



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF THE
DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2503459/2505860
Applicant Name: Shannon Moore for Time Oil Company
Address of Proposal: 2701 W Commodore Way
2750 W Commodore Way

SUMMARY OF PROPOSED ACTION

Master Use Permit for future removal of 14 above ground fuel storage tanks between 210,000 and 927,000 gallon capacities and two underground storage tanks with 4,000 and 10,000 gallon capacities (project #2503459 located at 2701 W Commodore Way). Project includes removal of 800 linear feet of above ground pipes on the water-side located at 2750 W Commodore Way (Project #2505860).

The following approval is required:

SEPA Environmental Determination (Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

*Early Notice DNS was published on August 25, 2005

RELATED PROJECT:

Shoreline Substantial Development Permit was conditionally exempt under DPD Project # 2505669 because the proposed activities are within the scope of demolition and normal maintenance and repair of existing structures (WAC 173-17-040-2-b). The Shoreline conditions are listed at the end of the decision.

BACKGROUND DATA

Site Description:

The proposal site is located at 2701 and 2750 W Commodore Way on the Salmon Bay Waterway of the Lake Washington Ship Canal. It is east of the Hiram Chittendon Locks and west of the Ballard Bridge. The two proposal sites on both sides of West Commodore Way are approximately three acres in size. Of the total area, approximately two acres located south of W Commodore Way is referred to as the main property of Time Oil Company. The facility consists of an office building, warehouse buildings, bulk storage oil tanks (north & south tank farms) and associated catwalks, pumps, pipes and loading racks. The remaining one acre located north of W Commodore Way, referred to as the waterside property, consists of a portion of the dock that supports the pipes and pumping mechanism for onboard ship fueling. West Commodore Way serves as vehicles and pedestrian access to the sites.

The waterside property located north of W Commodore Way is within an Urban Maritime (UM) shoreline environment and is zoned General Industrial 1 with a 45-foot height limit (IG-1/U45), while the main property located south of W Commodore Way is zone General Industrial 2 with a 65-foot height limit (IG-2/U65). The vicinity of the site is developed predominantly with industrial and commercial uses. The properties along the Lake Washington Ship Canal are primarily limited to ship and pleasure craft related to industrial and commercial businesses. There is a 40% steep slope environmentally critical area (ECA) along the south property line of the main project and at the location the railroad right-of-way south of the project site.

Project Description:

The Time Oil Company owns a bulk storage oil facility. Due to reduced oil activity the applicant is proposing to demolish and remove from the site the above ground storage tanks, the underground storage tanks, and the associated equipment consisting of pipes, pumps and loading racks from the main property located south of W Commodore Way. Within the main property are two groups of tanks; the northern portion which consist of six above ground storage tanks (ASTs) and the southern portion consisting of eight above ground storage tanks. These tanks range in size from 210,000 to 97,000 gallon capacity. Each of the above ground storage tanks will be removed leaving the support pad in place. The two underground storage tanks (USTs) are also located in the same property. One of these tanks has a combined capacity of 4,000 gallons, with 1,000 gallon capacity previously used to store diesel fuel, and 3,000 gallons capacity tank previously used to store unleaded fuel. The second underground storage tank is a 10,000 gallon tank previously used to store jet fuel additives. All the above ground storage and underground storage tanks are located more than 200 feet from the Lake Washington Ship Canal Shoreline. In addition, all associated piping and related pumps and loading racks will be removed from the main property and capped at the insertion point beneath W. Commodore Way. Above ground equipment will also be disassembled and removed during time of tank removals.

On the waterside property to the north, Time Oil Company is proposing to remove the piping and related pumps that resurface after crossing under W Commodore Way from the main property to the south. There are 10 waterside property pipes that extend from the north side of W Commodore Way to the containment slab on the over water dock running a distance of

approximately 800 feet. The pipes range in size from 4 to 10 inches in diameter and are attached to the underside of the over water dock with heavy steel brackets. On the surface of the dock, associated pumps and fueling terminals will also be removed. Minor work in the water will be required to complete the project. A barge will be deployed at low tide to unbolt the pipes from underneath the dock and remove them from Time Oil property.

According to information provided by the applicant, the project will be done in three phases through the summer of 2006. These phases include the following proposed schedules:

Phase 1: involves the removal of fourteen (14) steel bulky above ground storage tanks and related above ground steel pipes located on the south side of W Commodore Way. The work on this site will begin within 14 days after receiving the required permits. Phase 1 is expected to be completed in 30 to 45 days.

Phase 2: This involves the removal of the waterside pipe and pump structures from the marine wharf. The work on this phase of the project will begin in the Fall of 2005. Phase 2 is expected to be completed in 21 to 30 days.

Phase 3: Finally, this will involve the removal of 2 existing underground steel storage tanks. The work on this part of the project will begin in spring to early summer of 2006. This phase of the project is expected to be completed in 5 days.

Public Comment:

The comment period began on August 25, 2005 and ended on September 23, 2005. No public comment letter was received.

ANALYSIS – SEPA

The applicant submitted an environmental checklist dated June 30, 2005. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to the proposal, and to the extent that the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may not be necessary.

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, certain

neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation."* Under specific circumstances, mitigation may be required even when the Overview Policy is applicable per SMC 25.05.665.D. Thus a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts:

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; general water quality and risk of explosion or contamination during removal of pipes, pumps and tanks. Due to their limited scope and short duration, these impacts are not considered significant. Although not significant, these impacts are adverse and in some cases mitigation is warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the sidewalk. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. The Environmentally Critical Areas Ordinance regulates development in all environmentally critical areas. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

It is anticipated that construction for this project will be completed in three phases through the summer of 2006. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Construction Noise:

The excavation and grading during tank removal will not generate unusual or excessive noise levels beyond that typically experienced in an industrial area. The limitations of the Noise Ordinance are adequate to mitigate the potential noise impacts. No significant impacts are anticipated and no mitigation pursuant to SEPA is warranted.

Transportation Impacts:

Construction activities are expected to impact the surrounding area during the periods of construction. Transportation-related construction impacts are expected to primarily include increased truck volumes. However due to the relatively minor scope of work and limited duration of construction activities, no SEPA-related conditioning is warranted.

Long-Term Impacts:

Because the use and intensity of the use is not anticipated to change or continue, no long term impacts are anticipated from the project.

DECISION

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 43.21C.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).

CONDITIONS-SEPA

None required.

CONDITIONS – SHORELINE EXEMPTION:

Non-appealable shoreline conditions

1. During proposed demolition and removal of pipes, and pump structures on the waterside, appropriate measures shall be employed to prevent materials from entering the Lake Union Ship Canal.
2. If any material enters the water during the proposed demolition work, these materials shall be removed immediately, stored securely on site until it can be disposed of in the appropriate upland facility.
3. If any heavy material enters the water and sinks during the holding tank replacement work, the location of where this material sank shall be documented in a log kept on site and all the materials shall be retrieved by a diver at the end of the construction.
4. To ensure that no waste material from the pipes and pump system enters aquatic environment, all pipes, pumps and fueling equipment shall be cleaned of any product residue before removal. No petrochemical or other toxic materials shall enter the water during the cleaning of the pipes, pumps and fueling systems.

5. All materials removed from the dock including pipes, pumps and fueling equipment shall be disposed of at the appropriate upland facility.

Signature: (signature on file) Date: October 27, 2005
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development

CAN: ga
I:\NdifonC\DOC\SEPA\2503459A.doc