



**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Record Number:** 3040476-LU  
**Applicant:** Barghausen Consulting Engineers  
**Address of Proposal:** 7301 Delridge Way SW

**SUMMARY OF PROPOSAL**

Land use application to remove 2 underground storage tanks and install to new tanks (one 22,000-gallon and one 25,000-gallon tank). Existing piping system, dispensers, and trash enclosure to be replaced. Review includes 1,800 cu. yds. of grading (900 cu. yds. of backfill).

The following approval is required:

**I. SEPA Environmental Determination (SMC Chapter 25.05)**

**SEPA DETERMINATION**

- ☒ Determination of Nonsignificance (DNS)
  - ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
  - ☐ No mitigating conditions of approval are imposed.
- ☐ Determination of Significance (DS) – Environmental Impact Statement (EIS)
- ☐ Determination made under prior action.
- ☐ Exempt

**BACKGROUND**

The site was granted Relief from Prohibition on Steep Slope Development by the SDCI Geotechnical Engineer on 08/01/2023 under record number 6974286-EX:

*The project is described as “replacement of underground storage tanks, fuel piping, dispensers, and trash enclosure”. Based on a review of the submitted information, the steep slopes appear to qualify for relief criteria established in the Environmentally Critical Areas Code, SMC 25.09.090.B2c. Further, geotechnical report by GeoTest Services, Inc. dated June 23, 2023, implied that granting relief from prohibition on steep slope development will not result in adverse impacts on this site and adjacent properties. Therefore, relief from prohibition of development in the steep slope area is approved.*

*The approval of building permit application is conditioned upon a design that demonstrates that the proposed development will be completely stabilized in accordance with the geotechnical engineer’s recommendations and provisions of the ECA Code and Grading Code. All other ECA Submittal and development standards still apply for this development.*

## SITE AND VICINITY

*Site Description:* The 37,210 square foot site is bound by three streets: Delridge Way SW is located along the eastern property line, SW Orchard St. is located to the north, and Sylvan Way SW runs along the southwestern property line. The majority of the site is developed with a convenience store, fuel station, and associated paving. However, the northern portion of the site contains a grassy, sloped area with a small, mapped wetland.

*Site Zone:* Commercial 1 (C1-55(M))

*Zoning Pattern:* Properties located to the north, west, and south of the site are located in the same C1-55(M) zone. To the east of the site is a Lowrise Residential zone (LR2(M)) and a Neighborhood Residential zone (NR(3)).

*Environmentally Critical Areas:* Steep Slope, Wetland, and Liquefaction ECAs present on site.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

## PUBLIC COMMENT

The public comment period ended on 03/29/2023. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to cultural resources; the Duwamish Tribe commented that they did not have any substantive comments.

### **I. ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (RCW 43.21C), Washington Administrative Code (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. 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 considered any pertinent comments which may have been received regarding this proposed action. The information in the environmental 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) 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 impacts due to construction related vehicles, exposure of hazardous materials, 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. Short term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

### *Air Quality – 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, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

### *Construction Impacts – 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.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips. Any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted pursuant to SMC 25.05.675.B (Construction Impacts Policy).

### *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 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in commercial zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigate noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy).

### Earth

The Environmentally Critical Areas (ECA) Ordinance and Director's Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement, the applicant submitted geotechnical engineering studies (Geotechnical Report, Terra Associates, Inc., 04/02/1997; Geotechnical Engineer Report, Geotest, 06/23/2023). The studies have been reviewed and approved by SDCI'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. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the environmentally critical areas. No additional conditioning is warranted pursuant to SMC 25.05.675.D (Earth Policy).

### Environmental Health – Contamination

The applicant submitted the following studies, both by Parsons Environment and Infrastructure Group Inc., regarding existing contamination on site: Phase I and II Environmental Site Assessment, December 2018; Contaminated Media Management Plan, September 2023. If not properly handled, existing contamination could have an adverse impact on environmental health.

If the recommendations described in the Contaminated Media Management Plan are followed, which describes the proposed methods to meet Model Toxics Control Act (MTCA) requirements, 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.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Contaminated Media Management Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology (Ecology) regulatory authority.

Mitigation of contamination and remediation is the jurisdiction of Ecology, consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.F (Environmental Health Policy). 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 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 pursuant to SMC 25.05.675.F (Environmental Health Policy).

### LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of approval of this proposal. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Long term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

### Air Quality – Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

### Historic Preservation – Archaeological Resources

The project is within an area mapped as "high risk" for archaeological resources. However, the Duwamish Tribe reviewed the application and had no substantive comments on the application. Pursuant to SMC 25.05.675.H (Historic Preservation Policy) and consistent with Section A of Director's Rule 2-98, the conditions listed at the end of this decision are warranted to mitigate impacts to potential archaeological resources.

### **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 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ **Determination of Nonsignificance (DNS).** 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).

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 a Master Use Permit

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

#### During Construction

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
  - a. Stop work immediately and notify SDCI (Land Use Planner) and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP).

The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

- b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Annie Hillier, Land Use Planner  
Seattle Department of Construction and Inspections

Date: February 22, 2024

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