



City of Seattle

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

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

**Application Number:** 3008503  
**Application Name:** Seattle Department of Parks and Recreation  
**Address of Proposal:** 2401 6<sup>th</sup> Ave. North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow change of use from outdoor storage (gravel pit) to public park (Dexter Pit Park) in an environmentally critical area. Project also includes 500 cubic yards of grading. Determination of Non-Significance prepared by Seattle Parks Department.

The following approval is required:

**SEPA – for conditioning only - SMC Section 25.05**

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions\*

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

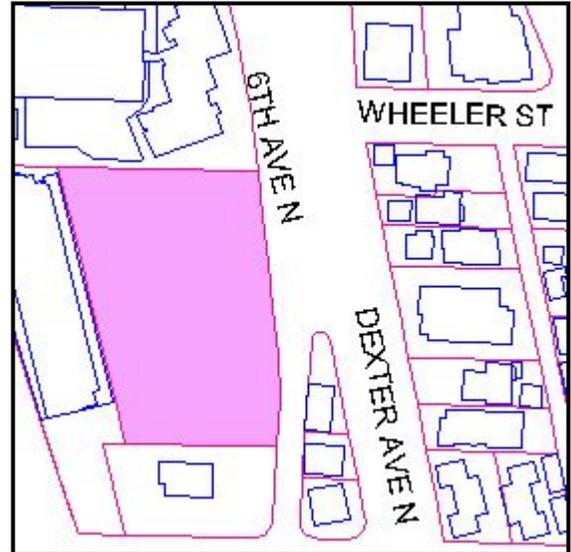
\*The Seattle Department of Parks and Recreation (“Parks”) issued a Determination of Non-Significance on July 20, 2007.

## **BACKGROUND DATA**

### Site and Vicinity Description

The proposal site, zoned L-3, is a vacant, hillside parcel on the slope east of Aurora Avenue North and located just west of where 6<sup>th</sup> Avenue North meets Dexter Avenue North. The site was at one time used as a “borrow” or gravel pit by the city and is approximately 50 to 60 feet lower than the properties to the north, south and west forming a bowl. The slopes are uniformly graded and heavily vegetated with blackberries and shrub. There is a small Category IV wetland at the low point on the east side of the property. The crests of the slopes are bordered by multi-family development which are also zoned L-3.

The 56,625 sq. ft. site was identified in the Queen Anne Neighborhood Plan as a neighborhood park and was included in the 2000 Pro Parks Levy for development as a park.



### Proposal

The proposal would create an urban park with trails that would allow the public to access a limited portion of the site and will be located outside of the delineated wetland and steep slope area. The Parks Department has worked with the Office of Arts and Cultural Affairs to select an artist to design the site. An ADA accessible path will be installed on the hillside around the perimeter of the wetland. The uphill slope will be held by a low gabion wall with bench integrated in the wall structure. A sculptural installation will provide habitat for cavity-nesting birds.

### Public Comment

Design of the proposed park included a series of public meetings in 2002. The DPD comment period ran from February 28, 2008 to March 12, 2008. No comments were received.

## **ANALYSIS – SEPA**

The Seattle Department of Parks and Recreation issued a Determination of Non-significance on March 17, 2003. Information in the environmental documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of DPD with review of similar projects form the basis for this analysis and conditioning decision wherein substantive SEPA conditioning will be considered and imposed as warranted.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). In accordance with SMC25.09.045H3f, Critical Area regulations exemptions, the applicant has demonstrated that this is a "Public project where the intrusion into the environmentally critical area or buffer benefits the public, such as trails providing access to a creek or wetland, when located and designed to keep environmental disturbance to a minimum."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts are cited below.

#### Short-Term Impacts

The following temporary or construction-related impacts are expected: (1) temporary soil erosion due to site work; (2) disturbance of birds (gulls, crows and songbirds) currently frequenting the proposed site; (3) decreased air quality due to increased dust and suspended particulates during site work and transport of materials to and from the site; (4) increased noise and vibration from construction operations and equipment; (5) increased traffic and parking demand from construction personnel; and (6) tracking of mud onto adjacent streets by construction vehicles. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these are: Critical Areas Ordinance (soil stability and water quality) Stormwater, Grading and Drainage Control Code (grading, site excavation and control of soil erosion through use of best management practices); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environment and, with the exception of construction related noise impacts, they will be sufficient without conditioning pursuant to SEPA policies.

#### Noise

Some of the construction activities including grading and use of concrete delivery and pumping trucks will create high levels of noise. Later activities, consisting almost entirely of landscaping activities are expected to be fairly quiet. Residential uses exist immediately adjacent to the proposal site to the west and also across N. 35<sup>th</sup> St. to the north. It has been the experience of DPD that additional limits of the hours of construction operation, in addition to those provided in the Seattle Noise Ordinance, are sometimes necessary to limit noise impacts to nearby residences to an acceptable level. The Seattle Noise Ordinance would allow these very noisy, construction-related activities to take place from 7:00 a.m. to 10:00 p.m. The use of grading, concrete delivery and concrete pumping equipment in the project area shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays. Other construction-related activities should be adequately limited by the Noise ordinance.

Erosion Control

The proposal site is extensively sloped and will be partially cleared, graded and replanted. In order for any work on this site to take place between October 31<sup>st</sup> and June 1<sup>st</sup>, a Wet Season Construction Waiver must be applied for and approved. Review of the waiver application will involve review of best management practices to be implemented. It will be approved only if DPD is convinced adequate measures to control stormwater and soil erosion are proposed. SEPA conditioning to control soil erosion during construction does not appear warranted.

Long-Term Impacts

The Parks Department did not identify and long-term adverse environmental impacts in their Determination of Non-Significance.

**DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

**CONDITIONS – SEPA**

During Construction

1. The use of grading, concrete delivery and concrete pumping equipment in the project area shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays.

Signature: \_\_\_\_\_ (signature on file) Date: June 2, 2008  
Marti Stave, Land Use Planner  
Department of Planning and Development  
Land Use Services

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