerous wastes at an RCRA permitted waste treatment, storage and disposal (TSD) facility.”

Proposal

The proposal is to excavate 400 cu yds. of contaminated soil, remove and transport to a designated site and refill with 400 cu. yds. of clean fill.

Public Comment

The DPD comment period ended December 4, 2013. No comments were received.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle 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, dated January 10, 2013, submitted by the applicant. 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 and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

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, and 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

Short Term Impacts

The following temporary or demolition and construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during demolition; increased noise and vibration from demolition operations and equipment; increased traffic and parking demand from demolition personnel; tracking of mud onto adjacent streets by demolition vehicles; and vehicle/pedestrian conflicts adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment

Greenhouse Gas Emissions

Grading 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Air Quality

Grading activities will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC Chapter 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities that produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Volatile organic compounds (VOCs) may be emitted from the soil during excavation. VOCs will be monitored during site work and work will temporarily stop if VOC concentrations exceed site-specific established limits. Engineering controls including dust suppression with water and fans will be implemented as necessary to control these parameters.

Streets and Sidewalk

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation impacts. Any temporary closures of the sidewalk and/or traffic lane(s) would be controlled with a street use permit through the Seattle Department of Transportation.

The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from demolition personnel) are not sufficiently adverse to warrant further mitigation by conditioning.

Long Term Impacts

None anticipated.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- 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 2c.
- 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 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment and complies with ECA regulations. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

SEPA – CONDITIONS

None required.

Signature: _____ (signature on file) _____ Date: January 6, 2014
Marti Stave, Senior Land Use Planner
Department of Planning and Development

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