



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

Project Number: 3038144-LU
Applicant: Neiman Taber Architects
Address of Proposal: 701 S Jackson St

SUMMARY OF PROPOSAL

Land use application to allow a 9-story, 202-unit apartment building with retail. No parking proposed. Existing buildings to be demolished.

The following approval is required:

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

SEPA DETERMINATION

Determination of Nonsignificance (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.

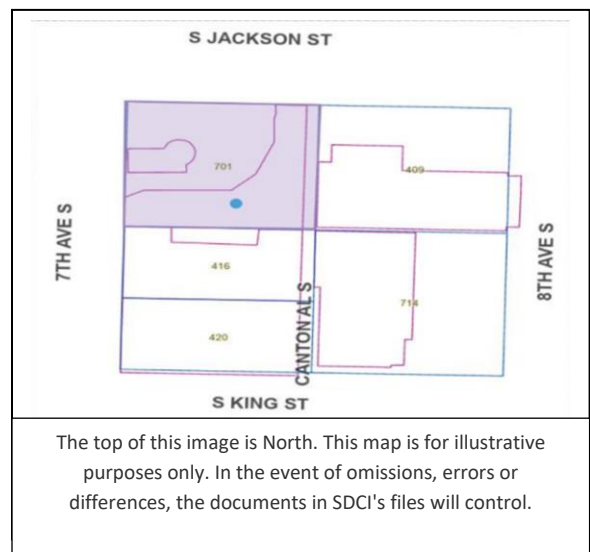
SITE AND VICINITY

Site Zone: International District Mixed-75-85
[IDM-75-85]

Zoning Pattern: North: IDM-75-85
South: IDM-75-85
East: IDM-75-85
West: IDM-75-85

Environmentally Critical Areas: No environmentally critical areas are mapped on site.

Site Description: The project site is approximately 0.31 acres in size and is currently occupied by a former gasoline station building in the northwest



portion and an “L”-shaped automobile repair garage along the east and south parcel boundaries, and paved parking and drive areas. The buildings are currently vacant. Access to the project site is provided by S Jackson St and 7th Ave S. The streets are developed with curb, gutters, and sidewalks.

PUBLIC COMMENT

The public comment period ended on March 14, 2022. 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 parking and potential archeological deposits. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the 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 12/22/2021. 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 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.

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 and parking impacts 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 construction-related noise, air quality, greenhouse gas emissions, construction traffic and parking impacts, environmental health, as well as mitigation.

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.

Construction Impacts - Parking and 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.

The area includes metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. 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 and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

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 the IDM zone.

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.

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 mitigation noise impacts per SMC 25.05.675.B.

Environmental Health

The applicant submitted studies regarding existing contamination on site (Remedial Investigation/Feasibility Study/Cleanup Action Plan, GeoEngineers, April 23, 2021, revised Jan 19, 2022; Contaminated Media Management Plan, Geo Engineers, June 1, 2022; Expedited Voluntary Cleanup Program Application, GeoEngineers, Sept 7, 2021; Opinion on Proposed Cleanup, Department of Ecology, May 25, 2022).

If not properly handled, existing contamination could have an adverse impact on environmental health.

As indicated in the SEPA checklist, the Remedial Investigation/Feasibility Study/Cleanup Action Plan, Contaminated Media Management Plan, and Ecology's opinion letter on the proposed cleanup, 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 Remedial Investigation/Feasibility Study/Cleanup Action Plan and the Contaminated Media Management Plan 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 Remedial Investigation/Feasibility Study/Cleanup Action Plan and the Contaminated Media Management Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to 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 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.

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 under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

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 under SEPA Policies 25.05.675.F is warranted for lead impacts.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. 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. However, greenhouse gas emissions, historic resources, parking, public views, and transportation warrant further analysis.

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.

Historic Preservation – Architectural Resources

The site is located in the International Special Review District. The proposal requires a Certificate of Approval from the Department of Neighborhoods, prior to MUP issuance. The applicant has applied for this Certificate and is proceeding through the Landmarks Board review and process, per the requirements of the Landmarks Preservation Ordinance.

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 per SMC 25.05.675.H.

Historic Preservation – Archaeological Resources

Information on file (Public Comment Letter, Duwamish Tribe, February 9, 2022) suggests the project is located in an area that is considered culturally significant and has a moderate probability to have unknown archaeological deposits. The applicant submitted an Archaeological Resources Literature Review Report prepared by ESA (Oct 2022), which indicated that, based on this literature review and correspondence with the Local Government Archaeologist at the Washington State Department of Archaeology and Historic Preservation (DAHP) via email on October 5, 2022, no precontact-era archaeological resources are expected in the Project Area due to the removal of all pre-1907 soils by the Jackson Street Regrade.

The report notes that several Tribes (identified as the Duwamish Tribe, Muckleshoot Indian Tribe, Snoqualmie Indian Tribe, Suquamish Tribe, and Tulalip Tribes) were contacted about the project area and they requested to be provided the opportunity to be on site during ground-disturbing activity. As a condition of this decision, the Tribes shall be notified prior to ground-disturbing activity and provided the opportunity to be on site during ground-disturbing activity, consistent with Section B of Director's Rule 2-98.

The following conditions are also warranted to mitigate impacts to potential historic resources, per SMC 25.05.675.H and consistent with Section B of Director's Rule 2-98:

Prior to Issuance of Master Use Permits:

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:
 - Stop work immediately and notify SDCI (David Sachs (206) 561-3434) 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.

- 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.

Parking

The proposed development includes 202 residential units and approximately 7,290 square feet of commercial space. No on-site vehicle parking is proposed. The analysis in the traffic study (“Transportation Impact Analysis for 701 S Jackson Street” dated December 13, 2021 and “Response to SDCI Correction Notice” dated April 4, 2022, both by Heffron Transportation, Inc.) estimated residential parking demand of 26 vehicles based on rates in the King County Right Size Parking Calculator. Peak residential demand typically occurs overnight.

The applicant has indicated up to 50 off-site parking spaces will be available in the Union Station Garage at 820 4th Avenue S for residents of the building to lease. Residents with vehicles are expected to lease space in off-site garages but some may choose to park in time limited spaces on-street.

The peak parking demand from the commercial use was estimated utilizing rates from the Institute of Transportation Engineers (ITE) adjusted for local conditions and assuming a restaurant use. The non-residential portion of the project could generate a parking demand for about 10 vehicles during peak times. The expected commercial parking spillover of 10 vehicles is expected to be of short duration and have a minimal impact on on-street parking availability near the project site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in the Downtown Urban Center. This site is located in the Downtown Urban Center. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal. No mitigation is warranted per SMC 25.05.675.M.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. S Jackson St is a SEPA Scenic Route. The applicant provided view studies showing the proposed development in relation to the designated public views in SMC 25.05.675.P. The proposed development is located in a manner that maintains a view of Kobe Terrace Park along S Jackson St.

The proposed development does not block views of any nearby historic landmarks.

Additional mitigation is not warranted under SMC 25.05.675.P.

Transportation

The traffic study (“Response to SDCI Correction Notice” dated April 4, 2022, by Heffron Transportation, Inc.) indicated that the project is expected to generate a net total of approximately 210 daily vehicle trips, with 16 net new AM Peak Hour trips and 11 PM Peak

Hour trips. The additional trips are expected to distribute on various roadways near the project site, including S Jackson Street. The additional project trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. No additional mitigation is warranted per SMC 25.05.675.R.

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 43.21.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 43.21.030(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 Demolition, Excavation/Shoring, or Construction Permit

1. 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 at: [Construction Use in the Right of Way](#).
2. 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.
3. Provide a note on the plans that the Tribes – as identified in the Archaeological Resources Literature Review Report prepared by ESA (Oct 2022) – shall be notified prior to ground-disturbing activity and provided the opportunity to be on site during ground-disturbing activity.

During Construction

4. Notify the Tribes – as identified in the Archaeological Resources Literature Review Report prepared by ESA (Oct 2022) – prior to ground-disturbing activity and provide the Affected Tribes the opportunity to be on site during ground-disturbing activity.
5. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify SDCI (Land Use Planner) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). 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.
 - 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.

David Sachs, Land Use Planner Date: November 28, 2022
Seattle Department of Construction and Inspections

DS:bg

Sachs/3038144-LU Decision