



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

Record Number: 3038980-LU
Applicant: Jodi Patterson-O'Hare
Address of Proposal: 1032 S Jackson Street

SUMMARY OF PROPOSAL

Land Use Application to allow an 11-story, 397-unit apartment building with retail and restaurant. Parking for 236 vehicles proposed. Existing building 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.

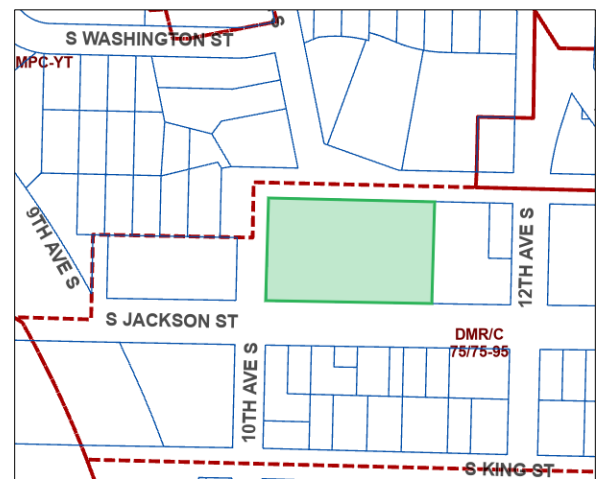
BACKGROUND

The site contains steep slopes and is in a Downtown zone. The Site is relieved from prohibition on steep slope development per SMC 25.09.090.B.1. The project is still required to comply with SDCI Geotechnical Engineering review.

The subject site is within the International Special Review District (ISRD). Pursuant to SMC Chapter 23.66, the Department of Neighborhoods (DON) Director, in consultation with the ISRD Board, is reviewing a Certificate of Approval for the project proposal (DON documentation on file with SDCI).

SITE AND VICINITY

Site Description: Site is a rectangular property that is approximately 1.84 Acres or 80,217 square feet, bounded by 10th Ave S, S Jackson Street and 12th Ave S. The site contains steep slopes to the northern end with overall grading that slopes down the Southeast corner of the site. An existing surface parking lot and two-story structure both proposed to be removed.



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.

Site Zone: Downtown Mixed Residential/Commercial (DMR/C 75/75-95)

Zoning Pattern: (North) Master Planned Community - Yesler Terrace (MPC-YT)

(South) DMR/C 75/75-95

(East) DMR/C 75/75-95

(West) DMR/C 75/75-95 & MPC-YT

Environmentally Critical Areas: Steep Slopes, Potential Slide Areas, Known Slides Area

PUBLIC COMMENT

The public comment period ended on August 31, 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 support of the project. 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 (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 10:00 PM on weekends and legal holidays in DMR/C 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 proposed development includes removal of approximately 31,000 cubic yards from the site, pile driving for temporary shoring, which will result in noise from excavation equipment and truck trips. Surrounding properties directly to the north, south and west of the site are developed with housing and will be impacted by construction noise. The site is in an SDOT Construction Hub. Construction Hubs are areas of the City experiencing prolonged periods of construction from successive and numerous development activities. The combined impacts and duration of construction noise in this area warrants additional mitigation to reduce the impacts of construction noise on nearby residents.

The limitations stipulated in the Noise Ordinance are therefore not sufficient to mitigate noise impacts at this particular site; therefore, pursuant to SMC 25.05.675.B (Construction Impacts Policy), the

applicant shall be required to limit periods of noise generating construction activities to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by SDCI prior to issuance of a demolition, grading, or building permit, whichever is issued first.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise and, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website. A Construction Noise Management Plan with specific mitigation for work beyond non-holiday weekdays from 7:00 AM to 6:00 PM is required to be incorporated into the Construction Management Plan.

Construction Impacts – Mud and Dust

Approximately 31,000 cubic yards of material will be excavated and removed from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and 160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed enroute to or from a site.

No further conditioning of the impacts associated with these construction impacts of the project is warranted 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, Revision 1 by Jon C. Rehkopf, PE with PanGEO Inc., December 12, 2022). 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 – 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. However, since the project is located in the ISRD, it is subject to review by the ISRD Board.

The ISRD Board reviewed the proposal during four public meetings, analyzing the proposal for: compatibility with the character of adjacent development, applicable land use regulations such as maximum height (SMC 23.49.236 and SMC 23.66.332), modulation and setbacks (SMC 23.49.242), façade requirements and exterior building finishes (SMC 23.49.250 and SMC 23.66.336), and the adopted Design Guidelines for Awnings and Canopies, Façade Alterations, Security and Signs (adopted September 13, 1988); and considered mitigation for height, bulk, and scale impacts through modulation, articulation, landscaping, and façade treatments.

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed through the ISRD Board review and C of A process and consistency with applicable land use regulations. Issuance of the C of A is required prior to issuance of this MUP (SMC 23.66.030). Pursuant to 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 no further SEPA conditioning is warranted pursuant to SMC 25.05.675.G (Height, Bulk and Scale Policy).

Historic Preservation – Architectural Resources

The SEPA Historical Preservation Policies provide authority to mitigate impacts to historic sites noting that it is the City's policy to maintain and preserve significant historic sites and structures. The

preservation of these districts and sites is important to the retention of a living sense and appreciation of the past. Special districts have been established to protect certain areas which are unique in their historical and cultural significance, including the ISRD. These areas are subject to development controls and project review by special district review boards. (SMC 25.05.675.H)

The subject site is located within the ISRD, and the ISRD Board has reviewed the design during four public meetings. Considering impacts to the historic sites, the ISRD Board generally supported the design.

The historic preservation impacts of the proposed development have been addressed through the ISRD Board review and C of A process and consistency with applicable land use regulations. Issuance of the C of A is required prior to issuances of this MUP (SMC 23.66.030). Pursuant to the Overview Policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic and cultural resources are presumed to be sufficient, and no further SEPA mitigation is warranted pursuant to SMC 25.05.675.H (Historic Preservation Policy).

Public View Protection

The SEPA Public View Protection policies provide authority to mitigate impacts to designated public views, noting it is the City's policy to protect public views of significant natural and human-made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors (SMC 25.05.675.P).

Jackson Street is identified as a SEPA scenic route, with protected views west to the Downtown skyline and Puget Sound. Interstate 5 is located one block away from the site and the bridge over Jackson Street blocks partial Puget Sound views. Furthermore, SMC 23.66.306 requires design, siting, and construction of structures that minimizes view blockage from Downtown skyline and Puget Sound. The view studies submitted by the applicant demonstrate that the proposed development is located in a manner that maintains views from Downtown Skyline and Puget Sound along S Jackson St. The proposed development does not block views of any nearby historic landmarks.

The impacts to public views have been addressed through the ISRD Board review and C of A process and consistency with applicable land use regulations. Issuance of the C of A is required prior to issuances of this MUP (SMC 23.66.030). Pursuant to the Overview Policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to public views are presumed to be sufficient, and no further SEPA mitigation is warranted pursuant to SMC 25.05.675.P (Public View Protection).

Traffic and Transportation

The transportation analysis (Transportation Impact Analysis by Transpo group, July 2022) indicated that the project is expected to generate a total of 302 net new daily vehicle trips, 57 net new AM peak hour trips and 27 net new PM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including South Jackson Street, 8th Avenue South, 10th Avenue South, 12th Avenue South and Rainier Avenue South and would have minimal impact on levels of service at nearby intersections and on the overall transportation

system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted 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 Demolition, Grading 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.
2. If the applicant intends to work outside of the limits of the hours of construction described in condition one (1) above, 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.

During Construction

3. Construction activities (including but not limited to demolition, grading, excavation, deliveries, framing, roofing, pile driving and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This

condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition two (2) above.

Scott Reynolds, Land Use Planner
Seattle Department of Construction and Inspections

Date: June 5, 2023

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