



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: 3023682
Applicant Name: Pam Xander, SoundEarth Strategies Inc.
Address of Proposal: 3616 South Genesee Street

SUMMARY OF PROPOSAL

Land Use Application to allow the removal of three underground storage tanks (12,000 gallons each) and replace them with two 30,000 gallon underground tanks. Project includes the removal of 2,500 cu. yds. of contaminated soil to be replaced with 2,500 cu. yds. of clean fill.

The following approvals are required:

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

SEPA DETERMINATION:

Determination of Non-Significance (DNS)

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

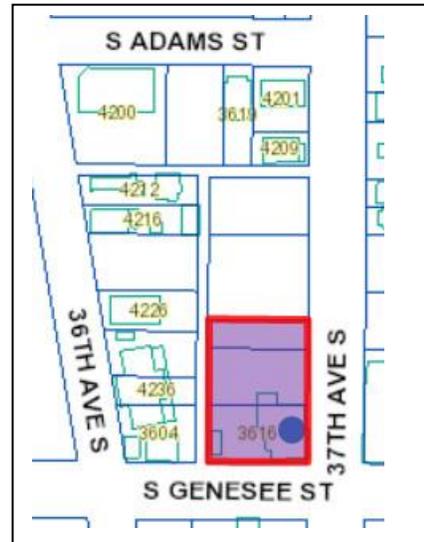
SITE AND VICINITY

Site Zone: Neighborhood Commercial 2 – maximum building height of 40 feet (NC2-40)

Nearby Zones: North: NC2-40
 South: NC2-40
 West: NC2-40
 East: CI-40

Environmentally Critical Areas (ECAs): The project site is located within a liquefaction zone and the southeast corner of the site is within a 1,000-foot methane buffer from an abandoned landfill (Genesee Park).

Site Size: 15,750 square feet



PUBLIC COMMENT:

The public comment period ended on June 26, 2016. Two comments were received and carefully considered, to the extent that they raised issues within the scope of this review. The comments regarded potential permitting requirements with the Puget Sound Clean Air Agency based on the installation of new underground storage tanks for the storage of heating oil.

I. 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 5/10/2016. The Seattle 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.

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 truck traffic 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, construction-related noise and contaminated soil removal.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, and the operation of construction equipment and machinery 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 and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. South Genesee Street is classified as a minor arterial street, which can be subject to significant traffic congestion during peak travel times. Removal of 2,500 cubic yards of soil, the installation of new underground storage tanks, and 2,500 cubic yards of clean fill dirt to cover the tanks will require large trucks to and from the site.

However, the amount of excavation and size of construction will result in a localized and temporary increase in truck trips at the intersection of South Genesee Street and 37th Avenue South. The accompanying plan set with the project identifies a truck load/unload zone on the east side of the project site (page 5 of the plan set). The proposed load/unload area is currently striped to prevent parking along this section of 37th Avenue South, outside of the travel lane, to permit fuel trucks to enter and exit the site. A correction letter from the applicant dated September 7, 2016 notes a total of 95 soil-hauling trips are anticipated for this project. These trips will be broken up over a 2-3 week period resulting in approximately 4 truck trips per day at the site. In addition to the trucks, up to 4 construction crew members may be on the site at a given time. Their personal vehicles will use on street parking in the vicinity of the project site. Based on the scope of anticipated traffic, minimal impacts to on-street parking and nearby traffic volumes are anticipated with this project. Furthermore, any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted per SMC 25.05.675.B.

Construction Impacts - 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 (NC) zones. The applicant's environmental checklist notes that construction noise is expected to occur only during daytime hours. Therefore, no further mitigation is warranted beyond the existing Noise Ordinance.

Environmental Health

The applicant submitted documentation regarding existing contamination on site (Geotechnical Report by Otto Rosenau & Associates, Inc. dated April 15, 2016, and additional information about the contamination and remediation plan for the contaminated soils by Sound Earth Strategies, dated September 7, 2016).

The current use of the project site is a fuel and heating business. Included with this business is the delivery of heating oil, which is stored in three underground storage tanks (USTs) located north of the building on the site. Prior to submitting for a grading permit to remove the tanks, Puget Environmental conducted a subsurface investigation of the project site in February of 2015. Soil samples were collected from five borings in the vicinity of the existing underground storage tanks. Results of the soil borings showed diesel-range petroleum hydrocarbons were detected in concentrations above the Washington State Model Toxics Control Act (MTCA). The Washington State Department of Ecology ("Ecology") was subsequently notified of the soil contamination and the site was added to the Confirmed & Suspected Contaminated Sites (CSCS) list and Leaking Underground Storage Tank List (LUST).

The project site's status on Ecology's website is "Awaiting Cleanup." Ecology provided a letter to the Seattle Department of Construction and Inspections dated June 24, 2016. In this letter Ecology staff listed permitting requirements and subsequent inspections for the removal and installation of new underground storage tanks and the noticing and documentation of the removal of contaminated soil. If not properly handled, existing soil contamination 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 too 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 requested permit seeks to remove the three existing tanks and approximately 2,500 cubic yards of contaminated soils. This will require excavating an area approximately 1/3 the area of the lot just north of the existing building (location of excavation shown on page 2 of the plan set). The excavation will remove the soil to a depth of 10 feet to 16 feet below existing grade. The Environmental Checklist accompanying the application notes that, "site investigation and cleanup actions are based on Ecology's guidance for contaminated sites under MTCA. The cleanup plan is approved by the Pollution Liability Insurance Agency (PLIA), an agency which provides funding support for owners and operators in meeting financial responsibility and environmental cleanup requirements for USTs."

The property owner is voluntarily cleaning up the soil contamination on the site without consultation with the Washington State Department of Ecology (“Ecology”), as described in the September 7, 2016 Sound Earth Strategies letter.

The proposed strategies and compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

DECISION – SEPA

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.

Crystal Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: October 10, 2016

CT: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 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.