
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

NOTICE IS HEREBY GIVEN for the application described below:

Application Nos.: SEP20-025

Description of proposal: A request for Design Commission Design Review and SEPA review to upgrade an existing convenience store, add 580 sq ft of sales area, replace the existing fuel canopy and fuel system. The project includes removal of leaking underground fuel tanks and removal of contaminated soil.

Proponent: Brad Kaul (Kaul Design Architecture)

Location of proposal: 7833 SE 28th St / Mercer Island WA 98040

Identified by King County Assessor tax parcel number: 545230-0380

Lead agency: **City of Mercer Island**

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 all the project documents. Please follow this file path to access the associated documents for this project: <https://mieplan.mercergov.org/public/DSR20-010/SEP20-025>

_____ There is no comment period for this DNS.

This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

_____ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Lauren Anderson, Planner
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Email: lauren.anderson@mercerisland.gov

Date: 9/27/2021

Signature:

Lauren Anderson

APPEAL INFORMATION

This decision to issue a Mitigated Determination of Non-significance (MDNS) rather than to require an EIS may be appealed pursuant to Section 19.21.200 of the Mercer Island Unified Land Development Code, Environmental procedures.

Any party of record may appeal this determination to the City Clerk at 9611 SE 36th Street Mercer Island, WA 98040 no later than **5:00 PM on Monday, October 11, 2021** by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify, or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria.

X

There is no agency appeal.

MITIGATION CONDITIONS

The following conditions are required pursuant to RCW 43.21C.060 and WAC 197-11-350 to mitigate probable and unavoidable impacts identified for this proposal. All conditions of mitigation must be completed prior to building permit final approval.

1. This determination is conditioned on the Applicant's keeping the City apprised of and regularly reporting to the City on the Applicant's environmental compliance efforts with the State Pollution Liability Insurance Agency (PLIA) and/or Washington Department of Ecology. This reporting shall include updates on specific actions the Applicant has taken and plans to implement to achieve such compliance as set forth in: PLIA's opinion letter dated April 20, 2020; the Mercer Island Shell Interim Action Cleanup Plan dated March 19, 2021; and representations in the letter from the Applicant's consultant, Aspect Consulting, to the City, dated June 22, 2021. Applicant shall make such reports to the City at least once quarterly, which shall include the results of all monitoring done in conjunction with the project to evaluate environmental effects, including those related to soil and/or groundwater contamination.