



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

Record Number: 3040541-LU

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

Address of Proposal: 907 Terry Avenue

SUMMARY OF PROPOSAL

Land Use application to demolish existing buildings.

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 2/3/2023 under record number 6942672-EX:

Based on a review of the submitted information and City's GIS, the mapped steep slope appears to be less than 10 feet in vertical height, which does not meet the definition of steep slope per ECA code. Therefore, the subject site has no ECA steep slope. Environmentally Critical Area (ECA) Steep Slope Development Standards is [sic] waived for this project as allowed by ECA Code, Section 25.09.045.E. The building permit application for this development will be regulated through the Stormwater, Grading and Drainage Control Code and the Seattle Building Code."

SITE AND VICINITY

Site Description: The project site, located in the First Hill neighborhood of Seattle, sits at the corner of Terry Avenue and Marion Street and comprises approximately 17,400 square feet. The site slopes downgradient from east to west, from approximately 324' in elevation to approximately 312' in elevation, much of this concentrated in modified contours along the west and north sides of the existing

buildings. The existing development, a large masonry building known as “The Chancery Building” and a smaller steel structure for auxiliary generators, is accessory to the adjacent religious institution, the St James Cathedral, to the south across Marion Street. Several trees of varying sizes are located on-site along with several mature street trees in the right-of-way.

Site Zone: High Rise with a Mandatory Housing Affordability suffix (M)

Zoning Pattern: (North) Neighborhood Commercial 3 with a Pedestrian Overlay, 200’ height limit, and Mandatory Housing Affordability suffix (M)

(South) HR (M)

(East) HR (M)

(West) NC3P-200 (M)

Environmentally Critical Areas: The steep slopes mapped on-site were determined to not meet City of Seattle’s Environmentally Critical Area thresholds. No ECAs are therefore present.



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 SDCl's files will control.

PUBLIC COMMENT

The public comment period ended on May 1, 2023. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. One public comment, from Washington State Department of Ecology, advised SDCl of two known sites with contaminated soils in the vicinity of the project. Eight additional comments were also received, the scopes which were beyond the authority of this review and analysis per SMC 25.05. These comments focused on the desired retention of the building as an architectural and historic point of interest as well as commentary regarding future development at the site.

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 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. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment in Highrise zones between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

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 demolition 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).

Environmental Health – Contamination

As noted above, the Washington State Department of Ecology (ECY) provided public comment identifying two known contaminated sites in the project vicinity: the Levan Boise site at 901 Madison Street and the Chijako Restaurant site at 1016 Madison Street. Because the current demolition proposal does not include any excavation and because no disturbance of the existing foundations and retaining walls is proposed, no additional action is required pertaining to these contaminated sites.

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 not anticipated as a result of approval of this proposal because the site is proposed to be redeveloped immediately following demolition. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts of this demolition and no further conditioning is warranted by SEPA policies.

Historic Preservation – Architectural Resources

The existing structure(s) on site are more than 50 years old and are located across the street from a designated historic landmark (St James Cathedral). 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 not subject to Landmarks Preservation as the site is owned by a religious organization (Corporation of Catholic Archbishop of Seattle). See email from Michael de Lange dated 3/30/2023. The Department of Neighborhoods conducted an Adjacency Review related to this demolition action and provided their approval accordingly (Landmarks Preservation Board letter, reference number LPB 36423). 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).

Plants and Animals

Mature vegetation is located on the site, including several trees, one of which is a Tier 2 tree. The applicant submitted an arborist report (Arborist Report DRAFT, Arin Lewis, 5/11/2023) and identified the trees on the MUP plan set, including providing tree protection for the Tier 2 tree. SDCI's arborist has reviewed this information. Trees proposed to be removed in the right-of-way shall obtain SDOT approval prior to issuance of a demolition permit.

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. The plans shall show the tree preservation plan, consistent with the arborist report (Arborist Report DRAFT, Arin Lewis, 5/11/2023) on file with SDCI.

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

Date: November 9, 2023

AJ:bg

Johansson/3040541-LU Decision