

CITY OF DES MOINES

DEMOLITION PERMIT — FINDINGS, CONCLUSIONS & DECISION

File No. LUA2019-0032 | Zenith Properties Building Demolition

I. INTRODUCTION

Zenith Properties LLC seeks a demolition permit to remove all structures and related site improvements on the former Masonic Home/Landmark-on-the-Sound property at 23660 Marine View Drive S. The Final Environmental Impact Statement (FEIS) for the proposal was issued on July 31, 2025. The FEIS identifies significant adverse impacts to historic resources that cannot be fully mitigated. This decision accounts for those impacts and considers them in the context of the various benefits of the proposal.

II. PROCEDURAL BACKGROUND

- Scoping: Two public scoping periods (May 3–June 2 and July 27–August 25, 2022) were held.
- Draft EIS: Issued January 9, 2024; public meeting held January 31, 2024; public comment closed March 8, 2024.
- Final EIS Issued: July 31, 2025.
- Last day of waiting period per WAC 197-11-460(5): August 7, 2025.

III. FINDINGS OF FACT

A. Probable Significant Impacts & Limited Scope

Historic & Cultural Resources were the only elements identified at the scoping stage as having probable significant impacts. Subsequent EIS analysis found that demolition could also create temporary significant noise and vibration impacts; the conditions below (Noise Mitigation Plan, BMPs, and compliance with DMMC 18.185) mitigate those impacts. Other elements are adequately regulated through existing codes and BMPs.

B. Alternatives Considered

The FEIS's alternatives represent a reasonable range under WAC 197-11-440(5).

C. Unavoidable Adverse Impacts

Even with mitigation, the proposal will permanently remove two individually eligible historic resources and the entire NRHP-eligible district.

D. Other Relevant Considerations

The following additional considerations need to be balanced with the unavoidable adverse impacts of the proposal:

1. Consistent with WAC 197-11-440(5)(d), the City evaluated the no action alternative, but also evaluated reasonable alternatives that do not meet the owner/applicant's objectives.
2. The other alternatives considered are not feasible pursuant to FEIS Appendices N through P:
 - a. Adaptive reuse presents a massive funding gap;
 - b. Partial preservation reduces the funding gap, but not enough to make a financially feasible alternative;
 - c. Cross subsidizing with development on the eastern portion of the property also fails to close the funding gap;

- d. Mothballing would still lead to eventual loss of the resource without any offsetting benefits that might come with redevelopment.
- 3. The proposal finds support in the following City policies:
 - a. Comprehensive Plan Policies LU 1, LU 2, LU 2.2, LU 2.2.1, LU 2.2.2, HOU 1.1.3, ED 1.
 - b. Proposed Comprehensive Plan Policies LU 1, LU 2, LU 2.2, LU 2.1.4, LU 2.2.1, LU 2.2.2, HOU 1.1.3, ED 1, ED 1.1.1.
 - c. International Property Maintenance Code Section 113.1
- 4. The public-safety and revitalization benefits of removing unsafe and blighted structures outweigh the significant loss of historic and cultural fabric.
 - a. DMMC 16.05.310(4)(a) provides that the City shall use “all practicable means to achieve environmental ends,” however the FEIS has determined that preservation of the existing structures is not practicable.
 - b. DMMC 16.05.310(4)(a)(ii) provides for “safe, healthful, productive, and aesthetically and culturally pleasing surroundings.” It has been determined that the existing structures are not and cannot practicably be made safe, healthful or productive, and their aesthetic and cultural value will continue to diminish.
 - c. DMMC 16.05.310(4)(a)(iii) refers to “beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.” The FEIS has determined that degradation of the existing structures cannot practicably be avoided, which will lead to continued risks to health and safety and other undesirable consequences if the structures are not demolished.
- 5. The property has been vacant for over a decade with no use or occupancy other than general maintenance and security.

The above additional considerations outweigh the unavoidable significant adverse environmental impacts of the proposal.

E. Mitigation Measures

The following mitigation measures are reasonable and capable of being performed to reduce, but not eliminate, the significant loss of the City’s historic and cultural resources and based on the City’s adopted SEPA policies, including but not limited to the Code and Comprehensive Plan policies:

Prior to issuance of a demolition permit

1. Prepare Historic American Buildings Survey (HABS) Level II Documentation for the entire eligible Masonic Home of Washington Historic District, with the Washington State Department of Archaeology and Historic Preservation (DAHP) as the repository. This would provide a public record of original construction, subsequent alterations, and conditions immediately prior to removal of the resources. This would reformat background information assembled for the 2023 Masonic Home of Washington Historic Report (Peterson 2023) per HABS standards and include copies of original drawings and high-resolution digital photographs.
2. One-time payment of \$1,161,560 to a dedicated preservation fund established and managed by the City of Des Moines. This fund would be used exclusively for the repair and rehabilitation of City of Des Moines-owned or managed Des Moines Landmarks, Properties of Local Significance, or National Register of Historic Places-listed properties. The intent is to provide support within the City of Des Moines for the retention of historic resources used by the public. The intent is

also to address the local impacts due to the loss of the eligible Masonic Home of Washington Historic District and two individually eligible National Register historic resources.

Prior to commencement of demolition

3. Allow salvage companies, such as Second Use and similar, on-site prior to demolition for architectural salvage work for resale purposes to support waste stream diversion of building materials, including stained glass, leaded light windows, light fixtures, marble and wood finishes, and decorative metal work. Recommend that salvage companies work directly with historical societies and agencies to identify and select features that may be of interest to them.

For the life of the Property.

4. If the Property is redeveloped, the applicant shall provide an on-site location for an appropriately scaled (approximately 5,000- to 10,000-square-foot) historical interpretation installation to share the site's history that is continually maintained and publicly accessible adjacent to Marine View Drive, or another location that is mutually agreeable to the applicant and City. The installation may include landscaping, signage, seating, photographs, re-installation of salvaged features, and other design elements at the applicant's costs, as mutually agreed upon by the applicant and City. The City will review and approve the installation administratively, provided however the City shall hold a public meeting to receive public comment regarding the installation. Notice of this condition shall be recorded on title.

Cultural Resources – Archaeological

Prior to issuance of a demolition permit

5. Applicant shall develop and implement an Inadvertent Discovery Plan (IDP) during construction. The City shall review and approve the IDP.

Short-term Construction

Prior to issuance of a demolition permit

6. DMMC 18.185.060 requires a noise mitigation plan for projects that would exceed existing levels for residential areas. The Applicant shall prepare a Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address noise from demolition of buildings as mitigation to keep the impacts to below a level of significance. The plan shall be submitted to the City's Planning, Building, and Public Works Departments for review and approval. The project must comply with the City's noise ordinance. BMPs during demolition may include:
 - Use of concrete processor attachments (jaw attachments) over hydraulic hammers whenever possible.
 - Minimize demolition debris drop height during building demolition; additionally, minimize the size of dropped debris through careful and methodical demolition methods.
 - Maintain existing vegetation to act as a natural sound barrier to properties located to the northeast and east of the site.
 - Conduct work in a manner that shortens the overall duration to the maximum amount safely possible to limit total demolition duration.
 - Train workers and subcontractors to use equipment in ways that minimize noise generation.

7. The applicant will prepare a Construction Management Plan (CMP) that specifies measures and guidance for construction period transportation to avoid any adverse conflicts. The project will adhere to the CMP. The applicant would implement Haul Route requirements in Section 15 of the Street Development Standards of the DMMC that address construction including:
 - Construction traffic routes for haul operation – physical asset assessment and monitoring (pavement condition).
 - Traffic avoidance impact measures – physical asset assessment, monitoring, and restoration.

Prior to commencement of demolition

8. The Applicant shall follow all applicable federal, state, and local regulations for air quality and dust management. In addition to the control of dust via water, air monitoring shall take place to verify that no significant hazardous emissions are being generated by the work or leaving the site and to keep the impact level to below a level of significance. BMPs may include:
 - Dust will be controlled during demolition using water supplied by various means. Hydrant-provided water shall be supplied to the work area and manually sprayed on work areas as needed to control fugitive dust emissions.
 - High-reach excavators are equipped with plumbing that would deliver a constant stream of dust control water to the tool location, which shall always operate when work is being performed.
 - Dust cannons shall be used to control dust during the demolition. Dust cannons use a high-powered fan to aerosolize the water, allowing it to better capture fine dust particles at long range and are especially efficient at neutralizing dust created during concrete and masonry demolition.
9. Temporary erosion and sediment control measures and BMPs will be implemented to limit sediment inputs to receiving waters during and after construction.
10. Appropriate demolition and disposal practices would be implemented during asbestos removal, ensured through compliance with applicable federal, state, and local planning requirements set forth in all appropriate permits and approvals obtained prior to construction. Removal of soils should include testing to determine if the soils related to the Tacoma Smelter Plume are above Method A levels and should be disposed of in accordance with Washington Department of Ecology (Ecology) Clean-Up guidance.
11. Pre-construction bald eagle nest surveys shall be conducted to determine the presence of active bald eagle nests on or nearby the site. If a nest is present, implementation of the National Bald Eagle Management Guidelines (2007), including possible construction timing limitations and consultation with the U.S. Fish and Wildlife Service (USFWS) and Washington Department of Fish and Wildlife (WDFW), would result in less-than-significant impacts on nesting bald eagles.
12. Trees identified for removal shall be marked clearly and inventoried. Trees that are not marked for removal shall be protected to the maximum extent possible using tree protection fencing, or other means, to avoid impacts on trees. In addition, requirements of the City's Tree Ordinance shall be implemented and a tree removal permit obtained, to protect and mitigate tree impacts.

13. Efforts would be made during demolition to preserve existing vegetation where possible. The limits of disturbance shall be marked with high-visibility fencing or other suitable means to protect trees and vegetation. Where possible, vegetation within the limits of disturbance shall not be disturbed.
14. Temporary erosion and sediment control measures will be implemented to limit sediment inputs to receiving waters during and after construction. The following water quality BMPs shall be applied as part of the project to mitigate the impacts to below a level of significance:
 - Stormwater and/or water generated during dust control operations shall be diverted from the work area.
 - Erosion control shall be placed along the perimeter of the work area, which shall include silt fencing around all downhill sides of work areas to infiltrate drain through the soil.
 - Straw wattle will be used over hardscapes and around catch basins.
 - All catch basins on-site shall have inserts placed inside them prior to any work taking place.
 - existing vegetation and grass outside the limits of disturbance shall be undisturbed and used as a vegetative barrier along the perimeter of the project as possible.
 - Existing site hardscapes and driveways within the limits of disturbance will be removed, except where used as construction traffic paths. These paths shall be kept swept and free of debris at all times to mitigate track out.
15. Additional BMPs shall be used as necessary during the demolition process:
 - The applicant or its construction contractor shall maintain a full-time Certified Erosion and Sediment Control Lead (CESCL) familiar with the project that shall perform weekly inspections of existing BMPs and make recommendations of increased BMPs.
 - In addition, the following standard water quality BMPs for construction will be implemented in accordance with regulatory permit requirements.
 - Cleared areas shall be restored and replanted with appropriate native species to stabilize soils following construction activities.
 - Implementation of proper waste handling measures shall apply to prevent spillage of building debris and releases of other construction materials.
 - Pollution control measures will be implemented to ensure appropriate storage, handling, and use of petroleum products and other potential pollutants on-site during construction. Spill response materials will be maintained on-site during construction.
 - Construction will be conducted in accordance with the conditions of all applicable permits issued by regulatory agencies.
 - A construction Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented to cover all areas of work on the project site, and specify that:
 - Waste materials will be transported off-site and disposed of in accordance with applicable regulations and as noted in the SWPPP.
 - Construction entrances, wheel washes, street cleaning, and other BMPs will be used to prevent tracking of soils beyond the project limits.
 - Stormwater from work areas will be kept separate from non-work areas.
 - The locations of existing inlets and catch basins will be identified in the SWPPP and the method of protection described.
 - Specify locations, protections, and covering practices for stockpiles.

- Provide controls to prevent sediment, debris, and other pollutants from entering surface waters and drainage features.
- Develop and implement a Spill Plan to ensure that all pollutants and products are controlled and contained.
- BMPs for concrete work include the following:
 - No new concrete work is anticipated, but if required for temporary use would be covered and protected from rainfall until cured.
 - Adequate material and procedures to respond to unexpected weather conditions or accidental release of materials will be available on-site.

IV. CONCLUSIONS OF LAW

1. SEPA contemplates that the general welfare, social, economic, and other requirements and essential policy considerations will be taken into account in weighing and balancing alternatives and in making final decisions.
2. An environmental impact statement analyzes environmental impacts and must be used by agency decision makers, along with other relevant considerations or documents, in making final decisions on a proposal.
3. SEPA does not require that an EIS be an agency's only decision-making document.
4. The City used the environmental impact statement and took the required hard look at alternatives and mitigation.
5. Conditions are reasonable, achievable, and supported by policy (DMMC 16.05.310).
6. DMMC 18.185.060 requires a noise mitigation plan for projects that would exceed existing levels for residential areas.
7. The proposal satisfies the ministerial decision criteria that apply to demolition permits under the International Building Code.

V. DECISION

Pursuant to DMMC 16.05.310, the demolition permit is APPROVED WITH THE FOLLOWING CONDITIONS:

1. The Mitigation Measures listed in Section III.E shall be performed;
2. All the Mitigation Measures are binding upon the proposal.
3. Noncompliance with any of the Mitigation Measures may result in permit suspension or revocation.

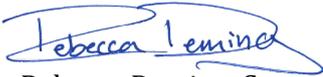
This decision addresses the discretionary aspects of the application that are necessitated as a result of the EIS. The demotion permit itself shall not issue until the noise mitigation plan has been approved and the following non-SEPA conditions of issuance have been satisfied:

1. Payment of Permit Fees
2. Demolition Schedule per IBC 3303.1
3. Pedestrian Protection Plan per IBC 3303.2
4. Utilities disconnection confirmation per IBC 3303.6

5. Fire Protection Narrative per IBC 3303.7
6. Other ministerial requirements associated with issuance of a demolition permit.

VI. APPEAL

This decision and the FEIS may be appealed to the Des Moines Hearing Examiner by filing a written appeal with the City Clerk no later than 10 calendar days from the date of this decision (DMMC 16.05.320).

A handwritten signature in blue ink that reads "Rebecca Deming". The signature is written in a cursive style with a large, sweeping initial "R".

Rebecca Deming, Community Development Director & SEPA Official

Date: August 8, 2025