



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

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

**Application Number:** 3009549  
**Applicant Name:** Seattle Public School District  
**Address of Proposal:** 1819 North 135<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 19,275 sq. ft. two-story classroom addition and exterior alterations (canopies and covered walkway) to an existing institution in an environmentally critical area (Ingraham High School). Project will include tree planting and removal, landscaping and re-striping and re-configuring existing parking lot to provide 160 surface parking spaces. Review includes demolition of seven portables, and one modular structure (totaling 12,134 sq. ft.). Revised Determination of Non-Significance dated May 7, 2008, Addendum dated June 10, 2009 and Second Addendum dated November 19, 2009, has been prepared by Seattle Public Schools.\*

\*Note: The project description has been revised from the following original notice of application: “Land Use Application to allow a 17,200 sq. ft. two-story classroom addition and exterior alterations (canopies and covered walkway) to an existing institution in an environmentally critical area (Ingraham High School). Project will include tree planting and removal, landscaping and re-striping and re-configuring existing parking lot to provide 160 surface parking spaces. Review includes demolition of seven portables, and one modular structure (totaling 12,134 sq. ft.). Revised Determination of Non-Significance dated May 7, 2008 was prepared by Seattle Public Schools.”

The following approval is required:

**SEPA – Environmental Determination - For conditioning only**  
Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:** [ ] Exempt [X]<sup>1</sup> DNS [ ] MDNS [ ] EIS  
[X] DNS with conditions  
[ ] DNS involving non exempt grading or demolition or  
involving another agency with jurisdiction.

<sup>1</sup>Environmental Documents prepared and Revised SEPA Threshold Determination of Non-Significance issued by Seattle School District on May 7, 2008. In addition, Environmental Documents and two Addendums (“Addendum” and “Second Addendum”) to the Revised SEPA Checklist were prepared and issued by Seattle School District on June 10, 2009 and November 19, 2009.

## **BACKGROUND INFORMATION**

### Previous SEPA Related Actions

Prior to application for a Master Use Permit, the District exercised its prerogative to act as lead agency and on January 31, 2008 issued an appealable SEPA threshold determination of non-significance (DNS). On February 1, 2008, the District submitted their MUP application (filed under #3007650) which included documents and plans to DPD for review. During the District's SEPA appeal period, 12 comments and one appeal was received. Upon review of the comments, the District decided to withdraw the DNS and revise the checklist in order to address the comments and appeal. On May 7, 2008, a revised environmental checklist and DNS was issued. Nine appeals were then filed. After reviewing testimony and exhibits provided during the appeal hearing, a non-City Hearing Examiner affirmed the District's threshold determination on July 22, 2008.

During the month of August 2008 and once the District's appeal process had been completed, the District withdrew all of their permit applications from the City with the intent to remove some of the trees from the campus. A court order (filed under No. 08-2-26887-0SEA) was issued to not allow the trees to be removed. Subsequently on September 8, 2008, the District resubmitted their land use (#3009549) and construction applications with DPD and new application numbers were created.

DPD reviewed the land use application and issued a decision on January 22, 2009. The decision imposed several SEPA conditions, requiring a construction transportation management plan (CTMP), setting construction hour limits and requiring the District to fulfill terms identified in the reciprocal lease agreement with the City of Seattle Department of Parks and Recreation ("DOPAR"). This decision also included analysis of other mitigation measures proposed by the District. During the following two-week appeal period, the DPD decision was appealed to the City Hearing Examiner by four appellants.

An appeal hearing was held on April 1, 2 and 3, 2009 before the City Deputy Hearing Examiner. After consideration of the evidence of record, testimony and the Examiner's viewing of the site; the Deputy Hearing Examiner issued the following decision on May 4, 2009: *The Director's SEPA decision is AFFIRMED IN PART, and REVERSED AND REMANDED IN PART consistent with this decision.* Specifically, the SEPA decision was remanded in part back to DPD to "require additional mitigation in the form of relocation outside of the grove, or at least reduction of the addition's intrusion into the northwest grove". With respect to the other aspects of the proposal, the Deputy Hearing Examiner upheld the DPD decision.

As lead agency, the District issued an Addendum to the Revised SEPA Checklist on June 10, 2009 with an explanation that the addendum was prepared to address only the changes to the building design in order to preserve more existing trees and that the previously issued DNS remains appropriate. On June 11, 2009, the District submitted plans and documents to DPD illustrating a two-story addition approximately 19,275 sq. ft., in the same location but with less intrusion into the northwest tree stand. Analysis concerning alternative project locations was also offered.

DPD reviewed the revised plans and documents associated with the School District's proposal and issued a revised decision on August 13, 2009. That revised decision reflected only that portion of the January 22, 2009 decision which had been remanded back to DPD. During the following two-week appeal period, the DPD revised decision was appealed to the Deputy Hearing Examiner by three appellants.

A pre-hearing conference was held on September 14, 2009. Following the pre-hearing conference and prior to the appeal hearing scheduled on October 14 and 16, 2009, the Deputy Hearing Examiner reviewed the parties' filings and arguments concerning public notice and determined that DPD had failed to provide proper notice of the revised application and addendum to revised Determination of Non-Significance which was the basis of the August 13 decision. Consequently on September 14, 2009, the Deputy Hearing Examiner remanded the revised decision back to DPD to "*provide the required notice and comment period*".

DPD initiated a public comment period and public notice describing the revised proposal and pertinent SEPA documents prepared by the District; Revised Determination of Non-Significance dated May 7, 2008, Addendum dated June 10, 2009 and Second Addendum dated November 19, 2009.

Exercise of substantive SEPA authority by the DPD is limited to conditioning only. Conditioning pursuant to this authority will rely on the threshold DNS issued by the District and on environmental documents prepared by the District. In response to the Deputy Hearing Examiner's decisions and based on the District's revised proposal, the DPD's analysis outlined in this report will be limited in scope as it relates to future impacts to northwest grove.

#### Site and Vicinity Description

The Ingraham High School Campus encompasses approximately 28.17 acres located in a Single Family 7200 (SF 7200) zone. This Campus is bounded on the west by Ashworth Avenue North, on the north by North 135<sup>th</sup> Street, on the south by North 130<sup>th</sup> Street and on the east by City owned property (Helene Madison Pool), North 133<sup>rd</sup> Street and residential properties. The school site consists of three, one-story buildings connected by covered walkways (totaling 187,136 square feet (sq. ft.)) comprising of a performing arts auditorium, library, commons areas, gymnasium, classrooms and offices; lighted surface athletic courts; lighted synthetic turf athletic fields with bleacher seating and several detached support structures containing concessions, restrooms, field offices, storage and ticket sales; seven portable classrooms; and one modular building.

In the 2007-2008 school year, approximately 1,200 students and 105 peak-hour workers (teachers, staff, etc.) attended Ingraham. The total capacity of the school is 1,400 students. Per the Seattle School District ("District"), student enrollment is slated to increase to 1,400 students in the next two years with the staff count remaining the same.

The subject site also comprises three onsite surface parking areas; auto shop parking lot (5 stalls), south parking lot (47 stalls) and the east parking lot (52 stalls). An additional 13 parking spaces are configured in an angular fashion, straddling the common boundary line between the Ingraham east parking area and the Department of Parks and Recreation (DOPAR) north parking area. Vehicular access to these parking areas is via curb cuts along Ashworth Avenue North, North 135<sup>th</sup> Street and North 133<sup>rd</sup> Street. Additional service access to the campus occurs via North 130<sup>th</sup> Street which is classified as a Principal Arterial street, pursuant to SMC Chapter 23.53, with a total of four lanes of traffic-two lanes of traffic running west and two lanes of traffic running east. Ashworth Avenue North, North 135<sup>th</sup> Street and North 133<sup>rd</sup> Street are classified as non-arterial streets. Sidewalks and curbs exist along that portion of the North 130<sup>th</sup> Street that abuts the school property. A school bus loading zone occurs on the south side of North 135<sup>th</sup> Street adjacent to the school property and the neighboring City owned property.

A mix of shrubs and trees are located throughout and along the perimeter of the school property, with a park-like stand of mature trees (“Northwest Tree Stand”) situated at the site’s northwest corner and a native tree forest community (“East Forest”) on the east side of the site abutting the DOPAR boundary line. The topography on the majority of this site is relatively flat (gently sloping 5% or less) with a downward grade change occurring between the athletic fields and the main school buildings. Conversely, a steep downward sloping condition occurs at the southwestern corner and southern limit of the proposal site adjacent to Ashworth Avenue North and North 130<sup>th</sup> Street. This area has been identified as Environmentally Critical Area (ECA)-Steep Slope. The applicant has been granted a limited exemption (#6158432) from ECA steep slope development standards for all work associated project (sidewalk and tree removal) within this identified area but ECA review is still required for the building permit application(s).

Surrounding properties to the west, south and east of the subject property are also zoned SF 7200. Single Family 5000 (SF 5000) zoning is identified north of the school campus. Existing developments in vicinity of the subject site are as follows: single family residences to the north, south, east and west; and Helene Madison Pool to the east.

Helene Madison Pool is an indoor pool facility with two onsite surface parking areas: north upper parking lot (165 stalls) and south parking lot (32 stalls). Historically, Ingraham students and staff have utilized the north upper parking area on a daily basis. Vehicular access to this parking area is via two entrances situated along the properties common boundary line and via a curb cut along Meridian Avenue North. Specific information concerning this existing parking arrangement between the District and DOPAR is captured in the DPD decision report issued on January 22, 2009.

### Proposal

The District proposes renovation of Ingraham High School as part of the Building Excellence Phase III Capital Improvement Program. A total of 12,134 sq. ft. of structure is proposed to be removed. Demolition of one existing modular building and removal of seven portables is proposed.

A new two-story, 19,275 sq. ft. addition inclusive of an intermediate level between the proposed addition’s first and second stories to accommodate access to the existing school’s first floor is planned to be constructed against the west end of the main school building. This addition (inclusive of roof overhang and covered plaza area) will add a total of 17,395 building footprint to the school’s main building. The addition will house new classrooms and a west facing lobby area connecting the school building with a new pathway leading to Ashworth Avenue North. Exterior alterations consisting of canopies above the main school building’s north and east entrances (1,260 sq. ft. total) and reconfiguration of the covered walkway (1,638 sq. ft.) between the existing technology building and science-art building are also proposed.

The project includes the addition and reconfiguration of parking stalls in existing onsite surface parking areas. A summary of the parking count changes are identified in the table below.

Parking areas	Existing Stalls	Proposed Stalls	Change in Stall Count
Auto Shop	5	0	-5 <sup>1</sup>
South	47	138	91
East <sup>2</sup>	65	35	-30
Total Parking <sup>2</sup>	117	173	56

1. In the future, the Auto Shop parking area will be gated and fenced and restricted from staff/student for daily parking use.
2. This parking count includes the existing parking (13 stalls) that straddles the common boundary line between the District and DOPAR properties.

Two curb cuts along North 135<sup>th</sup> Street currently providing vehicular access to the East parking area are proposed to be reconfigured to create one curb cut 24' in width. No new vehicular entrances to onsite parking are proposed.

Grading of approximately 6,800 cubic yards (cu. yds.) of material is anticipated to occur during the construction of the foundation for the new addition.

Construction of the two-story addition necessitates the removal of 27 mature trees from the Northwest Tree Stand area. Additionally, approximately six mature trees (Pacific Madrones) with poor health status have been either cut (4) or are planned to be removed (2) from this tree area. An additional 19 mature trees outside of the Northwest Tree Stand area are proposed to be removed because of either the reconfiguration of the existing surface parking areas or hazard potential due to their proximity to power lines. Approximately 283 trees are planned to be planted throughout the school property. Landscaping enhancements inclusive of new native understory plantings, shrubs and groundcovers are also proposed. Site improvements including new pedestrian pathways and bike racks are included in the school proposal.

Street improvements consisting of curbs, sidewalks, gutters and street trees (62) are planned along the portions of Ashworth Avenue North and North 135<sup>th</sup> Street that abut the school campus.

Construction activity is slated to begin in the summer of 2010 and is expected to last for approximately 12 months.

#### Public Comments

The required public comment period for this project originally ended on October 22, 2008 and was later renoticed (due to sign installation issues) which resulted in one additional public comment period ultimately ending on November 13, 2008. During and after the public comment period, DPD received numerous comment letters, emails, postcards and binders of material from Ingraham neighbors, students, faculty, parents, tree enthusiast and the general public in support and in opposition to the proposal. Additionally, an evening meeting, organized by DPD, was held on November 18, 2008 in the Ingraham High School Cafeteria. Specific information concerning public comments and the DPD facilitated evening meeting is captured in the DPD decision report issued on January 22, 2009.

DPD did not institute another comment period prior to the publication of the revised decision dated August 13, 2009. Yet, DPD still received several comment letters and emails from the Ingraham decision appellants, neighbors, tree enthusiast and the general public in opposition of the District's recently submitted proposal. Their concerns mainly focused on the negative impacts associated with the removal of any mature trees from the identified northwest tree stand.

In accordance with the City Hearing Examiner's decision to remand the August 13 decision back to DPD due to failed proper public notice, DPD noticed the revised application on November 2, 2009. The public comment period was extended to end on November 29, 2009: and was later renoticed (due to the District's issuance of the second addendum dated November 19, 2009) which resulted in an additional public comment period ultimately ending on January 20, 2010. Again DPD received several comment letters and emails from the Ingraham decision appellants, neighbors, tree enthusiast, Ingraham parents and students and the general public in support and opposition of the District's revised proposal. Impacts associated with the removal of the existing mature treed from the northwest tree stand were the main topic in the submitted comments to DPD.

#### Additional Information

The District received a violation letter dated June 29, 2009 from the Seattle Fire Department's (SFD) Assistant Chief John H. Nelsen regarding Ingraham High School which stated the following information:

*A fire inspection of the above-named premises ("Ingraham High School") disclosed violations of City Ordinance which must be corrected as follows:*

- 1. Remove and properly dispose of the combustible grass, vines or other vegetation as follows: [06 SFC 304.1.2]*
  - a. Dry grass and vegetation inside the fenced area located at the Northwest corner/area of the property.*

*In the interest of Fire and Life Safety these items must be corrected as soon as possible.*

The District promptly notified DPD and the appellants of this development and explained that the District's intent was to begin mowing the grass in question on July 2, 2009 while avoiding removal of any native species as recommended by the consulting arborist (Scott D. Baker, Tree Solutions Inc.). Also, the District extended an invitation to the appellants to meet with the District's legal counsel (Ron English) and the arborist on July 1, 2009 at the site to further discuss the SFD order and demonstrate where the native species protection measures would be delineated.

The City Forester (Bill Ames) reviewed the arborist's recommendations cited in a memo titled "Ingraham High School: Protected Area Delineation" and attended the July 2<sup>nd</sup> meeting. He reported to DPD that Ron English, District maintenance staff, Scott Baker and some of the appellants ("Save our Trees") were in attendance. He observed the marked buffer areas and communicated that the native plant species would be well protected from mowing.

## ANALYSIS – SEPA

Environmental impacts of the proposal have been analyzed in environmental documents prepared by Seattle School District. These include a Revised SEPA Checklist dated May 7, 2008, a Determination of Non-Significance issued by Seattle School District dated May 7, 2008, an Addendum to the Revised 2008 SEPA Checklist dated June 10, 2009 and a Second Addendum to the Revised 2008 SEPA Checklist dated November 19, 2009.

Seattle Municipal Code (SMC) Section 25.05.660 provides that proposals can be conditioned or denied in order to mitigate environmental impacts. All conditions must be related to impacts identified in the environmental documents, based on adopted policies, and must be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority.

The Department is reviewing the environmental impacts of the proposal in order to impose further conditions if necessary. Disclosure of the potential impacts from this proposal was made in the environmental documents listed above. This information, supplemental information provided by the applicant (plans, written descriptions of the project, arborist reports, wildlife report and renderings), comments and supplemental information provided by the public, City Hearing Examiner Findings and Decision Report (dated May 4, 2009) and the experience of this agency with review of similar proposals form the basis of this analysis and conditioning.

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).*” 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 is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). 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: Stormwater, Grading, and Drainage Control Code (grading, site excavation, and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); Environmentally Critical Areas Ordinance (protection of water quality and soil stability

in environmentally critical areas) 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 noise and parking impacts, they will be sufficient without conditioning pursuant to SEPA policies.

Further discussion relating to short-term noise, air quality, earth, and construction traffic and parking related impacts was documented in the DPD decision published on January 22, 2009 and subsequently affirmed by the Deputy Hearing Examiner per the findings and decision report dated May 4, 2009. DPD has determined that the analysis and conditioning stated in the past DPD report is relevant to the proposed west addition; thus no further analysis of short-term impacts is necessary.

### Long-Term Impacts

Long-term or use-related impacts anticipated from the proposal include: increased parking demand; possible increased traffic demand; possible increase in light and glare; increased bulk and scale of the building; and possible increased ambient noise due to increase in human activity.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, the proposal represents a substantial renovation of an existing public high school. Therefore additional discussion regarding air quality, traffic, parking and wildlife is warranted.

Further discussion of long-term air quality, traffic, parking and wildlife related impacts was documented in the DPD decision published on January 22, 2009 and subsequently affirmed by the Deputy Hearing Examiner per the findings and decision report dated May 4, 2009. DPD has determined that the analysis and conditioning stated in the past DPD report is relevant to the proposed west addition; thus no further analysis of long-term impacts as it relates to the previously identified policies is necessary. However, the proposal represents a substantial renovation of an existing public high school that includes intrusion into a grove of mature trees. Therefore, additional discussion regarding plants is warranted.

### Plants

Per SMC 25.05.675.N, Seattle's SEPA Plants policy aims to "*minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value. A high priority shall be given to the preservation and protection of special habitat types....A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*". Additionally, SEPA policy suggests mitigation or denial of a project's adverse impacts if it is found, "*...that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant...or habitat diversity for species (plants or animals of substantial aesthetic, educational, ecological or economic value...*". An existing grove of mature trees (Northwest Tree Stand) comprised of the following tree species: Douglas Fir, Western Red Cedar and Pacific Madrone, is situated 30' west of the high

school's main building's westernmost wall façade. In this instance, these mature trees situated in the Northwest Tree Stand have the potential to be affected by the proposed project. Therefore, further discussion of the ecological value of Northwest Tree Stand is warranted.

### History

The District's proposal described in the DPD decision published on January 22, 2009 included an expansion of the existing school with a courtyard and a new rockery wall equating to a total construction area of 24,021 sq. ft. (102' x 235.5') that would have extend approximately 72' (102'-30') into the Northwest Tree Stand. As a result, approximately 72 mature tree trunks (49 Douglas Firs, 10 Western Red Cedars and 13 Pacific Madrones) out of a tree trunk population of 133 were proposed to be removed.

Public comment indicated that the Washington State Department of Natural Resources has classified habitat containing Douglas fir, Pacific Madrone and Salal habitat as a "rare plant community" in King County. Thus, because those species of trees exists in the Northwest Tree Stand, it should be considered a unique environmental habitat area and no tree removal should be allowed.

Conversely, the applicant provided several technical documents to DPD to support their evaluation of the ecological value of the Stand. The applicant's arborists' reports collectively made the following points:

- No trees in the Northwest Tree Stand meet the criteria for being exceptional in accordance with DPD Director's Rule 6-2001.
- The Northwest Tree Stand does not currently qualify as a good example of the tree/plant association habitat because the forest floor does not have adequate species diversity and mid-story stratum is lacking. In comparison, existing plant communities that do meet the definition of the Douglas Fir/Pacific Madrone/Salal associations are located at West Tiger Mountain and Seward Park.
- The Northwest Tree Stand could eventually be restored if pedestrian access is prohibited, debris is not removed and grass is allowed to grow without mowing. However, given its isolated location understory plantings may be inconsistent with visual access and safety considerations at the school site. These conditions do not meet the District's mission of education and goals for student safety.

DPD, in consultation with the Seattle Department of Transportation (SDOT) City Forester, had reviewed the numerous arborists' reports and concurred with the District's findings that the Northwest Tree Stand did not meet the criteria of the Douglas Fir/Pacific Madrone/Salal plant association as defined by the Washington Department of Natural Resources Natural Resources Natural Heritage Program. DPD also stated that the District's mitigation measures (new trees, tree protection, tree monitoring) within the Northwest Tree Stand were appropriate and no additional conditioning or mitigation was warranted.

### Hearing Examiner Appeal Determination

As mentioned at the beginning of this report, DPD's decision was appealed by four appellants to the City Hearing Examiner's Office. After consideration of the evidence of record, testimony and the Examiner's viewing of the site; the Deputy Hearing Examiner issued a Findings and Decision report on May 4, 2009 that stated the following conclusion points related to plants:

3. Appellants have argued that DPD erred by failing to treat the northwest grove as a rare or uncommon habitat under SMC 25.05.675.N.2. It is not clear whether DPD considered the grove to be rare or uncommon, but the northwest grove is an uncommon plant habitat under the SEPA policy. The grove is perhaps not a "good example" of the plant community compared to the WHNP reference sites, but that alone does not determine whether a habitat is covered by SMC 25.05.675.N.2. **The northwest grove is uncommon on account of the conifer/madrone/salal plant association which is present, and the relative scarcity of that association.**

4. The proposal would reduce by half an uncommon habitat that the City's SEPA policy says must be protected. Given the difficulty or impossibility of replacing this amount of habitat on the site, avoidance or reduction of impacts on the grove is required if such measures are reasonable and capable of being accomplished. In this case, DPD did not require and apparently did not evaluate whether the location or the structure footprint could be altered to avoid or minimize impacts on the northwest grove, and this was an error in light of SMC 25.05.675.N.2.

5. The record is limited since no alternatives were required to be analyzed in the DNS, and the project was not subject to the City's design review process, where designs are typically scrutinized for reasonableness. Appellants point to the alternatives rejected by the District as mitigation measures: building a second story on the existing LMC building; placing the addition in the north lawn area; or moving it to the south, where the portables are located. Appellants also note that the planned courtyard area places the addition further into the grove.

6. The second-story alternative, which would require retrofit of the existing commons and closure of the building, is clearly not a reasonable mitigation measure. But on the record here, the use of other areas on this 28-acre campus, or at least the reduction of the proposed building footprint, would not be unreasonable or unworkable. **Therefore, the decision will be remanded to DPD to require additional mitigation in the form of relocation outside of the grove, or at least reduction of the addition's intrusion into the northwest grove.**

Consequently, based on the conclusions cited above, the SEPA decision was remanded in part back to DPD to "require additional mitigation in the form of relocation outside of the grove, or at least reduction of the addition's intrusion into the northwest grove".

#### Current Proposal

On June 11, 2009, the District submitted revised plans to DPD that ultimately illustrates a 19,275 sq. ft. two-story addition (inclusive of roof overhang and covered plaza area) located on the western side of the school's main building. The total construction area proposed including uncovered exterior stairwell access area is 19,846.5 sq. ft. (65.5'x303'). The primary difference from the previous plan was the elimination of the proposed courtyard area and rockery wall; and a substantial reduction in the amount of existing mature trees removed as a result of the addition proposal. This proposed classroom expansion (inclusive of eave overhangs and covered patio area) extends approximately 35.5' (65.5-30) by 303' into the Northwest Tree Stand area. As a result, approximately 27 mature trees (20 Douglas Firs and 7 Western Red Cedars) out of a tree population of 124 trees are proposed to be removed. Additionally, approximately six mature trees (Pacific Madrones) with poor health status have been either cut (4) or are planned to be removed

(2) from this tree area. A comparison summary between the past proposal (“May 2008 Plan”) and the current proposal is noted in the table (Table 1) below.

<b>Table 1 - Trees</b>	Douglas Fir	Pacific Madrone	Western Red Cedar	Sum of Trees <sup>1</sup>
<b>May 2008 Courtyard Plan – May 2008 Tree Count</b>				
	Total Trees	Total Trees	Total Trees	
Preserved	37	20	7	64 <sup>1</sup>
Removed	47	5	8	60 <sup>1</sup>
Grand Total	84	25	15	124
<sup>1</sup> Four trees have been removed since May 2008; two additional stumps have some sprouts.				
<b>June 2009 Compressed Plan – Current Tree Count</b>				
	Total Trees	Total Trees	Total Trees	
Preserved	64	23	8	95
Removed	20	2	7	29
Grand Total	84	25	15	124

The District notes that, during the 2008 SEPA appeal hearing, there was discussion as to whether the trees should be counted based on the number of trunks or the number of trees. At that time, the counts were based on the number of tree trunks. As a result, a second table (Table 2) has been provided to illustrate a comparison summary between the past proposal (“May 2008 Plan”) and the current proposal relative to the inventory of tree trunks in the Northwest Tree Stand area.

<b>Table 2 – Tree Trunks<sup>2</sup></b>	Douglas Fir	Pacific Madrone	Western Red Cedar	Sum of Tree Trunks <sup>1</sup>
<b>May 2008 Courtyard Plan – May 2008 Tree Trunk Count</b>				
	Total Tree Trunks	Total Tree Trunks	Total Tree Trunks	
Preserved	37	26	7	70 <sup>1</sup>
Removed	48	5	10	63 <sup>1</sup>
Grand Total	85	31	17	133
<sup>1</sup> A survey conducted on June 1, 2009 by an arborist determined that nine additional trees trunks have died since the issuance of the Revised SEPA checklist on May 7, 2008. Four trees have been removed since May 2008; one stump has some sprouts.				
<sup>2</sup> The table shows counts of actual trunks, not trees. This is to reflect the visual impact of the stand from the ground and to reflect how other jurisdictions define tree replacement ratios based on diameter at breast height (dbh).				
<b>June 2009 Compressed Plan – Current Tree Trunk Count</b>				
	Total Tree Trunks	Total Tree Trunks	Total Tree Trunks	
Preserved	64	29	8	101
Removed	21	2	9	32
Grand Total	85	31	17	133

SMC 25.05.675.N.2.b-d states:

b. *For projects which are proposed within an identified plant or wildlife habitat or travelway, the decisionmaker shall assess the extent of adverse impacts and the need for mitigation.*

c. *When the decisionmaker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value, the decisionmaker may condition or deny the project to mitigate its adverse impacts. Such conditioning or denial is permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665.*

d. *Mitigating measures may include but are not limited to:*

- i. Relocation of the project on the site;*
- ii. Reducing the size or scale of the project;*
- iii. Preservation of specific on-site habitats, such as trees or vegetated areas;*
- iv. Limitations on the uses allowed on the site;*
- v. Limitations on times of operation during periods significant to the affected species (i.e., spawning season, mating season, etc.); and*
- vi. Landscaping and/or retention of existing vegetation.*

The Hearing Examiner determined that the Northwest Tree Stand is considered an uncommon plant habitat and that an assessment of the extent of adverse impacts and need for mitigation must be considered. Based on the direction quoted from the Hearing Examiner's decision, the District prepared detailed analysis in the SEPA Addendums ("Addendum to the Revised 2008 SEPA Checklist" dated June 10, 2009 and "Second Addendum to the Revised 2008 SEPA Checklist" dated November 19, 2009) concerning alternative addition locations. The District identified the following six potential locations for the addition:

- **South A** – A detached two-story structure, south of the main school building, situated where the tennis courts are currently located.
- **South B** – A detached one-story structure, south of the main school building, situated at the south parking lot.
- **East** – A detached two-story structure, situated at the parking area south of the auditorium, near the east forest.
- **North A** – A one-story addition to the northwest portion of the main school building situated on the north lawn area.
- **North B** – A two-story addition to the northwest portion of the main school building situated on the north lawn area.
- **West** – A two-story addition to the west façade of the main school building situated within a portion of the northwest tree stand area.

Analysis of the abovementioned alternative schemes was offered by three persons: Mr. Martin Floe (Ingraham High School principal and School Design Team leader), Dr. Lawrence Matsuda (experienced educator) and Mr. Don Gilmore (Building Excellence Program manager and experienced school architect). Methods such as alternative evaluation using the seven criteria from the Seattle School Design Process Manual and comparison analysis using a scoring systems was

performed by the District reviewers. These different analyses considered academic criteria, security/safety measures, environment and other criteria.

In addition, a comparative construction estimate of the six alternative schemes, prepared by two construction estimating firms (Heery International, Inc. and The Robinson Company), was documented in the SEPA Addendum and further refined in the Second SEPA Addendum. These estimates indicate the cost to construct the proposed classroom structure is substantially more if constructed at the South, East and North locations.

The District summarizes: *“After reviewing the five alternatives from the standpoints of academic excellence, safety and security, environmental protection, and neighborhood character, District staff responsible for implementation of the Building Excellence III program has concluded that the South and East alternatives are substantially inferior from both an academic and safety standpoint, and it would be “unreasonable or unworkable” to relocate the addition to those locations. District staff responsible for implementation of the Building Excellence III program has also concluded that the North alternatives are also “unreasonable or unworkable,” because they are inferior academically, create additional security concerns, and would change the character of the neighborhood along N. 135th Street. In addition, a comparison of the added cost of the alternatives is appropriate to consider whether alternatives are “unreasonable or unworkable”. The West alternative is less costly than both of the North alternatives, by \$1.9 to \$2.7 million. District staff responsible for the implementation of the Building Excellence III program has concluded that it is unreasonable and unworkable to expend \$2 million to choose an alternative that is academically inferior, creates additional security problems and would change the character of the neighborhood, in order avoid removing 17 trees (29 in the West Addition area compared to 6 in the North Addition area).”* As a result of the District’s review of the analysis, the West alternative is the preferred scheme.

A memo dated June 10, 2009 from the consulting arborist (Scott D. Baker, Tree Solutions Inc.) was included with the District’s submissions. Its intent was to clarify the process used to determine the amount of Madrone trees that would be removed by the proposed West addition. Per the arborist, *“To clarify the situation with madrona trees that will be removed on the site; only two madrona trees will be removed to allow the new building footprint to be constructed. Both are now dead, and both were in decline and close to dead last summer.”* The arborist further states, *“With the new plan, the project will require the removal of fewer trees. All of tree species now present will still be present on site once the project is complete. Although the grove will be reduced in size, it is my opinion, based on my experience and training, that the character of the grove will not be changed. Furthermore, the new design will result in less impact from excavation below ground that will help with preservation of the remaining trees.”*

Subsequently, the District submitted two additional arborist reports (dated October 12, 2009 and February 13, 2009) from Mr. Baker concerning ongoing monitoring of the trees in the Northwest Stand area. He further noted the continued decline of two Madrone trees located within the footprint of the planned addition and other trees surrounding the proposed addition. The arborist mentioned in the October 12<sup>th</sup> report, *“We did find a nest on the site this summer in tree #8, a small red cedar that had its top broken in the past. The tree has decay area with a Flicker nest in it. The nest was active in July when I was on the site. This tree is shown as a tree near the edge of the proposed addition that will not be retained.”* Consequently, further discussion of wildlife habitat impacts associated with the proposed project is warranted to determine if the removal of this specific tree would negatively impact the survival of existing nesting areas of the flicker birds.

A memo titled, "Ingraham High School Bird Nesting in the Northwest Grove" dated April 13, 2010 and prepared by Catherine Conolly, wildlife biologist (ESA Adolfsen), was included with the District's submissions to DPD. Based on field investigation at the Ingraham property on April 12, 2010, this report indicates the following conclusion: *"In summary, no bird of any species was seen at the hole at any time during the day. Flickers were seen or heard 26 times during the eight hours that staff was on-site, but never on Tree #8. On one occasion, a flicker called from the vicinity of the tree, (likely from the roof of the school) but was unobserved. Flickers were observed within the grove once: at 09:52, one male and one female flicker foraged at the foot of Tree # 88 for four minutes, and flew off to the northeast. Tree # 88 is located approximately 120 from Tree #8. In addition, round flicker holes were observed in a telephone pole located west of the Northwest Grove, and two flickers landed on a different pole south of the Northwest Grove and vocalized at 10:55. At the northwest corner of the grove a red-breasted nuthatch was observed entering a hole in Tree # 126; a nuthatch subsequently worked at excavating a hole in a nearby telephone pole (approximately 100 feet south) several moments later. It is very likely that this was a single pair of nuthatches as the two locations were so close; the birds are likely evaluating several holes as potential nest sites. No other nesting activity was observed related to holes on the site."*

The West addition will result in the removal of 27 non-hazardous mature trees from the Northwest Tree Stand. As required per SMC 25.05.675.N.2.d, the District has identified the following mitigation measures within the Northwest Tree Stand:

- Approximately 10 trees that are determined hazard status (dead) would remain and possibly be reduced in height and kept as snags as recommended by a Certified Arborist.
- Approximately 18 new trees (Douglas Fir and Western Red Cedar) are proposed to be planted.
- Additional protections for soil and root zones would be proposed for the existing trees by maintaining a 3"-4" layer of mulch for at least five years construction.
- Tree protection measures imposed during construction.
- Additional construction restrictions to protect trees. The District's architect explains that the proposed plaza slab, roof overhang and wall are designed to not disturb the existing grade around the critical root zone for the existing trees identified as 4, 5, 6 and 14 on the landscape drawings. Per the architect, the wall and the slab are cantilevered out from the concrete beam that is set back from the edge. The beam is then supported from column to column.
- Onsite observations of site clearing operations by a Certified Arborist.
- Onsite inspections during construction to monitor retained trees and vegetation.
- Monitoring of new landscape plantings during establishment by a Certified Arborist to be performed biannually in the spring and late fall for five years.

### Analysis

The SEPA Addendums include detailed analysis that documents alternative locations for a proposed classroom expansion was explored by the District. This analysis substantiates the District's position that the "West" two-story addition is the most reasonable and workable option in comparison to the other five classroom location alternatives.

DPD has reviewed the District's documents and concurs that the proposed West addition is the most reasonable alternative of the proposed options. The May 2008 Plan entailed 16,956 sq. ft. of

structure intrusion and removal of 66 mature trees (72 mature trees trunks) within the Northwest Tree Stand area. In consideration of the Hearing Examiner's directive to develop an alternative that would reduce the footprint of an addition within the Northwest Tree Stand, the District has proposed a design that would reduce intrusion into the specified area significantly (10,756.50 sq. ft.) in comparison to the original proposal (16,965 sq. ft.) and, as a result, only 27 non-hazardous mature trees would be removed. Further, an additional 265 (283-18) trees are planned to be planted throughout the school campus property.

DPD in consultation with the Seattle Department of Transportation (SDOT) City Forester, has reviewed the arborist's reports and submitted plans and agree that the proposed mitigation measures cited above are appropriate. Therefore, no additional conditioning or mitigation pursuant to SMC Chapter 25.05.675.N is warranted.

**DECISION - SEPA**

The environmental checklist, Master Use Permit plans submitted on the project, public comment and responses to requests for information all comprise Department of Planning and Development's (DPD) record. Pursuant to SMC 25.05.600.D.1, DPD relies on the environmental documents and technical reports prepared by the Seattle School District in their role as lead agency. DPD has determined that the DNS issued and utilized for the environmental analysis of the *Ingraham High School Renovation, Demolition and New Construction Project* and permitted herein, is adequate. The SEPA conditions listed in the DPD decision report issued on January 22, 2009 and affirmed per the Hearing Examiner findings and decision report dated May 4, 2009 are still imposed based on Master Use Permit (MUP) plans as well as on all environmental documentation submitted to date.

**CONDITIONS - SEPA**

None related to this scope of work.

Signature: \_\_\_\_\_ (signature on file) Date: April 29, 2010  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

TG:bg