



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**

Applicant Number: 3022509
Applicant Name: Toney Delles
Address of Proposal: 4800 Sand Point Way NE

SUMMARY OF PROPOSAL

Land Use Application to remove two, 15,000 gallon underground fuel tanks and install two 20,000 gallon underground fuel tanks in abandoned heli-pad site east of the original location. Review includes grading of 2,555 cu. yds. of material; 1,675 cu. yds. of cut and 880 cu. yds. of fill. The project includes removing existing abandoned heli-pad and portion of retaining wall, relocating transformer vault and re-landscaping.

The following approval is required:

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

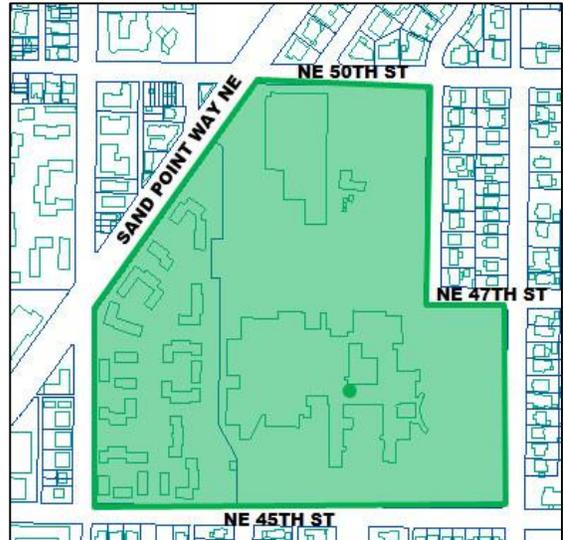
SEATTLE DCI SEPA DETERMINATION:

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: 4800 Sand Point Way NE
Zoning: Lowrise3 (LR-3)/Single Family (SF 5000)/ Major Institutional Overlay (MIO- 90)
Parcel Size: 925,109 sq. ft. (21 ac)
Existing Use: Hospital
ECAs: Steep Slope and Riparian Corridor



PROJECT DESCRIPTION:

The subject site is bounded by Sand Point Way NE, Penny Dr, 45th Avenue NE and NE 45th Street in the Laurelhurst Neighborhood. The 21 acre site is zoned Single Family with a Major Institution Overlay and is currently occupied by the Seattle Children’s Hospital. The project area is located on the central portion of the property along Penny Dr.

The project scope includes the removal of two 15,000 gallon underground fuel tanks and the installation of two 20,000 gallon underground fuel tanks in a heli-pad site. The abandoned heli-pad site will be removed to accomodate relocation of the new fuel tanks.

PUBLIC COMMENT:

The public comment period ended on February 21, 2016 and one comment letter was received. The Washington Department of Ecology submitted a letter regarding state regulations and standards related to underground tanks.

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 submitted by the applicant and dated December 14, 2015. The Seattle Department of Construction and Inspections 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. 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 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 Regulations for Environmentally Critical Areas (SMC 25.09).

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. 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 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 construction-related noise, greenhouse gas, environmental health, construction traffic and parking impacts, as well as mitigation.

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.

Earth / Soils

Approximately 2,555 cu. yds. of grading is proposed with this project. The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The applicant submitted a geotechnical engineering study prepared by Hart Crowser, Inc. dated November 19, 2015. The report, construction plans, including site preparation, tank support, and soil stabilization measures and shoring of excavations as needed, will be reviewed by the Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties and to assure safe grading and excavation.

Environmental Health

Seattle DCI 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.

Construction 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 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.

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

Increased trip generation is expected during the proposed demolition, grading, and construction activity. 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. 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. 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 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, impact to greenhouse gas and plants and animals warrant 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

Plants and Animals

It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value. A priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals (SMC 25.05.675.N).

The applicant provided a Tree/Plant Protection and Relocation Plan, and memo prepared by Site Workshop Landscape Architecture (February 2016). The plan identified 27 trees within the site area, however, no Exceptional Trees are present. Seven of existing trees will be removed. In addition to the existing trees to remain on-site; new trees will be planted, along with large and small shrubs, to mitigate the loss of trees and plants for construction. The number of trees and shrubs proposed to be planted reasonably mitigate the loss of plants. As such, no conditioning or mitigation pursuant to SEPA Policy SMC 25.09.675.N. 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

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>.

Crystal Torres, Land Use Planner _____ Date: March 17, 2016
Seattle Department of Construction and Inspections

CT:bg

Torres/3022509 Draft Decision (2).docx

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.