



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: 3022211
Applicant Name: Amanda Grindle
Address of Proposal: 3280 SW Avalon Way

SUMMARY OF PROPOSAL

Land Use application to allow the removal of three 10,000 gallon underground gasoline storage tanks and replace with two 20,000 gallon underground gasoline tanks. Project includes replacement of fuel related apparatus, vent and vapor piping, dispensers and driveway slabs.

The following approval is required:

SEPA – Environmental Determination - (Seattle Municipal Code) Chapter 25.05

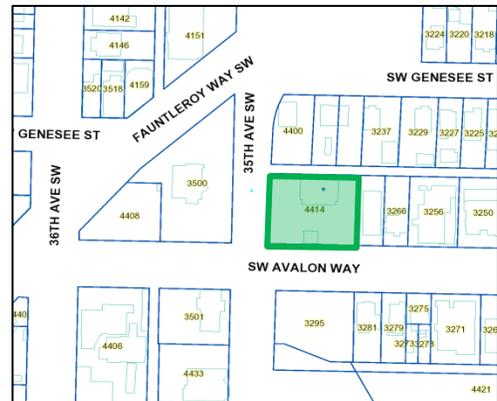
SEPA DETERMINATION:

- Determination of Non-Significance
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Site Zone: Neighborhood Commercial 3 (NC3-65)

Nearby Zones: North: SF-5000
South: SF-5000
East: MR
West: NC3-65



Site Size: 16,945 sq. ft.

Existing Conditions: The proposal site is located at 3280 Southwest Avalon at the northeast corner of SW Avalon Way and 35th Avenue Southwest. The site is currently occupied by a 2,400 square foot franchise retail convenience store, a 14 foot tall steel canopy over two fueling pumps. Total existing lot coverage is approximately 98.6 percent consisting of building footprint, and blacktop parking and driveway surfaces. The site has a descending slope from a northwest to a southeast direction of less than five percent (5%). Surround land uses consist of a vacant one-story commercial building located to the north of the alley, a six story mixed use apartment building located on the south side of Avalon Way, a five (5) story apartment building immediately to the west and commercial fast-food restaurant on the west side of 35th Avenue Southwest.

Project Description: The project proposal calls for the complete replacement of the existing fueling system, including the removal of three 10,000-gal underground gasoline storage tanks and their replacement with one 20,000-gal and one 20,000-gal split tank (12K diesel/8K gasoline) underground gasoline storage tanks. This work is to include the replacement of vent and vapor piping, dispensers, sump pumps, spill buckets, manholes, and other related equipment. Other related work is to include the replacement of tank slabs and the replacement of asphalt and/or concrete paving where required in order to remove any old equipment. The existing fueling station canopy is to remain.

Residual fuel will be removed from tanks and lines, and tanks emptied and cleaned prior to removal. Approximately 325 cubic yards of potentially contaminated soil will be excavated and removed from the site. This soil will be tested and if found not to be contaminated will be used as backfill. If any portion or all of the excavation spoils and soil is contaminated then it is proposed to be removed and replaced with clean soil in the same amounts as removed soil.

PUBLIC COMMENT:

The comment period began on November 16th, 2015 and ended on November 29th, 2015. DPD received public comments related to potential environmental contamination from existing and future tanks, transportation, traffic safety, and construction noise.

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 information contained in the checklist, plan sets, application materials, along with the department's analysis form the basis of this review and final decision.

The initial disclosure of the potential impacts as a result of this project was made in the environmental checklist submitted by the applicant on August 9th, 2015. The Department of Planning and Development has reviewed and annotated the environmental checklist in as well as the project plans and other relevant information in the file, in addition to all pertinent comments received regarding the proposed action. The information contained in the checklist, supplemental information, and the experience of the lead agency with the review of similar

projects form the basis for this analysis and decision. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to have a lasting long term effect.

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 SEPA Overview Policy (SMC 25.05.665) 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.

Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary construction-related activities could result in the following adverse impacts: construction dust, storm water runoff, soil erosion, emissions from delivery and construction machinery, and commuter vehicles; increased noise levels and vibration, small increases 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, construction-related noise, construction traffic impacts, as well as any related mitigation requirements in addition to environmental health considerations as they relate to Washington State Department of Ecology requirements.

Greenhouse Gas Emissions

Construction activities including added commuter and construction related vehicle trips and the operation of construction equipment and machinery will result in a minor increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and potentially contribute to climate change and global warming. While these impacts are considered to have a potential adverse effect, they are temporary in nature and therefore not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Construction Noise

Construction activities related to this project is expected to create new temporary sources of noise including noise generated from the operation of excavators, loaders, and pumping and hauling activity. Noise generated by these activities will be intermittent and temporary in nature.

Surrounding land uses are likely to be adversely impacted by noise emanating from the construction site. However noise limitation in terms of duration and time as specified in the 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.

If extended construction hours are desired, the applicant may seek approval from DPD through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. 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.

Construction Parking and Traffic

Very minor temporary localized traffic impacts are anticipated during the removal of the old and delivery and of the new fuel tanks, as the actual construction work will take place within the confines of the site and not in the public right-of-way. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

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

Environmental Health

DPD received comments from Washington State Department of Ecology ("Ecology"), describing requirements related to any existing and potential contamination related to the replacement of fuel tanks. These requirements will be reviewed by Ecology, consistent with Chapter 173-360 WAC. The SEPA checklist describes how the proposed work will be completed consistent with Ecology requirements.

If not properly handled, potential contamination from the tank could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of 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.

Adherence to WAC, the applicable Ecology provisions, and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The letter from Ecology describes requirements related to Washington State Department of Ecology regulatory authority. The applicant has acknowledged compliance with those requirements in the SEPA checklist. The requirements 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.

Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation for any additional long-term impacts as a result of this project and as such no further conditioning is warranted per SEPA (SMC 23.05.665). However, the following requires further analysis.

Greenhouse Gas Emissions

The site is currently an operating gasoline station and additional Greenhouse Gas emissions are not expected as a result of an approval of this project. Future operational activities, including vehicular trips associated with the project construction and the project's energy consumption are not expected to result in an increase in carbon dioxide or 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 pursuant to 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).

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

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>.

David Landry AICP, Land Use Planner
Department of Planning and Development

Date: December 7, 2015

DL:drm

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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 DPD 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.