



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: 3020845
Applicant Name: Patrick Donnelly for King County
Address of Proposal: 1211 East Alder St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one 4-story structure containing courtroom, office space, detention housing and school, and one 4-story parking structure for 360 vehicles (for a total of two structures). Existing structures to be removed. A Mitigated Determination of Non-Significance has been issued by King County.

The following approvals are required:

**Modifications or Waivers to Development Standards for Youth Service Centers
(Seattle Municipal Code 23.51A.004)**

SEPA - for conditioning only (Seattle Municipal Code 25.05.660)

SEPA DETERMINATION:

A Mitigated Determination of Non-significance (MDNS) was issued by King County, Lead Agency, on December 6, 2013. SDCI has reviewed that MDNS and, through this decision, is imposing additional conditions to mitigate environmental impacts.

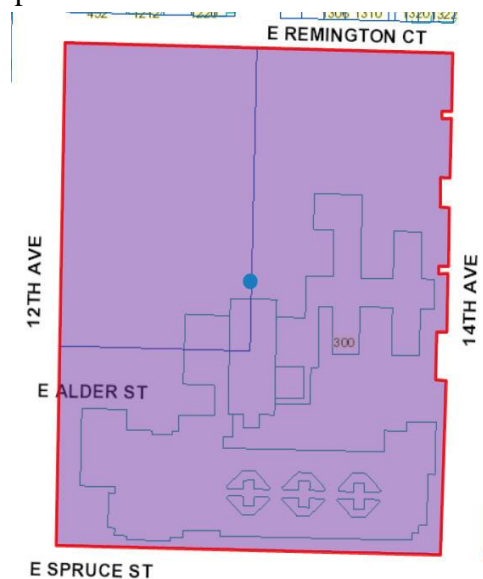
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

Site and Vicinity

Site Zone: Neighborhood Commercial 3 Pedestrian (NC3P-65) and Lowrise 3 (LR3)

Adjacent Zones: North: NC3P-65 and LR3
South: NC3-65 and LR3
West: NC3P-65
East: LR2 and SF 5000



ECAs: Steep slope (created by previous legal grading activities, exempted from steep slope standards)

Site Size: Approximately 8 Acres (365,674 square feet)

Project Description:

King County has proposed to demolish the existing Youth Services Center facility and replace it with the Children and Family Justice Center (CFJC). In general, this would include the demolition of the existing buildings onsite, site preparation work, grading/excavation, replacement of the buildings and construction of a parking garage. The CFJC would be developed in two phases because of funding considerations; the second phase (not under review with SDCI at this time) would involve construction of additions to the new courthouse/detention facility and to the parking garage.

Specifically, the project under review by SDCI is the work described as Phase I, the scope of which includes demolition of the existing Youth Services Center facility and new construction of two structures; one containing a juvenile courthouse and detention facility (268,000 sq. ft.), and the second is a parking garage (360 parking spaces). The project includes approximately 95,000 cubic yards (cu. yds.) of excavated material. Improvements within the rights-of-way (ROWs) are planned along the four abutting streets. A drop off, turn-around and garage access will be located from 12th Avenue. In addition, E. Spruce St. will be used for employee access to the garage. Access to the service yard and sally port will be from East Remington Court.

Site preparation and construction activity is expected to last for approximately 48 months. During this time, existing operations will remain on site and no administrative or detention functions are planned to be moved offsite; however, areas on the property must be secured and restricted from the general population to allow for construction staging, removal of hazardous material, underground utility installation and construction of the two buildings. King County's strategy to address this concern is to complete the CFJC Phase I project in four stages:

- Stage 1 involves abatement and demolition of the Alder Wing, underground utilities, site preparation, surface parking reconfiguration and construction staging.
- Stage 2 includes shoring, mass excavation, soil remediation and construction of the new CFJC building.
- Stage 3 includes reconfiguration of onsite parking, demolition and removal of the remaining structures (Alder Tower and Youth Detention Facility), site excavation, soil remediation and construction of the new parking garage structure.
- Stage 4 will include all remaining construction, construction of the main entry and site improvements (landscaping, hardscape, lighting, etc.).

Additional Information:

The proposal is located on Parcel A of lot boundary adjustment 3024559 recorded with King County (20160825900001).

King County identified further actions in their MDNS which are not part of this review. Phase II redevelopment, which may occur on the site and is not part of this review, includes additions to the juvenile courthouse, detention facility and parking garage. Submittal materials also identify the potential of a future platting action to create separate parcels for private redevelopment.

Public Comment:

The public comment period began on September 24, 2015 and ended on November 15, 2015. During and after the public comment period, SDCI received hundreds of comments in the form

of letters, emails and petitions, both in support and opposition to the proposal, from neighbors, community organizations, legal professionals, students, professors, social activists, and others. Public comment identified concerns of health risks associated with the removal of environmental hazards and the application of land use code development standards. Other comments were received and are beyond the scope of this review and analysis per SMC 25.05.660. These comments are available for review in SDCI’s electronic project file for project #3020845.¹

ANALYSIS – MODIFICATION AND WAIVERS TO DEVELOPMENT STANDARDS FOR YOUTH SERVICE CENTERS

The Land Use Code states that youth service centers existing as of January 1, 2013, in public facilities operated by King County in an LR3 zone within an Urban Center Village, and the replacement, additions or expansions to such King County public facilities are permitted outright if development standards for institutions in SMC 23.45.570 (excluding dispersion requirements) are met. The Code further states that subsections relating to structure width and setbacks (SMC 23.45.570.D and 23.45.570.F) may be waived or modified by the SDCI Director through a Type II decision per SMC 23.51A.004.B.6.

King County has requested a Type II approval under SMC 23.76.004 to modify structure width and side setback standards for portions of the structure located in the lowrise zone, as detailed in Table A below.

Table A: Requirements and Proposed Modifications

Development Standard for institutions in LR zones	Requirement	Proposal	Modification
Structure Width SMC 23.45.570.D.1 &.2, Table A	150’ maximum (with min. Green Factor 0.5)	<u>CFJC Bldg:</u> Structure width of 275’, as measured from the north façade to the south façade of the CFJC bldg. within the LR zone, with Green Factor >0.5 <u>Parking Structure:</u> Structure width of 210’, as measured from the north façade to the south façade of the parking structure with Green Factor >0.5	<u>CFJC Bldg:</u> Modify 150’ maximum structure width to 275’ with Green Factor Score >0.5 <u>Parking Structure:</u> Modify 150’ maximum structure width to 210’ with Green Factor Score >0.5
Development Standard for institutions in LR zones	Requirement	Proposal	Modification
Side Setback SMC 23.45.570.F.3	10’ minimum for the first 65’ of building depth; and a reduced setback for that portion of the building more than 65’ if the entire structure maintains a 19’ minimum average side setback	<u>CFJC Bldg East Facade:</u> 15’ average side setback	<u>CFJC Bldg East Facade:</u> Modify 19’ minimum average side setback on the east facade to allow a 15’ minimum average side street setback (with no minimum side setback).

¹ <http://web6.seattle.gov/dpd/edms/>

The SDCI Director has the authority to waive or modify standards and include conditions to mitigate all substantial impacts caused by such a waiver or modification per 23.51A.004.B.6. The Director's decision to waive or modify standards shall be based on a finding that the waiver or modification is needed to accommodate unique programming, public service delivery, or structural needs of the facility and that the three urban design objectives (set forth below, starting on p. 7) are met.

The Director's decision to waive or modify standards shall be based on a finding that the waiver or modification is needed to accommodate unique programming, public service delivery, or structural needs of the facility.

King County's for Waiver or Modification:

King County has indicated that modifications to structure width and setback requirements for the CFJC structure are necessary due to unique building programming of the facility and the delivery of public services. In particular, King County provides:

For facilities such as this, functionality is a combination of required adjacency and security. Adjacency and security needs dictate all of the internal program relationships. The detention housing program has specific needs that govern the relationship to the court, food service, recreational areas, social services, visiting, courts, and required educational facilities. Likewise, the courts have specific functional relationships to housing, holding areas, public areas, staff offices, and circulation corridors that control access between these multiple functions, many related to security. These uses need to be in proximity to each other with aligned and direct connections. The building layout meets these requirements by placing all of these necessary components on the first floor. Doing so causes the building to exceed the maximum width constraint as defined in SMC 23.45.570.D. It is not possible to stay within the width limitation and satisfy the adjacency, safety and security needs necessary for the unique program requirements.

The same considerations justify the request for modification of the setback standards. Placing these critical related uses on the same floor increases the area of that floor to the point where relief from the setback requirements is necessary. Further, the required layout of the uses, based on adjacency and security requirements, substantially limits the flexibility of floor planning, thereby limiting the ability of the facility to accommodate the standard setback requirements.

The other determinant of the building size is enhanced public service delivery. Aside from the obvious fact that the facility provides multiple public services by nature of its program, there are also programming commitments to the users of the building and the neighborhood that impact the location of the buildings on site. Honoring the commitments to preserve the open green area at the northeast corner of the site as well satisfying the popular desire to open up the Alder connection, after over 50 years of being closed, across the site has the result of constraining the footprint in the north/south direction, and expanding it in the east/west direction. The layout and location of the facility balances these contrary constraints, optimizing functionality, security, and the provision of public amenities.

King County has indicated that modifications to maximum structure width for the parking structure are necessary. King County states that the parking garage is a required

accessory to the courts/detention facility, and is therefore an extension of the public service delivery associated with that facility. King County provides:

Parking garages have very specific dimensional requirements. This garage has a highly efficient layout and garage stalls have been carefully allocated to differing project user populations, accommodating the required quantity of 360 parking stalls within a limited footprint. The garage is positioned on site to stay clear of the new Alder connection and to allow future street-level development to occur to the south on Spruce Street. These siting considerations are in keeping with the Urban Design Objectives in SMC 23.51.004 and are necessary in order to meet the neighborhood programming commitments regarding the Alder Connector and future street level development along Spruce Street. If the garage footprint were constrained to be within the maximum width standard, it would not achieve the desired number of stalls without expanding in the north/south direction. In doing so it would block creation of the Alder connector, eliminate future development potential to the south, or both. As designed, the garage maximizes the delivery of public services in the form of accessory service to the Children & Family Justice Center as well as the provision of neighborhood amenities and urban design improvements.

- a) *Objective 1: Create visual interest along and activate each street frontage. Examples for achieving this objective include, but are not limited to, the following:*
- 1) *Incorporate prominent entrances and other features that welcome pedestrians;*
 - 2) *Add visual interest using architectural detailing of the facade, transparency, decorative materials or design features;*
 - 3) *Use signage consistent with the Sign Code, Chapter 23.55, that helps orient pedestrians and adds interest to the street environment.*

The Alder pedestrian connection provides a mid-block connection through the development site from both 12th and 14th Avenues. The pedestrian connection will be developed with landscaping, gardens, hardscapes, sculptures, and ground level lighting. Primary vehicle and pedestrian access to the youth detention facility will be directed to and through this connection. The pedestrian connection creates visual interest and activates both 12th and 14th by welcoming pedestrians with the gardens, sculptures and lighting. As discussed in Objective 3 architectural detailing, decorative materials, and design features, such as the greenwall, have been incorporated into the development. Therefore, Objective 1 is met.

- b) *Objective 2: Create a continuous pedestrian environment along each frontage of the development in LR3. Examples for achieving this objective include, but are not limited to, the following:*
- 1) *Incorporate shade and rain protection, such as awnings, building overhangs, benches, freestanding pavilions or kiosks;*
 - 2) *Where site dimensions and program conditions allow, provide a landscaped setback between the structure and sidewalk;*
 - 3) *Design new or existing bus stops to integrate transit shelters, benches and decorative treatments with the adjacent facade.*

Within the LR3 zone an open space area including lawn and landscaping will be provided at the northeast corner of the property between the new CFJC structure and sidewalks in East Remington Court and 14th Avenue. A fifteen-foot-wide landscaping area will be located along the east property boundary between the new structure and sidewalks in 14th Avenue East. The

parking structure is in the LR3 zone. The parking structure is located 90 feet from East Spruce Street and at least 175 feet from 12th and 14th Avenues. The area between the parking structure and East Spruce Street will be regraded and hydroseeded in anticipation of future development not currently under review with this permit. In addition to the pedestrian connection between 12th and 14th and the proposed open space, and landscaping between structures and rights-of-way, Objective 2 has been met.

c) *Objective 3: Address the bulk and scale of the building by design treatments that transition to the scale of nearby development. Examples for achieving this objective include, but are not limited to, the following:*

- 1) *Break down the apparent scale of the building and reduce the impact of blank walls by using modulation or decorative facade elements, such as material, shape, color, architectural detailing, painting, screening, artwork, or vegetated walls;*
- 2) *Use landscaped setbacks where appropriate.*

The CFJC building has been designed to address bulk and scale and transition to nearby residential uses through a variety of compositional techniques including varying building height, modular repetition, and layering and stepping of forms. Visual interest through color and material variation is also proposed. The parking structure has been setback from the street fronts and future development may be located between the parking structure and street fronts. Currently as proposed Green Screen panels for a greenwall will be located along all four facades of the parking structure. Substantial setbacks and greenwalls will mitigate the bulk and scale of the structure and provide a transition to nearby development. Therefore, Objective 3 has been met.

DECISION – MODIFICATION AND WAIVERS TO DEVELOPMENT STANDARDS FOR YOUTH SERVICE CENTERS

Based on the information provided by King County, the Director finds that the modifications to development standards is needed to accommodate unique programming and public service delivery, and the urban design objectives are met. SDCI did not identify any substantial impacts caused by the modifications. Design elements, including structure setbacks, landscaping, materials, and greenwalls mitigate increase structure width and reduced setbacks. The Type II decision for Modification and Waivers to Development Standards is **APPROVED**.

ANALYSIS – SEPA

Environmental impacts for the *King County Children and Family Justice Center Project* have been analyzed in environmental documents prepared by King County. These include an environmental checklist dated December 6, 2013, and the Mitigated Determination of Non-Significance (MDNS) issued by King County dated December 6, 2013. Project specific environmental impacts of the development have been disclosed and analyzed in the documents provided by King County, acting as Lead Agency.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse environmental impacts resulting from a proposed project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may only be imposed to the extent that a given impact is attributable to a proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be imposed only when based on policies, plans and regulations referenced in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some

instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may not be necessary.

King County's environmental documents and substantive SEPA decision identified short- and long-term impacts, as well as mitigation measures in their MDNS. The City of Seattle is doing substantive SEPA review of the proposal to determine whether additional mitigation is warranted by the City's SEPA policies found in SMC 25.05.665-675.

Short - term Impacts

The following temporary or construction-related activities on this site are expected and were described in the MDNS: erosion, emissions from construction machinery and vehicles, demolition dust and increased particulate levels, demolition, groundwater/soil contamination, disruption of adjacent vehicular and pedestrian traffic, increased consumption of renewable and non-renewable resources, greenhouse gas emissions, storm water runoff, removal of onsite trees/vegetation, and increased noise levels.

Several construction-related impacts are mitigated by existing local, regional, state or federal requirement 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, the Tree Protection Ordinance (SMC 25.11) and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Washington State Department of Ecology (WA DOE) regulations outline policies and procedures for cleaning up contaminated land and water. The following analyzes short-term impacts identified by King County, which include air quality, construction-related traffic and parking, construction-related noise impacts, environmental health-hazardous material, and environmental health-contaminated soils.

Air Quality

Demolition, grading and construction activities each may create adverse air quality impacts in the surrounding area. Additionally, the indirect impact of 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 (GHG) emissions that adversely impact air quality and contribute to climate change and global warming. It is the City's policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions. The Seattle Stormwater Code (SMC 22.800-808) and Grading Code (SMC 22.170) regulate onsite grading activities and require soil erosion control techniques be initiated for the duration of work. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. The Puget Sound Clean Air Agency (PSCAA) has local responsibility for monitoring air quality, permitting, setting standards and regulating development to achieve regional air quality goals.

The SEPA checklist notes that the proposal *"...could result in localized increases in air emissions (primarily carbon monoxide) due to construction activities and possible increased vehicular traffic/congestion associated with the proposed development."* The following measures are cited in the SEPA checklist and MDNS to reduce or control emissions during demolition/construction:

- The proposed project would comply with applicable regulations enforced by PSCAA and Best Management Practices (BMPs) /conditions imposed by SDCI.

- Contractors and subcontractors would utilize well-maintained construction equipment to reduce on-site and localized air quality emissions. Idling of construction-related trucks for prolonged periods of time would be avoided.
- During demolition, debris and exposed areas would be sprinkled, as necessary, to control dust; quarry spall areas would be provided onsite prior to vehicles exiting the site; and truck loads and routes would be monitored to minimize dust-related impacts.

Existing codes and regulations are sufficient to control short-term air quality impacts. No potential short term significant adverse impacts to air are anticipated. Therefore, no further mitigation is warranted pursuant to the Overview Policy (SMC 25.05.665) and the Air Quality Policy (SMC- 25.05.675.A).

Construction Impacts – Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. King County indicates the construction period for the project would last for up to four years. During this time period, it is estimated there will be weeks of very intense construction traffic during the demolition of the existing structures, major earthwork stages and during large concrete pour when a continuous supply of concrete would be trucked to the site. Per the Transportation Impact Assessment (dated December 5, 2013) prepared by Heffron Transportation, Inc. (Heffron), *“The construction effort would include earthwork that would consist of excavation for foundations and the lower levels of the parking garage. It is estimated that the excavation effort would remove about 131,400 cubic yards (cy) of material from the site. Assuming an average of 20-cubic yards per truck (truck/trailer combination), the excavation could generate about 6,570 truckloads (6,570 trucks in and 6,570 trucks out). The export could occur over about four months (80 work days). This would correspond to about 82 loads (164 truck trips) per day and an average of about 20 truck trips per hour on a typical eight-hour construction work day. This volume of truck traffic would be noticeable to nearby residents, but is not expected to result in significant impacts to traffic operations in the site vicinity.... Other materials, such as steel, lumber, and other building supplies are expected to be trucked to the site as needed, but would not typically arrive in fleet shipments like those required for earthwork and concrete. Construction employees would also generate traffic and parking demand, but this volume would be much less than the site would generate when occupied. Heffron advised that a Construction Management Plan would mitigate potential construction traffic impacts.*

Construction of the CJFC building would eliminate a substantial portion of the existing onsite parking capacity until the garage is completed. Heffron prepared a technical memorandum titled “Construction Parking Management Plan” (dated September 8, 2015) to outline a plan with elements intended to maximize onsite parking supply for employees and visitors, optimize utilization of the available onsite parking supply, and to provide incentives that would reduce peak period parking demand at the site. The site would have a minimum of 160 parking stalls available during construction. An estimated 70 parking stalls are anticipated to be allocated for public/visitor parking and the remaining 90 spaces would be available to judges, staff and other employees. Construction employee parking would occur in a separate area on the site.

A parking demand analysis was provided within the technical memorandum prepared by Heffron to assess how the proposed number of onsite parking spaces would match the anticipated parking demand for employees and visitors during construction. Based on parking counts performed in the existing onsite parking lots in June 2015, the peak parking demand of employees and public/visitor is 231 vehicle parking spaces at about 2:00 PM weekday. This weekday peak demand includes approximately 160 employee/staff vehicles. Recommended measures to

address the parking constraints during construction are detailed in Heffron's memorandum. The recommendations include a combination of measures to increase parking supply and reduce employee parking.

King County's MDNS notes the following measures to mitigate construction-related parking and traffic impacts:

- Prior to commencing construction of Phase 1, King County and/or its prime contractor(s) would prepare a Construction Management Plan (CMP). This plan would document the following:
 - Truck haul routes to and from the site.
 - Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.
 - Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to loading or unloading.)
 - Construction employee parking areas.
 - Road or lane closures that may be needed during utility construction or relocation, roadway construction, or building construction. If any arterial street is affected by a partial or full closure, the contractor should also prepare a Maintenance of Traffic Plan detailing temporary traffic control, channelization, and signage measures.
 - Sidewalk and/or bus stop closures and relocations.
 - Mechanism for notifying community if road or lane closures, sidewalk and/or bus stop closures and relocations would be required.
 - Other elements or details may be required in the Construction Management Plan to satisfy street use permit requirements of the City of Seattle. King County and the contractor would incorporate other City requirements into an overall plan, if applicable.

- Due to the anticipated loss of on-site parking during construction, aggressive parking management measures could be implemented to address the shortfall in supply for both employees and visitors. There are three potential ways to mitigate the loss of onsite parking during construction.
 1. Locate additional supply – Lease off-street parking elsewhere and provide shuttles for employees between the site and that off-site parking.
 2. Reduce parking demand through management measures – Extensive parking and transportation management measures could be implemented for employees and visitors such as: shuttle services from major transit hubs and remote parking areas; charging for parking on site; additional incentives for employees to use transit, vanpools, carpools, and/or non-automobile modes; or other measures.
 3. Reduce demand by temporarily relocating functions – Some functions and activities could be relocated another location that has adequate parking.

It is the City's policy to minimize or prevent temporary adverse impacts associated with construction activities (SMC 25.05.675.B). Construction activities would generate a noticeable amount of truck traffic. Similarly, traffic lanes and on-street parking may be affected by construction staging, deliveries, etc. A reduction in onsite parking during construction is anticipated. Heffron's memorandum identified several recommendations, such as off-site parking, shuttles, and bicycle incentives to reduce employee parking demand during the construction period.

A Construction Management Plan, as identified by King County, is appropriate mitigation to address anticipated transportation impacts during construction. Some of the recommended parking mitigation elements necessitate formal approval from King County to be implemented. SDCI has not received documentation from King County that outlines the specific measures to be pursued to mitigate the loss of onsite parking during construction. The requirements for a Construction Management Plan (CMP) should also include a Construction Parking Management Plan (CPMP) to minimize the impacts associated with the loss of onsite parking during construction.

Pursuant to the City's Construction Impacts SEPA Policy, additional mitigation is warranted for City review and approval of the Plans in order to minimize traffic and parking impacts to City streets. The Construction Management Plan and Construction Parking Management Plan should be prepared by King County and should include specific measures planned to be implemented in order to address the onsite parking constraints during construction. The Seattle Department of Transportation (SDOT) will review the CMP to ensure traffic impacts to City streets are adequately mitigated. Seattle Department of Construction and Inspections will review the CPMP elements related to visitor and employee parking mitigation. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

Short-term noise and vibration from construction equipment and construction activity (e.g., backhoes, trucks, concrete mixers, generators, pneumatic hand tools, engine noise, back-up alarms, etc.); demolition of the existing structures; and construction vehicles entering and exiting the site would occur as a result of construction and construction-related traffic. It is the City's policy to minimize or prevent temporary adverse noise impacts associated with construction activities. The Seattle Noise Ordinance (SMC 25.08) establishes exterior sound level limits and permits increases in permissible sound levels associated with 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 Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones (SMC 25.08.425). If extended construction hours are desired, the applicant may seek approval from SDCI through a Noise Variance request (SMC 25.08.560).

The proposal site is zoned both LR3 and NC3P-65. The project is expected to generate loud noise during demolition, grading and construction. To mitigate noise impacts resulting from demolition of the existing Youth Service Center wings and construction of the proposed CFJC structures, the SEPA MDNS notes the following measure of the proposal:

- The project would comply with provisions of the City of Seattle's Noise Code; specifically: construction hours would be limited to weekdays (non-holiday) from 7:00 AM to 7:00 PM and Saturdays and Sundays and legal holidays from 9:00 AM to 7:00 PM. If extended construction hours became necessary, King County would need to seek approval from SDCI in advance.

As explained above, a Construction Management Plan will be submitted to SDOT. This document will include contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The limitations stipulated in the Seattle Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigate noise impacts per SMC 25.05.675.B.

Environmental Health – Hazardous Material

The King County SEPA checklist indicates that the results from the hazardous material surveys (listed below) conducted on sections of the existing Youth Services Center structure to be demolished (Alder Wing, Alder Tower and Spruce Wing) identified the presence of asbestos-containing materials, lead-containing paints (LCP), polychlorinated biphenyls (PCBs) and mercury in building materials and/or electrical equipment.

The applicant submitted the following studies regarding existing hazardous material contained on the project site:

1. *“Phase I Environmental Site Assessment Report, Youth Service Center, Seattle, Washington, Tax Parcels 2908700085 and 7949300095,”* for King County Real Estate Services Section prepared by Herrera Environmental Consultants dated April 23, 2010.
2. *“Hazardous Building Materials Survey, Alder Wing and Alder Tower, Youth Service Center, 1211 East Alder Street, Seattle, Washington,”* for King County prepared by Med-Tox Northwest and Herrera Environmental Consultants, Inc. dated April 23, 2010.
3. *“PCB Site Characterization Report and Disposal and Cleanup Plan, Youth Service Center, Seattle, Washington,”* for King County Real Estate Services Section prepared by Herrera Environmental Consultants dated October 13, 2010.
4. *“Removal Action Completion Report Youth Service Center PCB Abatement,”* for King County Facilities Management Division prepared by Herrera Environmental Consultants, Inc. dated March 15, 2012.
5. *“Hazardous Building Materials Survey, Spruce Wing, Youth Service Center, 1211 East Alder Street, Seattle, Washington,”* for King County prepared by Med-Tox Northwest and Herrera Environmental Consultants, Inc. dated August 2013.

Hazardous material if not properly handled could have an adverse impact on environmental health. It is the City’s policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials to the extent permitted by federal and state law. If asbestos is identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements (Building Code). PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. If lead is 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).

The following mitigation measure is cited in the SEPA materials to address impacts related to the removal of hazardous materials during demolition of the existing structures:

- Hazardous substances, such as asbestos, lead-based paint, PCBs and mercury may be present in the buildings, which would be removed. Prior to demolition, asbestos, lead-based paint and other similar hazardous materials that may be encountered during demolition would be removed by a qualified abatement contractor in accordance with State and Federal guidelines.

The mitigation identified in the King County SEPA checklist and SEPA MDNS concerning hazardous waste removal is sufficient in most instances to mitigate adverse environmental impacts associated with a proposal which involves demolition of existing structures. However, since King County staff, youth detainees and the general public will continue to populate the site during the duration of the demolition and construction activity, SDCI felt it was important that King County provide additional documentation to SDCI in order to assess if further mitigation linked with the removal of identified hazardous materials was warranted in association with the phasing aspects of the project. King County submitted the following items in response to SDCI's request for documentation:

- A written outline titled “*SEPA-Related Mitigation Measures*” stating that the project contractor (Howard S. Wright (HSW)) has contracted the services of a project hazardous materials abatement consultant (NOVO Laboratory & Consulting Services, Inc.). It explains that the consultant's scope of work will include verification of existing hazmat surveys, provide detailed scope of work for abatement subcontractor to follow, and monitoring of the abatement subcontractor. This plan also summarizes how the hazardous materials removal will be phased throughout the entire project;
- A safety plan prepared by the project contractor (HSW) outlining safety measures to be implemented during each phase of development in order to minimize safety risks to all persons at the site;
- A letter from NOVO Laboratory & Consulting Services, Inc. attesting to the contracted scope of work and documenting that planned phased actions to remove existing hazardous materials are consistent with the policies and guidelines of the applicable agencies; and
- Asbestos Notification permitting from PSCAA/Washington State Department of Labor and Industries (WA L&I).

SDCI has reviewed the abovementioned materials and finds that the identified documents demonstrate that King County/HSW/NOVO Laboratory & Consulting Services, Inc. will utilize work practices and controls to prevent migration of the hazardous materials from work areas to occupied areas. Furthermore, the PSCAA notification permitting is an indication that the appropriate agencies have been notified. As stated above, PSCAA has local responsibility for regulation and permitting of the removal of hazardous materials such as asbestos. PSCAA, and/or WA L&I will determine that actions employed to remove/contain/dispose the identified materials will be abated and disposed in compliance with applicable state and federal regulations. No additional mitigation under SEPA Policies 25.05.675.F is warranted for hazardous material impacts.

Environmental Health – Contaminated Soils

The King County SEPA checklist indicates that the findings of the Phase I and Phase II Environmental Assessment reports (referenced below) identified the presence of contaminated soils and groundwater at certain locations of the project site.

The applicant submitted the following studies referenced in the SEPA checklist concerning existing contamination on the project site:

1. “*Phase I Environmental Site Assessment Report, Youth Service Center, Seattle, Washington, Tax Parcels 2908700085 and 7949300095,*” for King County Real Estate Services Section prepared by Herrera Environmental Consultants dated April 23, 2010.
2. “*Phase II Environmental Site Assessment Report, Youth Service Center, 1211 East Alder Street, Seattle, Washington, Tax Parcels 2908700085/7949300095,*” for King County

Facilities Management Division prepared by Herrera Environmental Consultants, Inc. dated November 25, 2013.

3. *“Report - Preliminary Geotechnical Engineering Services King County Children and Family Justice Center Redevelopment Project, 1211 East Alder Street, Seattle,”* Washington dated November 26, 2013 prepared by Kathryn S. Killman, L.E.G. and Brian R. Beaman P.E., L.E.G., L.H.G. (Icicle Creek Engineers, Inc.).
4. *“Geotechnical Site Assessment Report, King County Children and Family Justice Center Redevelopment Project, 1211 East Alder Street Site, Seattle Washington”* dated November 29, 2013 prepared by Thomas M. Gurtowski, P.E., D.GE (Shannon & Wilson, Inc.).

As part of the MUP application, SDCI requested additional documentation concerning removal of contaminated soil and contaminated groundwater treatment during temporary and permanent conditions. In response, King County submitted the following reports and correspondence:

1. *“Geotechnical Master Use Permit Report, King County Children and Family Justice Center Design-Build Project, Seattle, Washington,”* dated October 30, 2015 prepared by Christopher M. Kokesh, P.E. and Matthew W. Smith, P.E. (GeoEngineers, Inc.).
2. *“Geotechnical Response to Comments #3, King County Children and Family Justice Center Design-Build Project, Seattle, Washington, GeoEngineers File No. 0146-120-00, SDCI Project No. 3020845”* dated July 15, 2016 prepared by James G. Roth, L.G., L.H.G. (GeoEngineers, Inc.).
3. *“Draft Contaminated Soil Handling and Management Plan, King County Children and Family Justice Center Redevelopment Project, 1211 East Alder Street Site, Seattle Washington”* dated July 15, 2016 prepared by staff at GeoEngineers, Inc.
4. *“Geotechnical Response to City of Seattle (Department of Construction and Inspections-Tami Garrett), King County Children and Family Justice Center Design-Build Project, Seattle, Washington, GeoEngineers File No. 0146-120-00, SDCI Project No. 3020845”* dated August 5, 2016 prepared by David A. Cook, L.G., C.P.G. (GeoEngineers, Inc.).
5. *“Contaminated Soil Handling and Management Plan, King County Children and Family Justice Center Redevelopment Project, 1211 East Alder Street Site, Seattle Washington”* dated November 29, 2013 prepared by James G. Roth, L.G., L.H.G. and David A. Cook, L.G., C.P.G. (GeoEngineers, Inc.).
6. A written outline titled *“SEPA-Related Mitigation Measures”* stating that the project contractor (Howard S. Wright (HSW)) has contracted the services of a GeoEngineers Inc. as the project engineer of record.
7. A safety plan prepared by the project contractor (HSW) outlining safety measures to be implemented during each phase of development in order to minimize safety risks to all persons at the site.
8. Permitting from King County (Industrial Waste Discharge Authorization), SDCI/Seattle Public Utilities (SPU) (Side Sewer Permit for Temporary Dewatering) and DOE (NPDES Construction Storm Water permit).
9. Email correspondence from DOE staff.

Existing contamination could have an adverse impact on environmental health. It is the City’s policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions, to the extent permitted by federal and state law. 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 has instituted program functions to mitigate risks associated with removal and transport of hazardous and toxic materials. In addition to Ecology,

removal and treatment of contaminated soils and groundwater must comply with King County and City requirements.

The applicant's technical reports detail the management of environmental soils/water at the project site and describes strategies to ensure adherence with all applicable laws and rules pertaining to worker safety and handling, transporting and disposal of contaminated soils/water. As described in the geotechnical report (*"Contaminated Soil Handling and Management Plan, King County Children and Family Justice Center Redevelopment Project, 1211 East Alder Street Site, Seattle Washington"*), the GeoEngineers project engineer states that *"the contaminated soil and groundwater removed from the construction excavations will be handled and disposed in accordance with MTCA requirements, and workers in contact with contamination will be Hazardous Waste Operations and Emergency Response (HAZWOPER) trained as stated in the MTCA cleanup regulation, and WAC 296-843."* This report also includes a written decision from Ecology (Appendix B - PCE (tetrachloroethene) Soil Contained-In Determination Letter). King County acknowledges responsibility for follow-up reporting to Ecology. Submissions from King County demonstrate that Ecology has assessed the County's measures to ensure that the proposed building's interiors will be protected from any residual subsurface contaminants.

As inferred in the SEPA checklist and further clarified throughout the review of this application, King County explains that the Phase I CFJC project scope does not include the undertaking of a comprehensive cleanup action under the Model Toxics Cleanup Act (MTCA) for cleanup of dry cleaning solvents contamination that has migrated onto the property in groundwater from a nearby property to the north. However, King County explains that the project scope will include the removal of most of the contaminated soil from beneath the new structures and the inclusion of specific construction measures (vapor barrier) and indoor air quality testing to protect the building's interiors from any residual subsurface contaminants. Communication from Ecology states *"if the new building incorporates a vapor barrier and indoor air testing within the new building demonstrates compliance with MTCA air cleanup levels, this would indicate that the residents of the new building are not being exposed to vapors from soil and ground water."*

The following mitigation measures are cited in the County's SEPA MDNS to address impacts related to the removal of contaminated soil and treatment of contaminated groundwater:

- Where practicable, contaminated soil will be excavated and removed from the site and taken to an appropriately permitted disposal or treatment facility. New buildings would be designed and constructed to incorporate protective measures to prevent the potential for vapors associated with groundwater contaminants from migrating into building interior spaces.
- Any groundwater removed for construction dewatering will be stored and treated onsite to remove contaminants and will only be discharged to the sewer system in accordance with approved discharge permits.

SDCI has reviewed the abovementioned materials related to removal of contaminated soils and groundwater from the project site. The City acknowledges Ecology's jurisdiction and that Ecology's requirements for remediation will mitigate impacts associated with any contamination. The applicant's materials include permits that demonstrate compliance with agency requirements. The proposed strategies and compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. No further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

Long - term Impacts

Long-term or use-related impacts anticipated by the proposal include: greenhouse gas emissions; energy consumption; surface water runoff; onsite tree and vegetation removal; operational noise; traffic; and parking. 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 polices. However, greenhouse gas, parking and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project 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. However, these impacts are not significant as compared to the existing condition. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Transportation

Traffic. Heffron Transportation Inc. (Heffron) prepared a Transportation Impact Assessment (TIA) (dated December 5, 2013) for the "*King County's Children and Family Justice Center*" project referenced in the County's environmental materials. The TIA evaluated the transportation impacts of the proposed redevelopment; identified potential measures to mitigate identified impacts; and evaluated site access options, as well as potential interim parking impacts during construction. Heffron also prepared updated supplemental transportation information: "*Review of Parking Supply and Management Measures*" technical memorandum dated July 2, 2014; "*Construction Parking Management Plan*" technical memorandum dated September 8, 2015; "*Response to SDCI Correction Notice (SDCI #3020845) Regarding Transportation Technical Report*" memorandum dated April 26, 2016; "*Updated TIA figure*" document submission on July 22, 2016 for the proposed project.

The traffic volume resulting from this project was estimated by using rates derived from counts that reflect the existing mode-of-travel for employees and visitors. Taking into consideration the reduction of trips associated with the removal of the existing Youth Center structures, the TIA indicates that the project (Phase I) is expected to generate a net total of approximately 250 daily trips, with 37 net new AM peak hour trips and 20 net new PM peak hour trips.

The TIA report identified eleven signalized intersections and six unsignalized intersections for analysis during the weekday AM and PM peak hour for operational characteristics. The report notes that due to the relatively minimal amount of new net trips estimated to be generated for the Phase I project, the additional trips would have minimal impact 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 well within the adopted standards for the identified areas.

In summary, the transportation technical materials state that traffic operations associated with project (Phase I) would not require any mitigation in the form of off-site intersection improvements. King County acknowledges that frontage improvements inclusive of curbs, gutters, sidewalks, illumination and landscaping will be required to meet City's current standards.

Parking. The proposed development involves the removal of 315 surface parking stalls and construction of a parking structure comprised of 360 parking stalls. Vehicular ingress and egress for public access (visitors) to the proposed parking structure would occur from a driveway on 12th Avenue just south of East Alder Street; and vehicular ingress and egress access to reserved

parking areas within the parking garage for staff/judges would occur via a driveway abutting East Spruce Street. Vehicular access to the secured loading dock and sally ports area would occur via a curb cut abutting East Remington Court.

The parking demand analysis explained by Heffron in the TIA report noted that the parking demand for the CFJC project (Phase I) would equate to approximately 384 vehicles (236 employees and 148 visitors). Based on parking demand estimates and capacity factors (90% for employees and 85% for public visitors) outlined in the TIA, a total parking supply of 436 spaces (262 spaces for employees and 174 spaces for public/visitors) was recommended to be provided on the project site to meet peak parking demand. The SEPA materials noted that an estimated 440 parking spaces were planned to be accommodated within the parking structure. Based on that parking supply quantity (440 spaces), Heffron concluded that the parking facility constructed for Phase I would accommodate the anticipated peak parking demand. Thus, King County's initial determination was that no mitigation of parking impacts was warranted for Phase I of the CFJC proposal.

Subsequent to the publication of King County's MDNS SEPA determination and at the request of King County to examine methods to reduce the on-site parking supply in response to community feedback, Heffron prepared a technical memorandum ("*Review of Parking Supply and Management Measures*" dated July 2, 2014) to evaluate the potential for reducing the CFJC's initial parking supply of 440 spaces. The updated parking analysis noted that the peak parking demand with Phase I would result in a combined peak parking demand of 352 vehicles (216 employees and 136 visitors). Utilizing the parking demand estimates and parking capacity factors noted above (90% for employees and 85% for public visitors), Heffron recommended that the Phase I parking supply be 400 spaces (with 240 spaces for employees and 160 spaces for public/visitors) to accommodate peak parking demand. As stated above, the proposed parking space quantity for Phase I is 360 spaces which is less the recommended 400 spaces. However, by implementing a variety of parking management measures to achieve a 16% reduction from the employees' single occupancy vehicle (SOV) use (currently 76% SOV, with a goal of 60%), Heffron's analysis indicated that the Phase I parking supply can be reduced from 400 spaces to 360 spaces. SDCI's Transportation Planner reviewed the technical parking and traffic documents submitted by King County and concurs with the analysis and conclusions.

Transportation Summary. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. The proposed parking quantity of 360 spaces is less than the recommended 400 parking spaces necessary to accommodate peak parking demand. SDCI has reviewed the transportation material and has determined that mitigation of parking impacts pursuant to SEPA Policy SMC 25.05.675.M is warranted. Therefore, to reduce employee SOV commute trips, pursuant to the Director's authority under the SEPA parking policy (SMC 25.05.675.M), King County will be required to implement a Transportation Management Plan (TMP) for the CFJC (Phase I) per SDCI Director's Rule 27-2015. The TMP will include a goal to achieve 60% SOV.

DECISION - SEPA

The environmental checklist, technical reports, application materials, Master Use Permit plans and responses to requests for information all comprise Seattle Department of Construction and Inspection's (SDCI) record. Pursuant to SMC 25.05.600.D.1, SDCI relies on the environmental determination (MDNS), documents and technical reports prepared by the King County in their role as lead agency. The conditions listed below are warranted as a result of SDCI's substantive SEPA review imposed based on Seattle's SEPA policies.

CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

1. The property owner (King County) shall record an acknowledgement of the Transportation Management Plan (TMP) permit conditions in a manner prescribed by the City and in a form acceptable with the King County Department of Records and Elections per Attachment A of SDCI Director's Rule 27-2015.

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. In addition to providing to SDCI a Construction Management Plan (CMP) approved by Seattle Department of Transportation (SDOT), the applicant/responsible party shall provide a Construction Parking Management Plan (CPMP) to be reviewed and approved by SDCI. The CPMP should identify public/employee parking areas during each construction phase and specify measures to be pursued to mitigate the loss of parking during construction.

Prior to Issuance of Construction Permit

3. Prior to issuance of the first construction permit, the property owner (King County) shall submit a Transportation Management Plan (TMP) to both SDCI and Seattle Department of Transportation (SDOT) consistent with and including the TMP elements as described in SDCI Director's Rule (DR) 27-2015. The TMP should include elements that achieve a program goal of employee trips by single occupancy vehicles (SOV) not exceeding 60%. Once the TMP has been approved by SDCI, the applicant shall record the TMP with King County Records and Elections Division and submit a copy of the recorded TMP to SDCI and SDOT.

Tami Garrett, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: December 22, 2016

TYG:rgc
3020845.docx

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.