



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Numbers: 3018999, 3019326
Applicant Name: Vera Benton
Addresses of Proposal: 2510 E Cherry St (3018999)
720 25th Ave (3019326)

SUMMARY OF PROPOSAL

3018999: Land Use Application to allow 4,600 cu. yds. of grading for remediation of contaminated soil. Review includes 2,300 cu. yds. of cut and 2,300 cu. yds. of clean fill. To be considered with 3019326 (additional grading at 720 25th Avenue).

3019326: Land Use Application to allow 1,310 cu. yds. of grading for remediation of contaminated soil. Review includes 655 cu. yds. of cut and 655 cu. yds. of clean fill. To be considered with 3018999 (additional grading at 2510 E Cherry St). Environmental review conducted under Project #3018999.

The following approval is required:

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

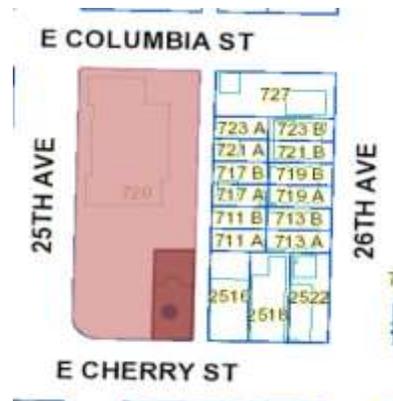
SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site Description:

Site Zone: Neighborhood Commercial (NC-1-40), Lowrise 2 (LR2)
Nearby Zones: Single Family (SF5000), Neighborhood Commercial (NC-1-30)
Existing Uses: Private school (720 25th Ave) and vacant (2510 E Cherry St)
Combined Lot Area: 35,857 SF



Project Description:

The applicant proposes 5,910 cubic yards of grading to remediate contaminated soil.

Public Comment:

No written comments were received during the public comment periods ending on June 14, 2015.

ANALYSIS - SEPA

The proposal is to excavate 2,955 cubic yards and fill 2,955 cubic yards of soil, thus the application is not exempt from SEPA review. 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) because the proposed project exceeds the threshold of fill or excavation of 500 cubic yards.

The disclosure of the potential impacts from these projects was made in the environmental checklist submitted by the applicant and signed October 16, 2015. The information in the checklist and 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 Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts, however, due to their temporary nature and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Short-term adverse and long term adverse impacts are anticipated from the proposal.

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, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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. The following analyzes environmental health, construction-related noise, greenhouse gas, as well as mitigation.

Environmental Health - The SEPA checklist acknowledges existing contamination on site. If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

The studies and plan set have been reviewed by Seattle DCI’s geotechnical experts who determined that the impacts can be sufficiently mitigated through the Grading Code during the Grading Permit phase of review. Contaminated soils will be directly loaded and transported to an approved facility for proper disposal. The excavation will be backfilled with structural fill; the final grading will match the existing elevation.

The applicant will be required to submit a Department of Ecology contained-out determination and any other information to determine compliance with those Codes during Grading Permit review, prior to a Seattle DCI preconstruction meeting. A note has been added to the MUP plan sets acknowledging this requirement. No additional mitigation is warranted for impacts to environmental health, per SMC 25.05.675.F.

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

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

Noise- The project is expected to generate loud noise during demolition, grading and construction.

The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones. The Noise Ordinance permits these activities between 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in Single Family Zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant’s environmental checklist does not indicate that extended hours are anticipated. The environmental checklist indicates construction is anticipated during 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal including loss of plant habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

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.

- 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 43.21.030(2) (c).

CONDITIONS - SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Magda Hogness, Land Use Planner
Seattle Department of Construction and Inspections

Date: February 22, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.