



**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 Number:** 3020449  
**Applicant Name:** Andrea Petzel (Broadview Planning) for Leo Street P-Patch, LLC  
**Address of Proposal:** 5106 S. Leo Street

**SUMMARY OF PROPOSAL**

Land Use Application to allow a change of use from a public utility to a 24,247 sq. ft. community garden (Leo St. P-Patch Pavilion).

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 AND VICINITY**

Site Location: 5106 S. Leo St.  
Zoning: Single Family (SF 7,200)  
Parcel Size: 24,247 sq. ft.  
Existing Use: Community Garden



ECA: N/A

### Project Description

The site is located at the northeast intersection of S. Leo Street and 51<sup>st</sup> Street/Beacon Ave. S. and is relatively flat. It is covered in row crops and contains two small sheds. The site borders single-family residences to the east and north. The subject property was the site of a water tower for Seattle Public Utilities. In 2012, it was converted to a community garden. SEPA is required due to the change in use. The applicant proposes a 180 sq. ft. pavillion structure eight feet in height. The pavillion will be anchored to a 4" concrete slab. The SEPA checklist notes the pavillion will be assembled on site with power tools and minimal equipment.

### PUBLIC COMMENT:

The public comment period ended on January 17, 2016 and one comment was received from the owner. The comment reiterated the necessity of the pavilion as gardeners working on the property need shade during summer months.

### 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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 8/4/2015. The Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the 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 D) 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.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### 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 Greenhouse Gas Emissions and Environmental Health, as well as mitigation.

### 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.

### Environmental Health

A 2011 soil report commissioned by the Department of Neighborhoods identified a low level of lead in the northeast corner of the site, near the location of the proposed pavilion. This was due to use of lead base paint on the water tower. The pavilion will be anchored to a 4" thick concrete slab. The amount of ground disturbance will be minimal with little possibility of lead contamination. Future gardening in the northeast corner of the site will occur in raised planter beds to limit lead exposure. Based upon the proposed use of the property and the amount of ground disturbance, no mitigation is required.

### Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, transportation and parking, and height, bulk and scale warrant further analysis.

### Transportation and Parking

The application is for a community garden where most users will be within walking distance of the site. Vehicle trips are expected to be minimal and associated with delivery of gardening supplies. While these transportation impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

No parking is required for the community garden and there may be deliveries of supplies via pickup truck. There is on street parking available on both Leo Street and Beacon Ave to support any deliveries or gardeners driving to the site. Parking provided by the project complies with the zoning ordinance and takes into account the project's proximity to transit options. No additional mitigation is warranted per SMC 25.05.675.M.

Height, Bulk, and Scale

A 180 sq. ft. pavilion is planned for the northeast corner of the site. The structure is eight feet in height. This is an open air structure meant to provide cover for gardeners. Impacts to neighboring properties should be minimal.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to 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; therefore, no further mitigation is warranted.

**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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. 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.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

**CONDITIONS – SEPA**

None

Josh Johnson, Land Use Planner  
Seattle Department of Construction and Inspections

Date: February 25, 2016

JJ:drm

**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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.