



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

Record Number: 3040099-LU

Applicant: Permit Consultants Northwest, Jodi Patterson-O'Hare

Address of Proposal: 2225 South Walker Street

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-story institution (French American School of Puget Sound). No parking proposed. Existing buildings to be demolished.

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



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.

BACKGROUND

The site was granted Relief from Prohibition on Steep Slope Development by the SDCI Geotechnical Engineer on 2/17/2023 under record number 6942179-EX:

Environmentally Critical Areas (ECAs) Geotechnical review is required for this project. Geotechnical report and topographic survey are required for building permit application. The project is described as "Future institutional building". Based on the submitted information, the steep slope appears to qualify for relief criteria established in the Environmentally Critical Areas Code, SMC 25.09.090.B2b. Specifically, the steep slope appears to have been created by previous legal grading activities associated with the street improvement and/or site development. For this reason, 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: Comprised of two parcels totaling 25,457 square feet in area, the North Beacon Hill site is bounded by South College Street to the south, South Walker Street to the north, and 23rd Avenue South to the east. Two additional undeveloped parcels to the west form the remainder of the block. Rainier Avenue South's diagonal disruption to the standard block grid lies one block east of the site.

Prior to demolition (permit number 6918220-DM), the site was developed with a one- and two-story masonry-framed electrical manufacturing building. The now-vacant site slopes downgradient from southwest to northeast, declining roughly 20' in elevation from corner to corner. The steepest slopes are located off-site in the western portion of the block, which has remained undeveloped, but a portion of these slopes extend into the subject property's southwest corner. Mature trees and vegetation are present in the western portion of the subject site and street trees border the property within the adjoining rights-of-way.

Given the site's configuration and past and proposed uses, the property provides a unique "bookend" to the more active commercial corridor encompassing Rainier Avenue South to the north and east. Development patterns along Rainier Avenue South are more active and display low-slung, mid-century architecture containing uses such as restaurants, veterinary services, a pharmacy, and other neighborhood activities like specialized instruction for martial arts. To the west and south of the site, development transitions to a residential context predominated by single-family residences. Two additional private schools are located near the site to the immediate northwest: the Gidden School and the Lake Washington Girls School, providing a similar bookending presence between the bustle of Rainier Avenue and the adjoining residential neighborhoods.

Site Zone: Commercial 1 with a 75' height limit and Mandatory Housing Affordability Overlay (M)

Zoning Pattern: In the immediate vicinity, neighborhood commercial zones flank Rainier Avenue South, with commercial zones, where present, providing a transition to the surrounding residential zones.

(North) Neighborhood Commercial 3 with a 75' height limit and a Mandatory Housing Affordability Overlay
(South) Residential Small Lot
(East) NC3-75 (M)
(West) RSL

Environmentally Critical Areas: The site is partially mapped as potential slide area. At the northeast corner, a small area is also mapped as liquefaction prone. Although no steep slopes are mapped in SDCI's GIS system, the on-site slopes were determined to meet criteria for designation as regulated steep slopes. A relief from prohibition on steep slope development application was reviewed and approved as noted above.

PUBLIC COMMENT

The initial public comment period ended on 3/13/2023. The project scope was revised three times and subsequently renoticed, with comment periods ending on 7/10/2024, 8/21/2024, and 9/10/2024. 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 transportation impacts and archaeological resources.

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.

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 Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website.

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 7:00 PM on weekends and legal holidays for zones not otherwise specified in the ordinance (SMC 25.08.425).

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).

A Construction Management Plan will be required prior to issuance of the first building permit, 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: Construction Use in the Right of Way. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, 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 a geotechnical engineering study (Geotechnical Report, PanGEO Inc., 12/27/2022). In conjunction with subsequent addenda (Correction Response Letters, PanGEO Inc., 8/4/2023 and 3/29/2024), the study has 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 regarding existing contamination on site: Phase I Environmental Assessment (The Riley Group, 1/27/2020), Phase II Subsurface Investigation (The Riley Group, 12/15/2021), Technical Memorandum (TRC Environmental Corporation, 6/14/2022), Media Management Plan (TRC Environmental Corporation, 4/9/2024), Media Management Plan (TRC Environmental Corporation, 9/6/2024), and Media Management Plan (TRC Environmental Corporation, 12/16/2024). The Phase I Subsurface Investigation (The Riley Group, 1/27/2020) identified two subsurface anomalies thought to be underground oil storage tanks. The Phase II Subsurface Investigation (The Riley Group, 12/15/2021) confirmed the presence of at least three underground storage tanks, including those previously assumed to be present in the Phase I ESA. The Technical Memorandum prepared by TRC Environmental Corporation (6/14/2022) documents a Focused Subsurface Investigation (FSI) which found contaminated soils in the vicinity of all three assumed USTs and in one additional area in the southeast of the site, the source of which was not determined. If not properly handled, these existing contaminations could have an adverse impact on environmental health.

As indicated in the SEPA checklist and environmental documents on file, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Media Management Plan (TRC Environmental Corporation, 12/16/2024) are followed, 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 Media Management Plan (TRC

Environmental Corporation, 12/16/2024) 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).

Environmental Health – Asbestos and Lead

Construction activity has the potential to result in exposure to asbestos. Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation is warranted for asbestos impacts pursuant to SMC 25.05.675.F (Environmental Health Policy).

Construction activity has the potential to result in exposure to lead. Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP), and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation is warranted for lead impacts 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).

Height, Bulk, and Scale

Section 25.05.675.G (Height, Bulk and Scale Policy) describes the specific environmental policy for height, bulk, and scale. The proposal was not subject to design review. The site is on the edge of another zone (Residential Small Lot) but its scale is not incompatible with neighboring properties due to the building's siting at the toe of the on-site slopes, the orientation of the building toward the neighborhood commercial zone to the east, and the intervening streets which provide additional separation.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted pursuant to SMC 25.05.675.G (Height, Bulk and Scale Policy).

Historic Preservation – Architectural Resources

The existing structure(s) on site are more than 50 years old. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure(s) on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letter, reference number LPB 36523, 10/10/2023). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted pursuant to SMC 25.05.675.H (Historic Preservation Policy).

Historic Preservation – Archaeological Resources

The project is not located within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. However, public comment from the Duwamish Tribe indicated a Low probability of encountering unknown archaeological impacts and a high probability of encountering cultural resources.

Since the information showed there was low probable presence of archaeologically significant resources on site, Section A of Director's Rule 2-98 applies. 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.

Light and Glare

SMC 25.05.675.K (Light and Glare Policy) provides policies to minimize or prevent hazards and other adverse impacts created by light and glare. The proposed project includes interior and exterior lighting and exterior materials such as glazing and metal siding panels that have the potential to impact motorists traveling on local surface streets and adjoining properties, depending on the season and time of day. The applicant indicates that lighting will be designed and programmed to prevent exterior light

spillage into adjoining properties through use of indirect lighting, shielded fixture designs, and occupancy sensors. Due to the location of the building relative to other properties and in relationship to the on-site slopes, it is unlikely that adverse light and glare impacts would occur.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts from light and glare are presumed to be sufficient, and additional mitigation is not warranted pursuant to SMC 25.05.675.K (Light and Glare Policy).

Plants and Animals

Mature vegetation is located on the site, including 19 trees, three of which are listed as Tier 2. The applicant submitted two arborist reports: Arborist Report, Tree Solutions Inc., 2/1/2023 and 8/4/2023, and identified the Tier 2 trees (*Acer macrophyllum*, Big Leaf Maples) on the MUP plan set. SDCI's arborist has reviewed this information.

The proposal includes removal of all on-site Tier 2 tree(s). In Neighborhood Commercial zones, Tier 2 trees are permitted to be removed when the associated tree protection areas interfere with 100% development of the site.

Public View Protection

SMC 25.05.675.P (Public View Protection Policy) provides policies to minimize impacts to designated public views of significant natural and human-made features listed in that subsection. No SEPA scenic routes are located in the vicinity of the project. The proposed development does not block views of any nearby historic landmarks. No mitigation is warranted pursuant to SMC 25.05.675.P (Public View Protection Policy).

Shadows on Open Space

SMC 25.05.675.Q (Shadows on Open Space Policy) provides policies to minimize or prevent light blockage and the creation of shadows on certain open spaces most used by the public. Areas outside of downtown to be protected include publicly owned parks, public schoolyards, private schools that allow public use of schoolyards during non-school hours, and publicly owned street-ends in shoreline areas. The proposed project is not located in close proximity to any of these protected open spaces. The nearest private schoolyards (Gidden School and Lake Washington Girls School) are roughly 370' west-northwest of the site. Due to the proposed building's location at the toe of the on-site slopes, the proposed building height, and the distance to these schoolyards, no shadows are anticipated to extend from the project to these open spaces.

No adverse shadow impacts are anticipated and no mitigation is warranted pursuant to SMC 25.05.675.Q (Shadows on Open Space Policy).

Traffic and Transportation

The transportation analysis (Transportation Technical Report, Heffron Transportation Inc., 1/15/2024) indicates that the project is expected to generate a total of 425 net new daily vehicle trips, 242 net new AM peak hour trips, 152 net new afternoon peak hour trips and 31 net new commuter PM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including South Walker Street, South College Street, 22nd Avenue South, 23rd Avenue South, and Rainier Avenue South and would have moderate impact on levels of service at nearby intersections and on the overall transportation system. To mitigate these impacts, the applicant has prepared and submitted a draft Transportation Mitigation Program for review (French American School of Puget Sound Draft Transportation Mitigation Plan/Program, 7/11/2024). The TMP includes a reduced single-occupancy vehicle (SOV) goal of 33% and supporting elements for transit and transportation assistance, including designation of a transportation coordinator, robust transportation and parking information provided to families and employees, school bus service, bicycle commuter facilities (at least one shower and changing room, bicycle racks), subsidized transit passes and bike and walk commutes for employees, and guaranteed rides home for employees who do not commute by SOV. This list is not exhaustive; refer to the TMP for the full list of program elements. The SDCI Transportation Planner reviewed the information and concurs that mitigation through a Transportation Mitigation Program is warranted per SMC 25.05.675.R (Traffic and Transportation Policy). The SDCI Transportation Planner consulted with SDOT staff to address remaining level of service impacts in the vicinity of the project and determined that the TMP provided sufficient mitigation per SMC 25.05.675.R (Traffic and Transportation Policy).

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.

2. The owner and/or responsible parties shall provide SDCI with a signed Transportation Mitigation Program Acknowledgement Letter documenting the requirement for a TMP.

Prior to Issuance of a Demolition, Grading or Construction Permit

3. 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.
4. If the applicant intends to work outside of the limits of the hours of construction described in condition 3, a Construction Noise Management Plan shall be required, subject to review and approval by SDCI Noise Abatement staff, and prior to a demolition, grading, or building permit, whichever is issued first. The construction noise management plan may be modified as needed through SDOT and SDCI review. The construction noise management plan shall be incorporated into the Construction Management Plan.

Prior to Issuance of a Construction Permit

5. The applicant shall provide a recorded copy of the project's approved Transportation Mitigation Program.

During Construction

6. 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.
7. Monitoring for cultural resources shall be conducted during any ground-disturbing excavation in native soils, and at the interface of fill and native soils.

For the Life of the Project

8. Comply with the approved Transportation Mitigation Program for the life of the project. This condition shall not be construed to disallow modifications of the TMP through subsequent permit applications.

Alisa Johansson, Land Use Planner
Seattle Department of Construction and Inspections

Date: February 24, 2025

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