



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: 3022058
Applicant Name: Andrew Kluess
Address of Proposal: 4700 Brooklyn Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to grade 20,790 cu. yds. of material for soil remediation. Project includes removing 12,820 cu. yds. of contaminated soil and replace with 7,970 cu. yds. of clean fill. Existing structure and pump station to be demolished.

The following approval is required:

SEPA – Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION

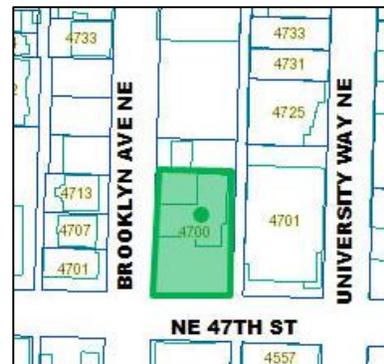
- Exempt DNS MDNS EIS
- DNS with Conditions
- DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction

BACKGROUND INFORMATION

Location: The site is located at the northeast corner of the intersection of Brooklyn Ave NE and NE 47th Street.

Zoning: Neighborhood Commercial (NC3-65)

Parcel size: 16,480 square feet



Environmental Critical Areas: None.

Existing Conditions: The site is developed with a one story commercial structure and four gas-pumping stations (Chevron gas station). An alley abuts the site to the east.

PUBLIC COMMENT:

The public comment period ended on 27 December 2016. 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 (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 2 November 2015. The Seattle Department of Construction and Inspections (SDCI) 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, construction traffic and parking impacts, 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.

Construction Parking and Traffic

The existing structure is relatively small in size. Demolition and removal of the materials from demolition will have little impact on existing nearby traffic patterns. However, the proposed excavation, grading, and fill activity will require approximately 2,100 round trips with 10-yard hauling trucks or 1,040 round trips with 20-yard hauling trucks. The area is subject to significant traffic congestion during peak travel times on nearby arterials. This number of large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles during excavation, grading, and fill activities would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. This plan is not required prior to issuance of a demolition permit due to the minor impacts of demolishing the small building. The plan is required prior to the issuance of any shoring or excavation permits, due to the impacts related to the large amount of proposed excavation and fill.

Considering the large volumes of truck trips anticipated during excavation, it is also reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM on weekdays during excavation, fill, and grading activities. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. This should be included in the SDOT approved CMP.

The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased public demand for public services and utilities; increased energy consumption; increased traffic and parking demand; loss of plant and animal habitat; and impacts to environmental health. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. However, greenhouse gas emissions and environmental health warrant further analysis.

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.

Environmental Health

The applicant submitted studies regarding existing contamination on site (*Baseline Environmental Assessment Report, Chevron Station No. 9-0120, Riley Group, 31 March 2016; Conceptual RI/FS and Draft Remedial Action Work Plan, Proposed 4700 Brooklyn Avenue NE Redevelopment, RGI Project No. 2015-006F, Riley Group, 2 February 2016*). 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.

As indicated in the SEPA checklist, the *Baseline Environmental Assessment Report*, and *Conceptual RI/FS and Draft Remedial Work Plan*, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the remedial work plan are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project. The proposed remedial activities have also been submitted to Ecology for review through the Voluntary Cleanup Program (VCP), per the letter and VCP Agreement submitted to Ecology from the Riley Group on 2 February 2016.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The submitted

studies describe strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority. These strategies are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health, per SMC 25.05.675.F.

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).
- 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).

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 OF APPROVAL

Prior to Issuance of Excavation/Shoring or Grading 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>.

During Excavation/Shoring or Grading

2. Large trucks (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM on weekdays.

Katy Haima, Land Use Planner Date: March 31, 2016
Seattle Department of Construction and Inspections

KH:bg

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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.