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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of END	)	Hearing Examiner File No.: <b>MUP-17-001</b>
PRISON INDUSTRIAL COMPLEX, et al.	)	
	)	DPD Project No. 3020845
	)	
From a decision by the Director,	)	DECLARATION OF KNOLL LOWNEY
Department of Planning and Development,	)	SUPPORTING OPPOSITION TO
on a Master Use Permit	)	MOTION TO DISMISS
_____	)	_____

I, Knoll Lowney, hereby declare the following under penalty of perjury under the laws of the State of Washington.

1. I am an attorney of record for EPIC and other Appellants in this matter.

2. Attached as Exhibit A are true and correct copies of Mayor Edward Murray's letter to the Hon. Dow Constantine and the Hon. Laura Inveen, dated January 30, 2017, downloaded from <https://www.documentcloud.org/documents/3438946-Murray-to-Constantine-RE-CFJC.html>, and Bruce Harrell and Rod Dembowski's Guest Editorial, published in the Stranger on January 31, 2017, downloaded from <http://www.thestranger.com/slog/2017/01/31/24835742/guest-editorial-king-county-should-not-build-a-new-juvenile-detention-center>.

3. Attached as Exhibit B is a true and correct copy of the City of Seattle's Resolution 31614, adopted September 21, 2015, and obtained from the Office of the City Clerk, <http://clerk.seattle.gov/>.

1 4. Attached as Exhibit C is a true and correct copy of Executive Dow Constantine's  
2 statement on the Children and Family Justice Center, downloaded from  
3 <http://kingcounty.gov/elected/executive/constantine/news/release/2017/January/30-statement->  
4 [CFJC.aspx](http://kingcounty.gov/elected/executive/constantine/news/release/2017/January/30-statement-).

5 5. Attached as Exhibit D is a true and correct copy of the Seattle Department of  
6 Construction and Inspections' Notice of Decision, dated December 22, 2016, on the Master Use  
7 Permit, excerpted.

8 6. Attached Exhibit E are true and correct copies of the Department of Planning and  
9 Development's Fiscal Note and Director's Reported, dated July 1, 2014, excerpted.

10 7. Attached as Exhibit F is a true and correct copy of the Analysis and Decision of  
11 the Director of the Seattle Department of Construction and Inspections.

12 8. If the Examiner wishes us to prove standing beyond what we have already done,  
13 Appellants can easily provide further evidence of harm to members after discovery has  
14 substantially progressed. However, the lack of a record of decision, the broad nature of the  
15 motion to dismiss, and the short time for response have prevented us from preparing such  
16 evidence to date. Nor do we believe that such information is necessary at this juncture.  
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21 DATED this thirteenth day of February 2017

22  
23  
24 By: \_\_\_\_\_

Knoll Lowne



**City of Seattle**  
Mayor Edward B. Murray

January 30, 2017

The Honorable Dow Constantine  
King County Executive  
401 5th Ave. Suite 800  
Seattle, WA 98104

The Honorable Laura Inveen  
Presiding Judge, King County Superior Court  
516 3rd Ave, Room C-203  
Seattle, WA 98104

Dear Executive Constantine and Presiding Judge Inveen:

The City of Seattle and King County are partnering on several efforts that contribute to our shared goal to significantly reduce youth incarceration. It is in that spirit of collaboration that I am writing to share with you some thoughts about the proposed King County Youth Justice Center. Together, through our data and research driven strategic work, we have dramatically reduced youth incarceration in our communities. This is due in no small part to the work being done by the King County Juvenile Justice Steering Committee. The Committee should be credited for developing innovative programs that are reducing incarceration rates. This downward trend from our data suggests progress is being made. But, we have a long road ahead and the work is increasingly challenging to reach our vision of zero youth detention. We must ensure that all our respective policies, programs, and facilities, drive us towards that goal.

I have and will continue to respect that the City's role in the new youth detention center is a technical permitting function, legally separated from public policy decision making, and recognize that the fate of this project is not a discretionary decision the City can make. Beyond the City's official technical role, I also recognize that the County Executive and Judicial branch have more direct experience, expertise and analysis on related facility needs and policy priorities.

Furthermore, from what I have gathered in briefings with my staff, the project goals related to centralizing the various court and support services in the new facility represent productive efforts toward creating more seamless, accessible, and effective service delivery for the individuals and families who are impacted by the justice system.

Despite these positive intentions, public concern continues to grow about this project. Hearing this concern, I requested that my staff carry out additional analysis and research to provide me with a deeper understanding of the size and scope of King County's current project plans, as well as an examination of the latest work and policy research on zero youth detention.

I have learned that since the passage of the County-wide levy in 2012, a consensus has grown among juvenile justice experts that incarceration is harmful and counterproductive. Incarceration decreases the chances of high school completion, increases risk of recidivism, and is associated with worse physical and mental health outcomes for youth. Due to the racial disproportionality that exists in the youth detention center, these injuries are concentrated in the Black community.

The evidence points to systemic and structural issues that must be addressed if we are to create a community where young people can thrive, particularly for Black youth who have been negatively impacted by the systems and institutions that were put in place long before our time. Together, we must do more of the work that is necessary to address needs upstream – including increased investments in programs that address the education, economic, and health needs of young people. Together, we must increase diversion programming and community-based interventions so that young people can avoid incarceration altogether. And together, we must address the disproportionality in law enforcement that continues to persist. I readily acknowledge that we have work to do at the City level to address a range of disproportionate impacts on outcomes for youth of color. And I know that you share my urgency to advance new and innovative initiatives that will be data-driven and focused on results.

The City has much more work it can and must do. Data shows that the King County Youth Detention Center's admissions are disproportionate – minority youth are admitted at much higher rates than non-minority youth. With the guidance of a Federal District Court, the United States Department of Justice, and community partners, the Seattle Police Department continues striving towards bias-free policing. And the Seattle Police Department is now partnering with the DOJ and Dr. Jack McDevitt, Associate Dean for Research at Northeastern University and Director of the Institute on Race and Justice, to explore possible causes for disparities observed across law enforcement metrics and, critically, how SPD's advancing data may lead to knowledge and innovation in this important area.

Under our Zero Use of Detention for Youth resolution passed in 2015, the City committed to establishing a path forward to eliminate the City's reliance on detention. I would offer the City's Criminal Justice Equity Team tasked with supporting this work as an additional resource for King County to collaborate with and identify where we can better integrate our shared objectives on this topic. Recognizing connected systems and shared investments, this is an opportunity for us to continue to strengthen our partnership as we strive to reach this goal.

While I recognize that an immediate transition to zero youth incarceration is unrealistic, I have some concerns about the current plans for the detention facility given our joint goals of working toward zero detention. The landscape of research on best practices and intervention strategies points to mounting evidence against incarcerating young people that was not known at the time this facility was being planned. This new evidence, the continued decline of incarcerated youth in our community, and the need for considering public concerns all point toward reexamining aspects of this facility.

My request is for King County to consider a second look at the facility design and to convene a table for dialogue among various interests and perspectives to explore whether there are practical options or modifications to consider that will better create the kind of environment needed to meet the needs of those young people who become engaged in our criminal justice system. In addition to a multi-disciplinary team of experts that can inform best practices not just from a judicial and law enforcement perspective, but that of clinical and trauma-informed expertise, I believe that the communities who are most impacted must also have a seat at the table as the future of this facility is discussed.

Additionally, my office would be happy to work with your office to reach out to national experts on this topic to tap into additional technical advice or guidance that might be helpful for the County to utilize in any such reexamination. For example, as you are likely aware, the Annie E. Casey Foundation has conducted cutting-edge research on the topic of juvenile justice reform and juvenile detention alternatives. They may be able to provide technical assistance from a more objective third-party vantage point that could be helpful as we navigate a topic that is often fraught with high stakes and high emotions. I would be happy to take advantage of relationships staff in my administration have with the Foundation and other local and national experts to explore this possibility.

I hope you will take my request under consideration and look forward to our continued partnerships toward realizing a future system of zero detention – one that is safer, more humane, and more just for everyone in our community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward B. Murray". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Edward B. Murray  
Mayor of Seattle

CC: Pete Holmes, Seattle City Attorney  
Seattle City Council

# SLOG

CRIME

## Guest Editorial: King County Should Not Build a New Juvenile Detention Center

by [Bruce Harrell](#) and [Rod Dembowski](#) · Jan 31, 2017 at 9:34 am

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**The authors, King County Council member Rod Dembowski and Seattle City Council member Bruce Harrell, say "it is time to hit the reset button" on a new youth jail.** KING COUNTY

In a speech titled "Remaining Awake Through a Great Revolution," Dr. Martin Luther King, Jr. cautioned leaders to not sleep through revolutions unfolding before them, and reminded us that "the time is always right to do what is right." This core principle of the civil rights movement should serve as a wake-up call to leaders in the county named after him.

As we approach the final decision about whether to proceed with construction of a new Children and Family Justice Center (CFJC) in Seattle's Central District, we call on leaders to stop and rework this proposal. It must be redesigned to achieve our shared goal of ending the school-to-prison pipeline and ensure children and families in crisis are served with a model justice system in a courthouse that supports these objectives. While traditional wisdom certainly supports continuing down the current path of brick and mortar construction, so much recent data and research suggests we have the unique opportunity to construct a facility that not only embraces the fact that incarceration of our youth is not the goal, but has a design driven by this premise. Put another way, it can be driven by the lofty goal of zero use of detention.

The CFJC may have been a reasonable idea when it was first conceived many years ago. The project is comprised of two distinct parts: a new youth jail (let's call it what it is) and unified family law courthouse, allowing for the consolidation and integration of our family law courts, to deliver better outcomes, more efficiently. The courthouse component of the construction would replace a run-down building that is at the end of its useful life. The rationale for a new youth jail facility

was less convincing – particularly since the current detention facility was built in 1992. The voters were told that the new center would better serve youth and families in crisis, help protect and heal children, and cost between \$200 and \$210 million. Residents of King County approved a new levy in 2012 with 55 percent voting yes.

Five years later, these promises now ring hollow. It is time to hit the reset button on this project for three primary reasons.

First, as Seattle Mayor Ed Murray **has recently pointed out**, contemporary knowledge calls for a radical rethinking about how and where we deliver juvenile justice. Second, the current project fails to deliver on the promise of a unified family court. Finally, the project's runaway budget violates the promises made to voters and calls for a reset.

King County's Youth Action Plan—the adopted policy for how King County supports our youth—calls for ending the school-to-prison pipeline. The County's Best Starts for Kids initiative invests \$65 million per year in prevention, much of it aimed at preventing youth involvement in our justice system. Seattle's Family & Education Levy invests more than \$30 million annually to support young people. In short, this region is committed to doing right by our youth and families. The CFJC should support and further these commitments.

The first major problem with the CFJC as proposed is that it relies too much on a traditional children's justice system. As recently as ten years ago, this system incarcerated 200 young people on an average day. It was designed to serve a significant number of youth from Seattle. Since then, King County has led the nation in reducing juvenile incarceration rates, cutting them by nearly 75 percent to about 50 on average per day. We did this in the current facility by radically changing practices to reflect contemporary understanding.

It bears repeating: our unparalleled success in reducing juvenile incarceration rates was accomplished in the current facility. And in 2016, only 23 percent of the youth in detention were referred by Seattle police.

While some modifications to reduce detention spaces in the new facility have been made, the revisions to the project continue to reflect an incarceration-centered approach to juvenile justice. It is universally accepted that outcomes from traditional "lock 'em up" justice are dismal. Sadly, not enough thought and planning has been given to designing a facility that would radically shift course in our juvenile justice system—and that is what we must do.

We don't believe that the county should spend another nickel building jail cells for kids. While we believe that our system will need to include confinement for some youth for the foreseeable future, we must continue to significantly reduce the use of incarceration. The current secured detention facility—again, built recently in 1992—could certainly continue to meet decreasing needs. Rather than build a new jail, we believe that further work is necessary to build a justice center that is fundamentally centered on contemporary juvenile justice practices, rather than punitive youth incarceration.

We need a dispersed, community-based juvenile justice system. We don't need a project that will perpetuate a centralized 1950s era kid jail system for another fifty years. A brand new, \$225 million-plus juvenile jail and court facility in the Central District does nothing to address the burdens imposed on youth in the system from outside Seattle. And, there are no compelling arguments that new jail cells will further our shared goals to support children and youth.

Another major problem with the proposed CFJC is its failure to unify our family law court system, as was originally envisioned. Children and families in crisis (e.g. neglected children, dissolution cases with children, etc.) comprise a growing percentage of our cases. The core principal underlying the planning for the CFJC was that all family and children-related matters should be handled at the same site. But the City of Seattle has not issued construction permits for the two additional stories necessary to fulfill this objective, and the project is now over-budget.

The county is about to construct a family law courthouse that will not, and never will, meet the foundational family law principles underlying the entire project. The current justification is "something is better than nothing." We disagree.

County staff have recently informed elected officials that the CFJC is now over budget—before any construction has even commenced. This is a major issue, but may actually provide the opening to reassess this project. King County told the voters this project would be constructed at a cost of \$200 to \$210 million. Current estimates are that it will take at least \$225 million—\$15 million more than the high estimate provided to voters. The contractor's refusal to honor its "guaranteed maximum price" before construction commences is an ominous warning sign for the future budget for the building.

For these reasons, we can no longer support future actions to fund, finance, or permit this project. We must "awaken to the great revolution" in juvenile justice reform and hit the pause button. We must re-assess the wisdom of this project, working hand in hand with experts in juvenile and family law and community leaders.



CITY OF SEATTLE  
RESOLUTION 31614

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5 A RESOLUTION endorsing a vision for The City of Seattle to become a city with zero use of  
6 detention for youth, and establishing a path forward to develop policies that eliminate the  
7 need for youth detention.  
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10 WHEREAS, The City of Seattle has developed a Race and Social Justice Initiative (RSJI) to  
11 implement its longstanding commitments to social justice and ending racism; and

12 WHEREAS, Seattle's Office for Civil Rights (SOCR) works to advance civil rights and end  
13 barriers to equity, and leads the RSJI; and

14 WHEREAS, the goal of the RSJI is to end institutional racism within City government, working  
15 towards a vision where racial disparities will be eliminated and racial equity achieved;  
16 and

17 WHEREAS, institutional racism is present when organizational programs or policies create  
18 inequity along racial lines; and

19 WHEREAS, confronting institutional racism is a fundamental step towards addressing racial  
20 disparities in criminal justice, education, housing, and health indicators, among others;  
21 and

22 WHEREAS, Seattle's history of racism and the current impact of institutional racism and  
23 structural racism combine to restrict opportunities for people of color; and

24 WHEREAS, on April 3, 2014, Mayor Ed Murray issued Executive Order 2014-02, reaffirming  
25 the RSJI and directing SOCR to prioritize racial equity work in criminal justice,  
26 education, and equitable development, identified by community members as their top  
27 three priorities; and



1 WHEREAS, race and social equity is one of the four core values of the Seattle Comprehensive  
2 Plan and these core values are intended to guide decision making in City government;  
3 and

4 WHEREAS the City Council approved funding in the SOCR 2013/2014 and 2015/2016 budgets  
5 to build capacity in the community to address structural racism, and the funding has  
6 supported technical assistance in anti-racism training, organizational assessment, and  
7 implementation of anti-racism strategies; and

8 WHEREAS, the City Council, King County Executive, and Presiding Judge of King County  
9 Superior Court signed a statement of shared commitment on October 13, 2014 to conduct  
10 a race and social justice assessment of the King County Children and Family Justice  
11 Center that the County will use to develop an action plan; and

12 WHEREAS, SOCR, in partnership with King County and community stakeholders, conducted a  
13 Racial Equity Analysis of the King County Children and Family Justice Center and  
14 published a report on June 23, 2015; and

15 WHEREAS, the racial equity analysis included a finding that the juvenile justice system has a  
16 disproportionate negative impact on youth from communities of color; and

17 WHEREAS, the racial equity analysis recommended designing all aspects of a new Children and  
18 Family Justice Center to support a goal of zero use of detention; and

19 WHEREAS, the communities organizing and leading the campaign against placing youth in  
20 detention oppose the construction of the King County Children and Family Justice Center  
21 and contend that the facility itself is inconsistent with the vision of zero use of detention  
22 for youth;

1 WHEREAS, Revised Code of Washington (RCW) subsection 13.40.020(10) defines a detention  
2 facility as “a county facility,...for the physical confinement of a juvenile alleged to have  
3 committed an offense or an adjudicated offender subject to a disposition or modification  
4 order” and “includes county group homes, inpatient substance abuse programs, juvenile  
5 basic training camps, and electronic monitoring,” and section 13.04.116 provides that  
6 juveniles shall not be held in jails for adults, except as specified; and

7 WHEREAS, in King County’s Race and Social Justice Assessment and Action Plan published on  
8 March 31, 2015, King County stated an intention to “fight for a world where detention  
9 for young people is no longer needed”; and

10 WHEREAS, in King County’s Race and Social Justice Assessment and Action Plan, it also  
11 stated that “when we identify opportunities to take immediate action that will prevent  
12 even one youth of color from going to detention when an alternative would be better, we  
13 commit to taking immediate action on those items”; and WHEREAS, in King County’s  
14 Race and Social Justice Assessment and Action Plan, it also acknowledged that, while  
15 “the use of secure detention for youth has been reduced by nearly three-fourths”, the  
16 number of African-American youth in detention has risen “from roughly 35 percent of  
17 the average daily population fifteen years ago to around 50 percent today – nearly five  
18 times their representation in the general youth population of King County”; and

19 WHEREAS, according to the Washington State Budget and Policy Center, African-American  
20 children in Washington are detained at a rate four times higher than the average for the  
21 general youth population in the state; and

22 WHEREAS, according to King County juvenile detention data, two-thirds of all individuals  
23 booked in 2012 were youth of color; and

1 WHEREAS, research published in 2007 by The Sentencing Project, a national non-profit  
2 organization researching and advocating on criminal justice policy issues, found  
3 Washington State to have a higher disparity between the rates of incarceration of African-  
4 Americans and whites than every single Southern state; and

5 WHEREAS, the United States Department of Justice's investigation of the Seattle Police  
6 Department has raised serious concerns about biased policing; and

7 WHEREAS, approximately 26.5 percent of youth bookings in King County come from the  
8 Seattle Police Department; and

9 WHEREAS, between 21 and 24 percent of youth incarcerated in the County are incarcerated for  
10 probation violations; and

11 WHEREAS, according to the U.S. Office of Juvenile Justice and Delinquency Prevention,  
12 Washington ranks first in the United States for jailing youth for status offenses; and

13 WHEREAS, status offenses, such as truancy and running away from home, accounted for nearly  
14 200 of the youth incarcerated in King County in 2013; and

15 WHEREAS, according to the Governor's Juvenile Justice Advisory Committee in its policy brief  
16 on At-Risk and Delinquent Girls in the Juvenile Justice System published in March 2009,  
17 nine out of ten incarcerated girls had experienced one or more forms of physical, sexual,  
18 or emotional abuse before entering the juvenile justice system; and

19 WHEREAS, according to the Juvenile Rehabilitation Authority in the Washington State  
20 Department of Social and Health Services, in 2006, two-thirds of Washington state's  
21 jailed youth needed help with drug or alcohol dependence and three out of five had  
22 mental health issues, and in 2008 one-third of the youth had been in foster care, all of  
23 which indicates a need for comprehensive services for incarcerated and at-risk youth; and

1 WHEREAS, according to research conducted by Massachusetts Institute of Technology  
2 economist Joseph Doyle, 40 percent of youth who went into juvenile detention ended up  
3 in prison by the age of 25, and they are more likely than those never detained to drop out  
4 of high school; and

5 WHEREAS, in Washington the economic cost has been calculated at an estimated \$95,805 for  
6 every year that a youth is incarcerated; and

7 WHEREAS, according to the National Center for Children in Poverty (NCCP), the costs of  
8 community-based alternatives are lower than the costs of youth detentions, and  
9 community-based alternatives have lower rates of recidivism; and

10 WHEREAS, the U.S. Department of Education has investigated Seattle Public Schools for  
11 disciplining African Americans "more frequently and more harshly than similarly  
12 situated white students"; and

13 WHEREAS, African American students are suspended from Seattle Public Schools more than  
14 three times as often as white students from elementary schools to high schools; and

15 WHEREAS, the "school-to-prison pipeline" refers to the policies and practices, such as punitive  
16 disciplinary policies, that push schoolchildren, especially children of color, out of  
17 classrooms and into the juvenile and criminal justice systems; and

18 WHEREAS, the impacts of juvenile incarceration on communities of color undermine the City's  
19 work to end institutional racism in City government and interfere with the City's goal of  
20 achieving racial equity across the community; and

21 WHEREAS, a vision for zero use of detention has long been the vision of Seattle youth of color,  
22 particularly African-American youth, who have been organizing and leading a campaign  
23 against placing youth in detention; NOW, THEREFORE,

1 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

2 Section 1. The City Council endorses the vision for Seattle to become a city with zero use  
3 of detention for juveniles, as recommended by the Seattle Office for Civil Rights (SOCR) in the  
4 Racial Equity Analysis of the King County Children and Family Justice Center.

5 Section 2. The City Council will pursue policies that lead to the racial equity outcomes  
6 highlighted in the SOCR analysis, which include:

7 A. Eliminating the need to detain or incarcerate youth.

8 B. Eliminating racial inequities in arrest rates, detention, sentencing and prison  
9 population.

10 C. Centering communities of color and other youth facing oppression in the provision,  
11 creation, and use of community-based alternatives to secure confinement.

12 Section 3. The City Council recognizes and appreciates the new countywide steering  
13 committee formed by the King County Executive, the King County Council, and King County  
14 Superior Court to work to end racial disparity in the juvenile justice system. The City Council  
15 endorses the aims of the committee, which include:

16 A. Establishing short- and long-term actions to help end racial disproportionality in King  
17 County's juvenile justice system.

18 B. Defining metrics and creating partnerships to improve the juvenile justice system.

19 C. Identifying root causes of racial disproportionality and specific solutions needed to  
20 address them in individual communities.

21 D. Engaging communities by sharing information, then collecting and incorporating  
22 feedback.

1 Section 4. The City Council invites King County to partner with the City in adopting the  
2 vision of zero use of detention for juveniles. The City Council requests that Seattle Public  
3 Schools endorses this same vision, and enacts policies and practices to end disparities in  
4 discipline, eliminate long-term out-of-class suspensions, and cut off the school-to-prison  
5 pipeline.

6 Section 5. The City Council requests that the City's Criminal Justice Equity Team do the  
7 following, while working in partnership as much as possible with the countywide steering  
8 committee and its staff:

9 A. Develop an action plan by September 2016 for the City to work toward zero use of  
10 youth detention. The Action Plan should include, but not be limited to:

11 1. Concrete steps that City departments and programs can take to reduce reliance  
12 on detention;

13 2. A strategy for City investment in anti-racist, community-centered alternatives  
14 to detention that are led by communities of color, including, but not limited to, conflict resolution  
15 and restorative justice;

16 3. A plan for partnership with and investments in communities most negatively  
17 impacted by racism during strategy development and implementation; and

18 4. A plan for monitoring and evaluating the progress toward City goals, including  
19 a proposal for accountability to communities most negatively impacted by racism.

20 B. The City Council requests that SOCR, as co-lead of the City's Criminal Justice Equity  
21 Team, develop a report by January 1, 2016 that outlines a strategy for engaging City departments  
22 including law enforcement, community members, anti-racist community-based agencies, and  
23 partner agencies in the development of the City's Action Plan.


1 C. The City Council intends to allocate City resources to this effort, including but not  
2 limited to: providing permanent staffing for the Criminal Justice Equity Team, funding for  
3 consulting contracts to enable equitable community partnership, and funding for evaluation of  
4 progress toward the zero-detention vision.

5 Section 6. The City Council intends to allocate City resources for alternatives to detention  
6 and incarceration for youth that are community-based and community-led, with clearly defined  
7 program outcomes, consistent with Resolution 31425. The City Council intends to allocate funds  
8 in a manner that focuses on and includes participation from anti-racist community-based  
9 agencies and African-American youth - so that those who are most disproportionately arrested,  
10 detained, and incarcerated are able to determine their own circumstances and be engaged in  
11 developing a different path forward for their communities.

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Adopted by the City Council the 21<sup>st</sup> day of September, 2015, and signed  
by me in open session in authentication of its adoption this 21<sup>st</sup> day  
of September, 2015.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this 21<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)





## Executive Constantine issues statement on Children and Family Justice Center

Much has happened in our region and in our nation since the people voted to replace the aging Youth Services Center in 2012. Community conversations about policing and racial inequity helped spur important, innovative reforms in juvenile justice to keep young people out of the system and on track to healthy, productive lives. Thanks to social justice advocates, judges, and others, we have started programs like Family Intervention & Restorative Services that offer de-escalation counseling and other services to keep youth out of detention. It's working: since the 1990's, even as the county population rapidly grew, we have been able to reduce the average daily juvenile detention population by more than 70 percent. Last year alone, the average daily population for King County juvenile detention dropped by another 16 percent from 2015. And there's so much more to do. We are always looking for the next innovation, the next step forward, the next partner who can help us go even further. And yet, we also confront the reality that too many teens have engaged in serious violence and caused suffering to others, and we must protect everyone in the community from harm as well.

As we pause for the city Hearing Examiner to review the Children and Family Justice Center, a process that should take at least until summer, I am taking steps to build bridges to anyone who wants better outcomes for youth. King County has achieved the lowest rate of youth incarceration in the nation. Now, in consultation with judges and members of the King County Council, I will ask that the county adopt a goal of Zero Youth Detention, with the mission of creating a community where detention for young people is no longer needed. To be successful, we must invest early in children and families, help our schools develop better ways to deal with challenging students, and offer effective support to families in crisis. Until we achieve this shared ambition, we will work to make youth detention brief, therapeutic, community-focused, and one-time.

In October, King County Superior Court conducted the first juvenile felony case to be handled through a community-driven, restorative justice process, rather than traditional prosecution. The case involved a 15-year-old facing two years imprisonment for stealing a cellphone and two pairs of Air Jordans from another teen. Instead of the standard trial and sentencing, he accepted responsibility and atoned for the crime by participating in a series of intense conversations, in family-counseling and self-reflection, and in apology to those he had harmed. In the end, he came away with things he had previously lacked in his life: a greater understanding of the feelings of others, and a second chance.

Along with King County Councilmembers and other officials and staff, I will be meeting with advocates and opponents in that same intensive process recently used by the courts to help individuals and families find new ways forward. These community Peacemaking Circles will inform our next steps: developing more housing options for youth charged with non-violent crimes, emphasizing therapeutic care, creating more robust community reviews of the detention population, devising new alternatives to detention, and helping youth take responsibility for their actions, among other strategies. I look forward to acting upon the solutions that emerge from this dialogue.

Every youth in detention represents a lost opportunity - a collective failure by the community to provide the support a child needs to arrive at kindergarten ready to thrive, to overcome the challenges that arise throughout the school years, to counteract the specific results of historical bias and entrenched racism in society. I have never talked to a local leader who disagreed with that proposition. We all want to reduce harm by making every child successful. It is, of course, easier said than done. This is a difficult issue that I and many others have spent countless hours considering, and working on. Our local leadership reflects the values of the community: we want to do better by all young people, and to protect people from violence and harm. With the right help, most teens - even those who have run into real problems - can make it through the turmoil of adolescence and go on to live fulfilling, productive lives, rather than becoming another statistic in a nation with the highest incarceration rate in the industrialized world.

We know what truly makes a positive difference for young people, and we are making those investments like never in our history. Three years after the Youth Services Center vote, the people of King County passed my Best Starts for Kids initiative, providing \$65 million annually for prevention, healthy child development, and early intervention at the first sign of problems for children and youth, as well as their families and communities. Best Starts for Kids seeks to ensure every baby is born healthy, and that all children are given the full and equal opportunity to thrive, regardless of privilege or position or luck.

All people must be protected from violence. All efforts must be made to reduce harm. There are no easy answers to issues raised in juvenile justice. But with a willingness to collectively take on this challenge, we can accomplish much good, and provide better futures for our young people.

## Executive Office

401 5th Ave. Suite 800  
Seattle, WA 98104

Main phone: 206-263-9600  
TTY: Relay: 711  
FAX: 206-296-0194

[Get directions](#)

King County  
Executive  
**Dow Constantine**



Read the Executive's [biography](#)

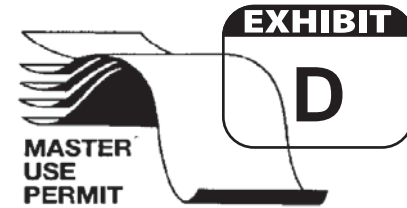


Last Updated January 30, 2017

# Seattle Department of Construction and Inspections

Nathan Torgelson, Director

December 22, 2016



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## Notice of Decision

The Director of the Seattle Department of Construction and Inspections has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

### Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal MUST be in writing. Appeals may be filed online at [www.seattle.gov/examiner/efile.htm](http://www.seattle.gov/examiner/efile.htm), delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.) An appeal form is available at [www.seattle.gov/examiner/LANDUSEAPLFORM.pdf](http://www.seattle.gov/examiner/LANDUSEAPLFORM.pdf).

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle or a credit/debit card (Visa and MasterCard only) payment made in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship).

The appeal must identify all the specific Master Use Permit component(s) being appealed, specify exceptions or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must conform in content and form to the Hearing Examiner's rules governing appeals. The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner are available at [www.seattle.gov/examiner/guide-toc.htm](http://www.seattle.gov/examiner/guide-toc.htm). To be assured of a right to have your views heard, you must be party to an appeal. Do not assume that you will have an opportunity to be heard if someone else has filed an appeal from the decision. For information regarding appeals, visit the Hearing Examiner's website at [www.seattle.gov/examiner](http://www.seattle.gov/examiner) or call them at (206) 684-0521.

### Interpretations

The subject matter of an appeal of a discretionary decision is limited to the code criteria for that decision, and generally may not include other arguments about how the development regulations of the Land Use Code or related codes were applied. However, in conjunction with an appeal, a Land Use Code interpretation may be requested to address the proper application of certain development regulations in the Land Use Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) that could not otherwise be considered in the appeal. For standards regarding requests for interpretations in conjunction with an appeal, see Section 23.88.020.C.3.c of the Land Use Code.

Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,500.00 minimum fee payable to the City of Seattle. (This fee covers the first ten hours of review. Additional hours will be billed at \$250.00.) **Requests must be submitted to the Seattle Department of Construction and Inspections, Code Interpretation and Implementation Section, 700 5th Av Ste 2000, PO Box 34019, Seattle WA 98124-4019.** A copy of the interpretation request must be submitted to the Seattle Hearing Examiner together with the related project appeal. Questions regarding how to apply for a formal interpretation may be sent to [PRC@seattle.gov](mailto:PRC@seattle.gov). (Please include "Interpretation Information" in the subject line.) You may also call the message line at (206) 684-8467.

### Shoreline Decisions

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the Seattle DCI decision is received by the State Department of Ecology (DOE). The Seattle DCI decision will be sent to DOE by the close of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the close of business on the Friday of this week. The beginning of the appeal period may also be provided to you by contacting the PRC at [PRC@seattle.gov](mailto:PRC@seattle.gov), or by calling the message line at (206) 684-8467. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot be summarized here but written instructions are available in Seattle DCI's TIP 232

([web6.seattle.gov/dpd/cams/CamList.aspx](http://web6.seattle.gov/dpd/cams/CamList.aspx)). Copies of TIP 232 are also available at the Seattle DCI Applicant Services Center, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. You may also contact the Shorelines Hearing Board at (360) 459-6327. Failure to properly file an appeal within the required time period will result in dismissal of the appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. When a decision has been made on a shoreline application with environmental review and other appealable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

## Comments

When specified below written comments will be accepted. Comments should be sent to: [PRC@seattle.gov](mailto:PRC@seattle.gov) or mailed to Seattle Department of Construction and Inspections, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. All correspondence is posted to our electronic library.

## Information

The project file, including the decision, application plans, environmental documentation and other additional information related to the project, is available in our electronic library at [web6.seattle.gov/dpd/edms/](http://web6.seattle.gov/dpd/edms/). Public computers, to view these files, are available at the Seattle DCI Public Resource Center, 700 Fifth Avenue, Suite 2000. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.

To learn if a decision has been appealed check the website at [web6.seattle.gov/DPD/PermitStatus/](http://web6.seattle.gov/DPD/PermitStatus/) and click on the Land Use tab in the lower half of the screen for any Hearing date and time. You may also contact the PRC at [prc@seattle.gov](mailto:prc@seattle.gov), 700 Fifth Avenue, Suite 2000, 20th Floor or call our message line at (206) 684-8467. (The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.)

## Decision

**Area:** DOWNTOWN/CENTRAL **Address:** 1211 E ALDER ST  
**Project:** 3020845 **Zone:** LOWRISE-3, STEEP SLOPE ( $\geq 40\%$ ), NEIGHBOR CMRCL 3-65' PEDESTRIAN, ARTERIAL WITHIN 100 FT., URBAN VILLAGE OVERLAY

**Decision Date:** 12/22/2016

**Contact:** PATRICK DONNELLY - (206) 628-3137  
**Planner:** TAMARA GARRETT - (206) 233-7182

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.

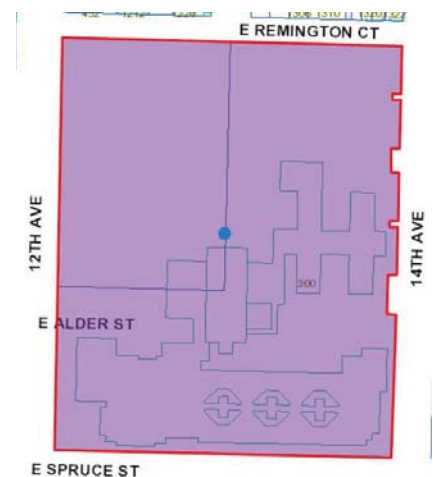
The following appealable decisions have been made based on submitted plans:

(1). **Seattle DCI has** granted a waiver and modification to the structure width and side setback development standards for a Youth Service Center.

(2). **Seattle DCI has imposed substantive conditions on the project pursuant to 25.05.660.**

You may view the decision through our web-based Land Use Information Bulletin, or contact either the assigned planner whose name and phone number appears above, or contact the Public Resource Center (206-684-8467, [prc@seattle.gov](mailto:prc@seattle.gov)).

Appeals of this decision must be received by the Hearing Examiner no later than **1/5/2017**.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.



**City of Seattle**  
**Edward B. Murray**  
Mayor

August 12, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that amends the Land Use Code to define a new land use for Youth Service Center (YSC) and allow the use at existing facilities operated by King County in Neighborhood Commercial 3 (NC3) and Lowrise (LR3) zones. The amendments would also authorize the Director of the Department of Planning and Development to waive or modify standards for structure setbacks and maximum width limits for YSCs in LR3 zones.

The amendments would support King County's replacement of the facility on 12<sup>th</sup> Avenue, which is more than 40 years old and no longer meets the needs of the region. King County has made replacement of the facility its highest priority capital project since 2008. In 2011 and early 2012, King County undertook a study of different options for replacing the facility. The Study recommended full replacement of the facility on the same site.

Based on that recommendation, the King County Council placed a levy lift lid measure on the August 2012 ballot. King County voters approved the measure, providing nine-year property tax funding or \$210 million for construction of a new Youth Services Center also called the Children and Family Justice Center (CFJC).

Thank you for your consideration of this legislation. Should you have questions, please contact Kristian Kofoed in the Department of Planning and Development at 233-7191.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Murray", written over a horizontal line.

Edward B. Murray  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
DPD	Kristian Kofoed / 233-7191	Melissa Lawrie / 684-5805

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Sections 23.47A.004, 23.51A.004, 23.84A.020 and 23.84A.046 of the Seattle Municipal Code, to establish a definition for and allow youth service centers, and provide development standards for youth service centers existing as of January 1, 2013 in public facilities operated by King County.

**Summary of the Legislation:**

The legislation would:

1. Define Youth Service Center (YSC) as “A youth service center means youth detention facility, holding cells, courtrooms, classroom space, a gymnasium for detained youth, and related uses including but not limited to administrative offices and meeting rooms.”
2. Allow replacement of or additions to YSCs existing as of January 1, 2013 in facilities operated by King County in Neighborhood Commercial 3 and Lowrise 3 zones.
3. Allow the DPD Director as a Type II Land Use Decision (includes notice to neighbors, opportunity for comment and appeal of the DPD decision to the Hearing Examiner) to modify or waive maximum structure width and setback standards for YSCs based on programming, service and structural needs and compliance with proposed Urban Design Objectives.

**Background:**

In 2012, King County voters approved a nine-year levy increase providing \$210 million in funding for the Children and Family Justice Center project on 12<sup>th</sup> Avenue in the Central District. The approved facility would use the proposed amendments.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

**Other Implications:**

## **Department of Planning and Development**

### **Director's Report**

### **Youth Service Center Amendments**

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#### **Introduction**

The Department of Planning and Development (DPD) is proposing amendments to the Land Use Code to define a new land use for Youth Service Center (YSC) and allow the use in Neighborhood Commercial 3 (NC3) and Lowrise (LR3) zones in existing public facilities operated by King County. The amendments would also authorize the Director to waive or modify standards for structure setbacks and maximum width limits for YSCs in LR3 zones.

#### **Proposal Summary**

DPD is proposing to define a new use – a “Youth Service Center” – to address a unique and existing use. Although the Land Use Code definition of a jail is somewhat similar to a YSC, it only describes an incarceration function. A YSC includes multiple programs for diversion, education, courtrooms and family assistance, some of which fall into the description of uses excluded from the Land Use Code definition of “jail,” such as facilities for programs providing alternatives to imprisonment. Courtrooms are also included in a YSC.

In addition, an existing facility (the King County Youth Service Center) is operating in the city, and King County’s plans to replace it will add other programs and activities that are not commensurate with the definition of “jail.” These other activities are consistent with uses currently allowed in NC3 and LR3 zones.

In NC3 zones, YSCs would be required to meet the standards of the zone, which are intended to accommodate a wide range and mix of uses including those anticipated to be part of a YSC. In LR3 zones, YSCs would be required to meet the standards for institutions as is the case with other public facilities allowed in the zone. Consistent with the relevant Comprehensive Plan policies, the Council’s action on the proposal would authorize waiver or modification of certain development standards for institutions in the LR3 zone. Development standards for structure setbacks and maximum width limits could be waived or modified by DPD when based on a finding of public necessity and consistent with proposed Urban Design Objectives as specified in the Code. The Director would be required to impose any needed mitigating conditions.

### Permit Approach and Development Standards

Current provisions in NC3 and LR3 zones allow for public facilities that do not meet development standards to be permitted by the City Council as a quasi-judicial (Type IV) decision. The intent is to recognize that development standards are not necessarily adopted with these facilities in mind. Flexibility in how standards are applied allows for public facilities to be located in the city and account for the unique nature of their programming, service delivery, and scale (public facilities often occupy large structures on large sites).

The standards in the NC3 zone are anticipated to be sufficient to accommodate YSCs. The standards for institutions in LR3 zones are also anticipated to be sufficient, except for the fixed numerical limits used for structure setbacks and width limits. Other standards for institutions are expressed as percentages of lot dimensions or performance based. The proposal is to allow waiver or modification of setbacks and maximum structure width balanced with appropriate design-related performance objectives and authority to require mitigating conditions to create a smooth transition to the nearby residential area. For example, for commercial and residential development, these standards are available for departure pursuant to Design Review. The limited number of standards proposed to be waived or modified in conjunction with the use of performance objectives and required mitigation make this decision an appropriate one for DPD's administrative review and decision, rather than a City Council decision.

### Front Lot Line Setback Requirement (23.45.570.F)

As an example of how the amendments could be used in King County's project, current setback standards require a front setback at least five feet from a front lot line. Although the project would provide a more generous 15 foot setback from most of the 14th Avenue lot line, there are three places along the 14th Avenue frontage where the property lot line is irregular. The project would be set back less than five feet at those places. The County would meet or exceed the required setback for 85 percent of the lot line.

### Maximum Width Requirement (23.45.570.D.1)

As stated above, the unique needs of public facilities often require larger structures. As an example, the internal dimensions of space required by County programming and public service delivery will create a structure width that exceeds the maximum width limit of 150 feet.

Compliance with the urban design objectives and the authority to require mitigating conditions is intended to meet the spirit and purpose of the two standards and would reduce the resulting appearance of bulk and enhance the public experience of nearby residents. For both of these standards, application of the urban design objectives by DPD is intended to result in an appropriate and carefully limited modification to the development standards.

### DPD Waiver or Modification of Development Standards

The proposal would allow applicants to apply for a Type II (a DPD decision that requires public notice



and comment, and is appealable to the Hearing Examiner) waiver or modification of these setback and maximum width standards. As provided in the amendment, the DPD decision must be based on a finding that such waiver or modification:

“is needed to accommodate unique programming, public service delivery, or structural needs of the facility and that the...urban design objectives are met.” (23.51A.004.B.6)

The proposed Urban Design Objectives are as follows:

Objective 1 - calls for design that creates visual interest along and activates each street frontage. Specific examples for achieving this objective include incorporating prominent entrances and architectural detailing of the façade to welcome pedestrians.

Objective 2 – calls for creating a continuous pedestrian environment by incorporating overhead weather protection, such as awnings and building overhangs, and providing pedestrian amenities like benches or free-standing pavilions.

Objective 3 - calls for design treatments that transition to the scale of nearby development. Examples of these design treatments include modulation of the walls and adding decorative facade elements, like architectural detailing, screening, artwork, or vegetated walls.

### **Consistency with the Comprehensive Plan**

The following are excerpts from applicable Comprehensive Plan policies.

*LU 14: “In recognition of the positive contributions many institutions and public facilities have made [such as] providing necessary services...allow...public facilities...determined to be compatible with the function, character and scale of the area in which they are located.*

*LU 15: “Development standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development, but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area.*

*LU 16: “Public facilities uses not similar to those permitted for the private sector shall be permitted or prohibited depending on the intended function of the area. Evaluate parking and transportation impacts and consider the relationship with surrounding uses in the design, siting,*



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.

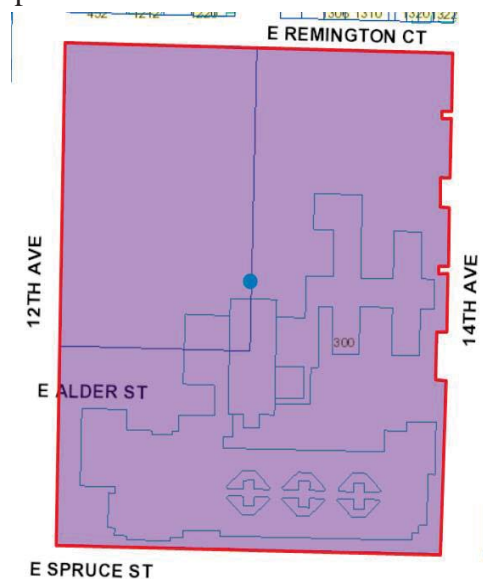
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

**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 12<sup>th</sup> 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.<sup>1</sup>

**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**

<b>Development Standard for institutions in LR zones</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Modification</b>
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
<b>Development Standard for institutions in LR zones</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Modification</b>
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).

<sup>1</sup> <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 12<sup>th</sup> and 14<sup>th</sup> 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 12<sup>th</sup> and 14<sup>th</sup> 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 14<sup>th</sup> Avenue. A fifteen-foot-wide landscaping area will be located along the east property boundary between the new structure and sidewalks in 14<sup>th</sup> 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 12<sup>th</sup> and 14<sup>th</sup> 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 12<sup>th</sup> and 14<sup>th</sup> 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 12<sup>th</sup> 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

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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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.