



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

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

Application Number: 3019960

Applicant Name: Osama Quotah, LMN Architects for Seattle Academy of Arts and Sciences

Address of Proposal: 1215 East Union Street

SUMMARY OF PROPOSAL

Land Use Application to allow a new 5-story building containing classroom, labs and offices with a 1-story 27,350 sq. ft. gymnasium adjacent. Parking for 40 vehicles to be provided below grade. Existing buildings located at 1213 E Union St and 1215 E Union St to be demolished (Seattle Academy of Arts and Sciences).

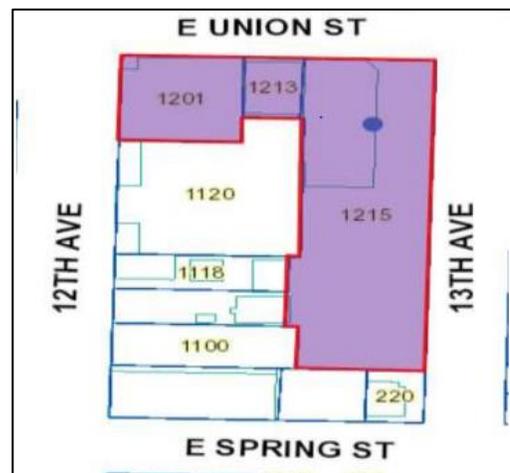
The following approvals are required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- 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: Neighborhood Commercial 3 with a 65' height limit (NC3-65)

Nearby Zones: North: NC3P-65
South: NC3-65
West: NC3P-65
East: Lowrise 3 (LR3)

Environmentally Critical Areas (ECAs): There are no mapped ECAs onsite.

Site Size: 22,084 sf

Site and Vicinity Description: The project site is located on the southeast corner of E Union St. and 13th Avenue. The proposal is an expansion within the existing Seattle Academy of Arts and Sciences (SAAS) main campus, which is bordered by 12th Avenue to the west, E. Union Street to the north, 13th Avenue to the east and E. Spring Street to the south. The proposal site contains two structures and a surface parking lot. The site is located on within the Capital Hill Neighborhood and within the 12th Avenue Urban Center Village.

The properties to the east across 13th Avenue are zoned LR3 and consist primarily of early century lowrise multi-family and single family structures. Properties one block to the west, across 12th Avenue and south of E. Madison Street are located within the Major Institution Overlay of Seattle University, whose campus extends to Broadway on the west and several blocks to the south and southeast.

In general, development in the vicinity is a mix of institutional, commercial and residential structures, the latter a mix of apartments and single-family dwellings, concentrated east and south of the development site.

Proposal Description: The proposed project includes an educational building with academic and administrative program space, a physical education gymnasium with a roof top play field, and below grade parking that will be accessed from an existing below grade parking entry at Spring St. No new curb cuts are proposed. The project will include connections to existing SAAS academic buildings. The educational building will front both E Union St. and 13th Ave and the gymnasium will front 13th Ave only.

PUBLIC COMMENT:

The public comment period commenced on December 21, 2015. 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 lead exposure and a request for the comment period to be extended.

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 November 23, 2015. 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 greenhouse gas, construction-related noise, construction traffic and parking impacts, and 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, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. A net export of approximately 11,000 cubic yards of excavated soil is anticipated to be removed from the project site. Excavation and construction materials will require approximately 1,100 round trips with 10-yard hauling trucks or 550 round trips with 20-yard hauling trucks. The area is subject to 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 limited 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 Worker Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the specific SEPA Policies (SMC 25.05.675), no further conditioning or mitigation is warranted.

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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI 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: <http://www.seattle.gov/transportation/cmp.htm>. 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 SEPA checklist submitted by the applicant indicated possible contamination on site from past use as an auto repair facility and underground storage tanks (USTs). If not properly handled, existing contamination could have an adverse impact on environmental health.

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.

Compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, 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: greenhouse gas emissions; parking; and 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, historic resources, height bulk and scale, parking, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and 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, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The two existing structures on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 101/16). 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.

Height, Bulk, and Scale

SEPA provides authority to mitigate impacts of substantially incompatible height, bulk and scale (SMC 25.05.675.G). The proposed building is located in the vicinity a variety of institutional, commercial and multi-family residential and single-family uses. As an institutional use, the proposed building is not subject to design review (SMC 23.41.004). The applicant voluntarily reduced portions of the proposed building below the NC3-65 permitted height, specifically the gymnasium portion of the building along 13th Ave E, better responding to the height, scale, and character of the LR3 residential zone to the east. A Seattle DCI zoning plans examiner has reviewed the project and determined that it meets all applicable Land Use Code requirements. Pursuant to the SEPA Height, Bulk and Scale Policy (SMC 25.05.675.G), SDCI determines that no significant adverse height, bulk and scale impacts will occur and no mitigation is warranted.

Parking

The SEPA Parking Policy (SMC 25.05.675.M) is to minimize or prevent adverse parking impacts associated with the development. The development site is located in a commercial zone within the 12th Avenue Urban Center Village. No vehicle parking minimum is required for the project (SMC 23.54.015, Table C, Section P).

The Transportation Technical Report, prepared by Heffron Transportation, Inc., dated January 7, 2016, contains a parking supply and demand analysis of the project. This proposal includes expansion of the parking garage, allowing more vehicles to be accommodated on site, and reduction of the amount of off-site parking that the school leases. The result is a net reduction in total parking capacity of one space.

The applicant anticipates applying to the City for restrictions along the 13th Ave frontage during peak unloading/loading periods. The restrictions would affect approximately 15 on-street parking spaces. Of these, 4 spaces at the south end of the block are located in a Restricted Parking Zone (RPZ 7). The remaining 11 parking spaces that would be affected are currently unrestricted. With the school's proposed weekday restrictions, the spaces on 13th Ave would still be available to the neighborhood for weekday midday, weekday overnight, and weekend parking.

The applicant actively manages parking through an existing TMP. Key TMP elements include: (1) pricing all long-term parking in SAAS's owned and leased parking facilities; (2) pricing incentives for student carpooling; (3) provision of school buses; (4) an ORCA reimbursement program for SAAS faculty and staff; and (5) student parking pass waiting lists. The applicant will continue to implement its existing TMP to balance parking demand.

Seattle DCI staff has reviewed the Transportation Technical Report and determined that the project does not result in significant adverse parking impacts. Pursuant to the SEPA Parking Policy (SMC 25.05.675.M), no additional mitigation is warranted.

Transportation

The Traffic Impact Analysis (*Heffron Transportation, Inc. dated 1/7/16*) indicated that the project is expected to increase vehicle trips at the SAAS main campus by 282 (151 inbound, 131 outbound) during the AM peak hour, 94 (42 inbound, 52 outbound) during the afternoon peak hour, and 121 (58 inbound, 63 outbound) during the PM peak hour.

The increased vehicle trips are attributed to the shift of existing trips to the main campus from the Temple campus and off-site locations, additional trips associated with the expansion of parking, and an increased enrollment capacity of 20 students.

Primary student drop-off and pick-up activities will be moved to the expanded, underground garage. A circulation plan, including limiting garage access to right-turn-only from E Spring St. during high use times, has been developed to facilitate vehicle operation through the garage and minimize vehicle queuing impacts on the adjacent streets.

In order to reduce the traffic and parking impacts associated with the proposal, the applicant has identified and will implement the following measures: hire an off-duty police officer to direct traffic at the 12th Ave and E Spring Street intersection when warranted during periods of peak drop-off and pick-up activity; restrict vehicles entering the garage to right-turn-only during peak arrival and dismissal times; have staff present at the school loading zone, garage entrance, and 13th Ave and E Spring Street intersection; post truck height and length limits outside of the garage entrance, as well as a SAAS phone number that can be called to arrange deliveries to help facilitate commercial deliveries at the Vanderbilt garage.

Additionally, the applicant will continue to implement measures to actively manage existing transportation impacts, including but not limited to a communication plan encouraging use of transit and carpooling, restricting vehicle circulation and staffing loading zones during peak hours, and implementing a neighborhood communication plan. The measures outlined above and in the TMP would mitigate impacts from the additional trips on levels of service at nearby intersections and on the overall transportation system.

Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be within the adopted standards for the identified areas.

The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further 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).
- Mitigated 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: <http://www.seattle.gov/transportation/cmp.htm>.

BreAnne McConkie, Land Use Planner _____ Date: August 25, 2016
Seattle Department of Construction and Inspections

BM:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.