



Gregory J. Nickels, Mayor  
Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3005696  
**Applicant Name:** Dave Fletcher for 7<sup>th</sup> Church of Christ Scientist  
**Address of Proposal:** 2555 8<sup>th</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Land Use Application for demolition of an 8,400 square foot structure, the Queen Anne 7<sup>th</sup> Church of Christ Scientist.

The following approval is required:

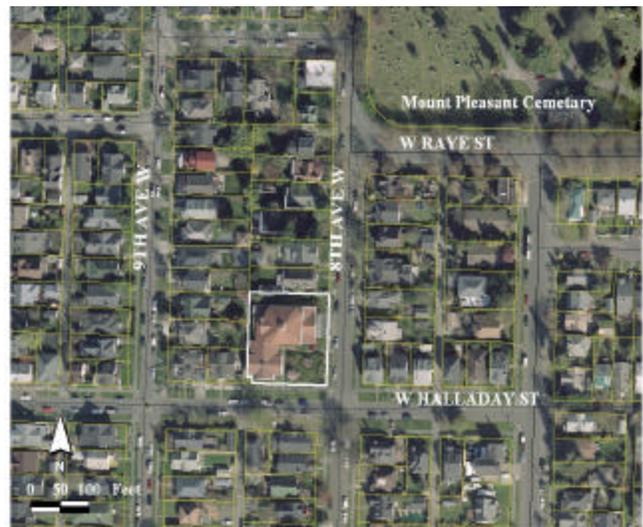
**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code.)

**SEPA DETERMINATION:**       Exempt    DNS    MDNS    EIS  
    DNS with conditions<sup>1</sup>  
    DNS involving non exempt grading or demolition or  
   involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site and Vicinity Description

The subject site is located on the northwest corner of the intersection of 8<sup>th</sup> Avenue West and West Halladay Street, and is situated in Seattle’s Queen Anne neighborhood. The site is zoned Residential Single Family (SF 5000), as are all surrounding properties in the immediate vicinity. The Mount Pleasant Cemetery lies one block northeast of the subject property. Frantz Coe Elementary is approximately two blocks southeast of the property. The general character of the neighborhood is of an older, established, residential neighborhood.



<sup>1</sup> See discussion of Historic Preservation, p.5.

The site is approximately 19,000 square feet in area and is currently developed with an 8,400 square foot religious facility owned and maintained by the Queen Anne 7<sup>th</sup> Church of Christ Scientist. Surrounding development is predominantly single family residential. The topography of the site is relatively flat, ranging from 330 feet in elevation in the western portion of the property to 334 feet in the southeastern section.

The existing 8,400 square foot structure was erected in 1926. The structure has not been designated as a landmark under the City's Landmark Ordinance, but it is included in the database of historic properties maintained by Seattle's Department of Neighborhoods Historic Preservation Program.

### Proposal

Land Use Permit for demolition of an 8,400 square foot religious facility.

### Public Comments

Public notice of the project application was published on October 5, 2006. The extended public comment period ended on October 31, 2006. DPD received numerous comment letters, emails, and phone calls during this period. Comments focused on a number of issues, including:

- Preservation of the existing structure
- Protection from impacts related to demolition of the existing structure
- Examination of alternatives for reuse of the existing structure

### ANALYSIS - SEPA

The initial disclosure of the potential impacts of the proposed project was made in the environmental checklist dated August 23, 2006. The information in the checklist, supplemental information from the Department of Neighborhoods, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

### Short-term Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts.

The following temporary or construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended air particulates during excavation and demolition; 2) increased noise and vibration from demolition operations and equipment; 3) increased traffic and parking demand from demolition personnel; 4) blockage of streets by demolition vehicles/activities; 5) temporary soil erosion; 6) removal and disposal of potentially harmful materials; 7) conflict with normal pedestrian movement adjacent to the demolition area; and 8) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during demolition, demolition along the street right-of-way); 2) Building Code (demolition measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

### Environmental Health

The use, discharge, disposal, emission or application of toxic or hazardous materials may pose hazards to human health and to plants, animals and ecological systems. Federal, state and regional regulations are the primary means of mitigating risks associated with hazardous and toxic materials. For example, Washington law requires that lead-contaminated soils be cleaned up to specific levels. The Washington State Department of Ecology regulates soil contamination under the Model Toxics Control Act (MCTA). However, such regulations cannot always be developed and implemented to anticipate or eliminate adverse impacts from hazardous materials and transmissions (SMC 25.05.675 F).

Pursuant to SEPA authority to mitigate adverse impacts related to demolition of older structures and removal of potentially hazardous materials in buildings such as lead, mercury, PCBs, or other undetermined toxins (not mentioned above), a condition shall be added requiring the applicant to provide to DPD documentation that confirms that the following requirements have been met:

Prior to demolition:

1. An on-site hazard assessment shall be conducted, performed in accordance with methods and standards established either by State or Regional authorities under a program authorized by EPA, or by EPA, to determine the existence, nature, severity and location of toxic materials (including underground storage tanks);
2. A report by the individual or firm conducting the risk assessment shall be submitted to DPD explaining the results of the investigations and options for reducing toxic materials hazards, including implementation strategies for a cleanup action plan.

### Air Quality

An asbestos survey was conducted by NVL Labs on July 28, 2006. Asbestos materials were found in a number of locations throughout the structure, including vinyl floor tiling, ceiling tiles, pipe insulation, aluminum windows, and in samples of roofing materials. Federal, state, and regional regulations, including the Environmental Protection Agency (EPA), Washington State Department of Labor and Industry, and the Puget Sound Clean Air Agency (PSCAA), provide for the safe removal and disposal of asbestos. However, no permit process exists that ensures that proper authorities have been notified of the proposed building demolition and that asbestos and various hazardous elements have been removed from the site. Pursuant to SEPA authority to mitigate adverse air quality and construction and environmental health impacts (SMC 25.05.675, A, B, and F), and in compliance with the Puget Sound Clean Air Agency's regulations pertaining to demolition projects, a condition shall be added requiring the applicant to show documentation that the following PSCAA requirements have been met:

Prior to demolition:

1. An asbestos survey shall be conducted by a certified Asbestos Hazardous Emergency Response Act (AHERA) building inspector;
2. A complete Notice of Intent shall be submitted to PSCAA;
3. A copy of the asbestos survey and Notice of Intent shall be kept on site and be available for review by Agency inspection personnel.

### Noise

There will be demolition of an 8,400 square foot structure. The Noise Ordinance effectively addresses most noise impacts. However, due to the proximity of surrounding residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate potential noise impacts, such as continual or repetitive noise of demolition activities. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

During construction:

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, 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.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations.

Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

### Traffic

Existing City code requires truck activities to use arterial streets to the greatest extent possible (SMC 11.62). For the removal and disposal of the spoil materials, SMC 11.74 provides that material hauled in trucks shall be secured in a manner as with safety chains, covered, tied down, confined or otherwise secured, "as to prevent the material from spilling, escaping, or being deposited outside the vehicle".

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. These ordinances provide adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Potential long-term impacts that may occur as a result of this project include possible soil erosion, depending on the state the newly exposed ground is left in after demolition. These long-term impacts are not considered significant because the impacts are expected to be minor in scope.

Long-term impacts such as this are typical of this type of demolition and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are the Stormwater, Grading and Drainage Control Code, and the Building Code.

Other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by condition.

### Historic Preservation

Preservation of historic buildings in the City of Seattle is important to the retention of a living sense and appreciation of the past. The subject property is currently developed with an 8,400 square foot religious facility, the Queen Anne 7<sup>th</sup> Church of Christ Scientist. The facility was built in 1926. The structure has not been designated as a historic landmark under the City's Landmark Ordinance, although staff at the Department of Neighborhoods believe that the 7<sup>th</sup> Church of Christ Scientist may meet the standards for landmark designation. To the extent the structure might be considered a historic landmark, its demolition would be a significant, adverse impact.

However, under Washington law, government may not apply landmarks preservation regulations to churches unless the church consents. Similarly, government generally may not apply SEPA regulations for the purpose of landmark preservation, unless the church consents<sup>2</sup>. Because the Queen Anne 7<sup>th</sup> Church of Christ Scientist has formally opposed the application of City regulations to the proposed demolition of its building, for purposes of landmark preservation, the City is constitutionally prohibited from applying its landmark or SEPA regulations to the proposed demolition for landmark preservation purposes. Accordingly, the City may not require the Church to prepare an environmental impact statement for purposes of landmark preservation, prohibit the demolition of the church, or impose conditions on demolition for the purposes of landmark preservation.

### DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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.

- [X] 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 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### CONDITIONS - SEPA

#### Prior to Issuance of Demolition Permit:

1. An on-site investigation shall be conducted, performed in accordance with methods and standards established either by State or Regional authorities under a program authorized by EPA, or by EPA, to determine the existence, nature, severity and location of toxic materials;

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<sup>2</sup> *Friends of First United Methodist Church v. City of Seattle*, Washington State Court of Appeals No. 55731-9-1 (November 21, 2005, unpublished opinion).

2. A report by the individual or firm conducting the risk assessment shall be submitted to DPD explaining the results of the investigation and options for reducing toxic materials hazards;
3. An asbestos survey shall be conducted by a certified Asbestos Hazardous Emergency Response Act (AHERA) building inspector;
4. A complete Notice of Intent shall be submitted to the Puget Sound Clean Air Agency;
5. A copy of the asbestos survey and Notice of Intent must be kept on site and be available for review by Agency inspection personnel.

During Construction:

The following condition, to be enforced during construction, shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street.

6. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, 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.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: (signature on file) Date: February 1, 2007  
Catherine McCoy, Land Use Planner  
Department of Planning and Development

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