



City of Seattle

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:** 3010047  
**Applicant Name:** Patrick Donohue for Seattle Department of Parks and Recreation  
**Address of Proposal:** 11035 5<sup>th</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to change the use of existing 161,172 sq. ft. King County Park & Ride Lot (Northgate Park and Ride) to a city park (Seattle Parks and Recreation) to include landscaping, open space, sidewalks and other park amenities. Existing park and ride lot (400 parking stalls) has been relocated adjacent to the Northgate Transit Center at 1st Ave NE and NE 100th St (approved under Project #2401519). Determination of Non-Significance prepared by Seattle Parks and Recreation.\*

\*Note: The project description has been revised from the following original notice of application: “Land Use Application to change the use of existing 161,172 sq. ft. King County Park & Ride Lot (Northgate Park and Ride) to a city park (Seattle Parks and Recreation) to include landscaping, open space, sidewalks and other park amenities. Existing park and ride lot (400 spaces) has been relocated adjacent to the Northgate Transit Center at 1st Ave NE and NE 100th St (approved under Project #2401519). Determination of Non-Significance prepared by Seattle Parks and Recreation.”

The following approval is required:

**SEPA – To impose conditions – (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>SEPA Determination of Non-Significance issued by Seattle Department of Parks and Recreation on May 15, 2008.

## **BACKGROUND INFORMATION**

### **Site and Vicinity Description**

This approximately 3.7 acre site is located in a Lowrise 4 (L-4) zone located within the Northgate Overlay (NG). This property is bounded on the west by 3<sup>rd</sup> Avenue Northeast; on the south by Northeast 112<sup>th</sup> Street; on the east by 5<sup>th</sup> Avenue Northeast; and privately-owned properties to the north. Development on the entire subject site consists of King County operated park-and-ride lot (Northgate Park and Ride) with approximately 400 parking stalls and a covered bus shelter situated in the center of the property.

The site is accessed via two locations: one vehicular access point situated along the west side 5<sup>th</sup> Avenue Northeast and the ramp situated at the midpoint of the north side of Northeast 112<sup>th</sup> Street. 5<sup>th</sup> Avenue Northeast is classified as a Principal Arterial street, pursuant to SMC Chapter 23.53 with sidewalks, curbs, gutters and street trees on both sides of the street. Northeast 112<sup>th</sup> Street and 3<sup>rd</sup> Avenue Northeast are non-arterial paved streets with curbs, sidewalks street trees and gutters.

The topography of the site slopes gently to the southeast. The site is mostly covered by impervious pavement (asphalt). A small group of trees along the west portion of the site and a few plants in the planting islands exists on the property. The subject site is not located within any identified or designated Environmentally Critical Areas.

Surrounding properties to the north and east of the subject property are also zoned L-4. Additional properties east and west of the subject site are zoned Midrise (MR). Neighborhood Commercial 3 (NC3-65) zoning is identified south of the site. Existing developments in vicinity of the subject site are as follows: apartments and an office building to the north; an office building and retirement facility to the east; retail stores (Target, Best Buy, Ross) and a multi-story parking garage to the south; and apartments and single family residences to the west.

### **Proposal**

The Seattle Department of Parks and Recreation (DOPAR) propose to convert an existing asphalt surfaced King County park and ride lot to a city public park. The asphalt paving and bus shelter will be removed. The proposed redevelopment of this site involves the removal of 400 parking stalls. These parking stalls have been relocated to a new park and ride facility next to the Northgate Transit Center at the south end of Northgate Mall. This parking relocation was evaluated by DPD under a separate application (#2402787).

Excavation of approximately 30 cubic yards (cu. yds.) of material and infill of approximately 18,315 cu. yds. of new material is anticipated to occur during the creation of the park, removal of soil and site improvements.

New landscaping consisting of trees, shrubs and groundcover are proposed to be planted throughout the park property. Site improvements consisting of drainage and irrigation facilities, access paths, light poles (16' in height) and bench seating are proposed. A new concrete basketball half-court is planned. Street improvements consisting of the installation of non-standard concrete at the southeasterly corner of the property's boundary lines is proposed.

### Public Comments

The required public comment period ended on June 24, 2009. DPD received no written comments regarding this proposal.

### ANALYSIS – SEPA

Environmental impacts have been analyzed in environmental documents prepared by Seattle Department of Parks and Recreation. These include a SEPA Checklist dated April 11, 2008 and a Determination of Non-Significance issued by Seattle Public Utilities dated May 15, 2008.

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, comments and the experience of this agency with review of similar proposals form the basis of this analysis and conditioning.

### Short-term Impacts

The following temporary demolition and 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 of short term construction-related noise, air quality, grading and construction traffic and parking related impacts follows.

### Noise

The site abuts an arterial, 5<sup>th</sup> Avenue Northeast, which is a north-south roadway. Residential properties are situated north, east and west of the project site.

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.); and construction vehicles entering and exiting the site would occur as a result of construction and construction-related traffic. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit construction noise in L-4 zones, registering 55 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 7:00 p.m. on weekends and holidays. This level can be further reduced by 10 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. during the weekdays, and between 10:00 p.m. and 9:00 a.m. on weekends where the receiving property lies within a residential district of the City (25.08.420). The use of impact construction equipment such as jackhammers, pile drivers and other loud noise emitters are restricted further in accordance with 25.08.425.

To mitigate noise impacts resulting from minor demolition and grading to create the City Park, the SEPA checklist notes the following mitigating element of the proposal:

- Use of properly muffled machinery will reduce noise impacts that otherwise could happen during construction. All construction will occur on weekdays to avoid undue effects upon park visitation, which typically is higher in the evening and weekends. Noise will also be regulated by the Seattle Noise Ordinance, which specifies hours allowed for construction related noise.

The checklist indicates no significant adverse impacts from noise would result from the proposed project with these mitigation measures in place. Pursuant to the Overview Policy (SMC Section 25.05.665), and the Construction Impacts Policy (SMC Section 25.05.675B) no additional conditioning is warranted.

### Air Quality

Demolition, grading and minor 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 manufacturer 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 policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions. The Seattle Stormwater, Grading and Control Code (SMC 22.800-22.808) regulates onsite grading activities and requires soil erosion control techniques be initiated for the duration of work. The Puget Sound Clean Air Agency (PSCAA) has local responsibility for regulation and permitting of stationary sources (i.e. power plants), construction emissions and the removal of hazardous materials such as asbestos.

The SEPA checklist notes that during construction, dust, fuel-powered equipment and commercial construction vehicle exhaust are the most likely types of emissions. The following measures are cited in the SEPA checklist to reduce or control emissions during construction:

- Site-specific development will comply with PSCAA's regulations concerning construction activity.
- During excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust.
- Truck wheels and undercarriages will be brushed and/or washed before exiting project site.
- Truck loads and routes will be monitored to minimize dust-related impacts.
- Clean streets regularly, as needed.
- Prolonged periods of vehicle idling will be avoided.

Existing regulations are sufficient to control short-term air quality impacts. No potential short term significant adverse impacts to air are anticipated and therefore conditioning air quality mitigation is not necessary.

### Grading

Minor excavation and the import fill to establish appropriate grade for the new park is planned. The submitted plans indicate 18,345 cubic yards (cu. yds.) of material being trucked to and from the site.

To mitigate erosion resulting from grading activities associated with the removal and import of soils to the site, the SEPA checklists notes the following mitigating element of the proposal:

- Use of conservation tillage, silt fencing, hay bales and other best management practices to reduce runoff will also be implemented to control erosion due to runoff.

The Stormwater, Grading, and Drainage Control Code requires an enhanced temporary erosion and sedimentation control (TESC) plan be submitted for approval by DPD or DOPAR that identifies methods to be used to minimize off-site migration of contaminated soils. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Streets, Construction Traffic and Parking

The proposal includes onsite excavation/grading. The Street Use Ordinance includes regulations which mitigate dust, mud and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.) It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

DOPAR indicates in their SEPA documents that the demolition of the three (3) acres of asphalt surfacing could result in removal of 2,400 cu. yds, or 240 truck trips, from the site during construction. DOPAR further explains it expects that the larger roadways, Northeast Northgate Way and 5<sup>th</sup> Avenue Northeast will be used during daytime hours on weekdays. Vehicle traffic impacts along 5<sup>th</sup> Avenue Northeast and Northeast Northgate Way are expected to occur.

The checklist notes the following mitigating elements of the proposal:

- During the new park construction, the following specific traffic controls will be coordinated through Seattle Department of Transportation (SDOT) Street Use Permit Division: alternative routes, detours, street closures and on-site traffic control by Seattle Police Department (SPD) to efficiently move construction vehicles.

The total amount of grading identified on the submitted drawings (18,345 cu. yds.) is substantially greater than the 2,400 cu. yds. of material cited in the SEPA documents. Construction activities may result in obstacles to pedestrians. Similarly, traffic lanes and on-street parking may be affected by construction staging, deliveries, etc. Adverse impacts are not adequately mitigated by existing City codes nor has DOPAR specifically identified the City agency responsible for receiving and enforcing the approved traffic control plan. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675 B). A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic will be required to mitigate identified impacts.

### Long-Term Impacts

Long-term or use-related impacts anticipated from the proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; and increased ambient noise associated with increased 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 to create a City Park. Therefore, additional discussion regarding air quality is warranted.

### Greenhouse Gas Emissions

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

**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 Department of Parks and Recreation in their role as lead agency. DPD has determined that the DNS issued and utilized for the environmental analysis of the *Northgate Urban Center Park* and permitted herein, is adequate. The SEPA conditions listed below are imposed based on Master Use Permit (MUP) plans as well as on all environmental documentation submitted to date.

**CONDITIONS - SEPA**

Prior to the issuance of the Building Permit

1. In order to address construction related transportation and parking impacts, the responsible party shall submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). A construction transportation plan for workers and truck deliveries/routes shall be prepared to minimize disruption to traffic flow on adjacent streets and roadways. This plan shall include a requirement that truck trips be scheduled to avoid peak periods of 7:00-9:00 am and 4:00-6:00 pm, Monday through Friday. The plan shall consider the need for special signage, flaggers, haul route definitions, street cleaning; identification of potential street and/or sidewalk closures; coordination with Metro transit relative to construction activity that could affect transit service proximate to the project site; vehicle and pedestrian circulation and safety.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. Comply with the provisions set forth by the approved Construction Transportation Management Plan.

Signature: \_\_\_\_\_ (signature on file) Date: September 24, 2009  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

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