



City of Seattle
Edward B. Murray, 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: 3015707
 Applicant Name: Robert Evans, for Seattle Public Schools
 Address of Proposal: 7711 43rd Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new 2-story, 92,500 square foot elementary school (New Thornton Creek Building). The existing Decatur Building is proposed to remain. Review includes grading of 19,330 cubic yards of material for landscaping, a new playfield, relocation of existing 35 parking spaces and addition of 56 new spaces for a total of 91 parking spaces. Five portable classrooms to be removed. (These portables are temporarily relocated to the northeast corner of this site under project #3016387). Environmental documents prepared by Seattle Public Schools.*

The following approvals are required:

Development Standard Departure - Chapter 23.79 Seattle Municipal Code to approve or condition the following departures:

1. To allow a maximum height of 43 feet for a portion of the school in a single-family zone (SMC 23.51B.002 D).
2. To allow a reduction in on-site parking (SMC 23.51B.002 G).
3. To allow on-street bus load and unload. (SMC 23.51B.002 I).

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

SEPA DETERMINATION: Exempt DNS MDNS EIS*

DNS with conditions

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

*SEPA Addendum to BEX IV Revised Final Programmatic EIS Proposed New Thornton Creek Elementary School Project. Seattle Public Schools has prepared an [addendum to the BEX IV Revised Final Programmatic EIS](#). It adds information to the EIS relating to the proposed New Thornton Creek Elementary School Project. The information set forth in the addendum does not substantially change the analysis of significant impacts and alternatives in the BEX IV Revised Final Programmatic EIS (SPS, 2012).

BACKGROUND

Site and Location

Thornton Creek Elementary School is located at 7711 43rd Avenue NE, the northeast area of Seattle. The project site is bounded by NE 80th Street on the north, 40th Avenue NE on the west, NE 77th Street on the south, and 43rd Avenue NE on the east. The site is approximately 10 acres. There are no mapped environmentally critical areas (ECA) on the site.

Zoning

The proposal is located in a Single Family zone (SF 5000). Surrounding zoning is SF 5000, SF 7200, multifamily (LR2), and neighborhood commercial (NC2) zoning is located several blocks to the west along 35th Avenue NE.



Proposal Information

Seattle Public Schools (SPS) proposes to construct a multi-story 92,500 square foot new elementary school with associated parking and outdoor play fields. The existing Decatur Building is slated to remain. Five portable classrooms are proposed to be removed. (These portables are temporarily relocated to the northeast corner of this site under project #3016387). Information on the project proposal is available in the electronic file at <http://www.seattle.gov/dpd/>.

Previous SEPA Related Actions

Prior to application for a Master Use Permit, the District exercised its prerogative to act as lead agency. A Determination of Non-Significance (DNS) was issued by Seattle Public Schools on June 30, 2014. An appeal was registered. On October 20, 2014 the DNS was recommended to be affirmed by the Hearing Examiner Pro Tem. The Seattle School District submitted their MUP application to DPD for review. For the purposes of this permit application, exercise of substantive SEPA authority by DPD is limited to conditioning only for impacts previously identified by Seattle Public Schools. Conditioning pursuant to this authority will rely on the threshold DNS issued by the District and on environmental documents prepared by the District.

Public Comments

Comment letters were received during the official public comment period. Letters can be viewed in the public electronic file at the following link <http://www.seattle.gov/dpd/> under the project number, MUP project 3015707.

Development Standard Departure

The Seattle School District submitted a request for departures from certain Seattle Municipal Code Development Standards for the proposed new elementary school. The Department of Neighborhoods (DON) is charged with administering the School Departure process per SMC 23.79.004. DON formed the required Advisory Committee of eight voting members with a City non-voting Chair. The final Development Standard Departure_Report is available in the public electronic file at the following link <http://www.seattle.gov/dpd/> under the project number.

ANALYSIS – Development Standard Departure for Public Schools

The Development Standard Departure process is conducted pursuant to the provisions of Seattle Municipal Code sections 23.79.002-.012. An Advisory Committee convened, public comment was received, and a written recommendation to the Director of DPD was prepared. The Director prepares an analysis and decision per SMC section 23.79.010. The Director will determine the

amount of departure to be allowed as well as mitigation measures to be imposed. The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting(s) and other comments from the public. If the Director modifies the recommendations of the Advisory Committee, the reasons for the modification shall be put forth in writing.

In reviewing the departure request, Section 23.79.008 directs the Advisory Committee to “gather and evaluate public comment”, and to “recommend maximum departures which may be allowed for each development standard from which a departure has been requested”. It states, “Departures shall be evaluated for consistency with the objectives and intent of the City’s Land Use Code....., to ensure that the proposed facility is compatible with the character and use of its surroundings”. The Advisory Committee is directed to consider and balance the interrelationships among the following factors in SMC 23.79.008 C 1:

- a. *Relationship to Surrounding Areas: The advisory committee shall evaluate the acceptable or necessary level of departure according to:*
 1. *Appropriateness in relation to the character and scale of the surrounding area;*
 2. *Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;*
 3. *Location and design of structures to reduce the appearance of bulk;*
 4. *Impacts on traffic, noise, circulation and parking in the area; and*
 5. *Impacts on housing and open space.*

More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.

- b. *Need for Departure: The physical requirements of the specific proposal and the project’s relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departures may be allowed for special facilities, such as a gymnasium, which are unique and/or integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.*

Departure Request and Advisory Committee Recommendation

On October 3, 2013, the Seattle School District submitted a request for departures from certain Seattle Municipal Code Development Standards to accommodate the construction of a new Thornton Creek School to be located immediately to the west of the existing old Decatur Building at 7711 43rd Avenue Northeast in Seattle Washington. The School is proposed to be 92,500 gross square feet and will serve approximately 660 elementary school students. The Seattle School District is proposing to remove five (5) existing portables to the west of the old Decatur Elementary School but retain the Decatur Building and its associated Annex. The existing site is 9.91 acres.

The City initiated the Development Standard Departure Process, pursuant to SMC 23.44.17 and 23.79. The code requires that the Department of Neighborhoods convene an Advisory Committee (Development Standard Advisory Committee) when the School District proposes a departure from the development standards identified under the code. These standards are popularly referred to as the “zoning code”.

The purposes of the Development Standard Departure Advisory Committee are: 1) to gather public comment and evaluate the proposed departures for consistency with the objectives and intent of the City's land use policies to ensure that the proposed facility is compatible with the character and use of its surroundings; and 2) to develop a report and recommendation to the City of Seattle Department of Planning and Development from the Department of Neighborhoods.

Following completion of the Committee Report and its transmittal to the City's Department of Planning and Development, that department will produce a formal report and determination. The Director of the Department of Planning and Development will determine the extent of departure from established development standards which may be allowed, as well as identify all mitigating measures which may be required. This decision is appealable.

In November 2013, the Department of Neighborhoods sent notices to residents within 600 feet of the proposed new schools and to a list of individuals and organizations that had shown interest in other community issues in the vicinity of Thornton Creek School requesting self-nominations for membership on the Development Standard Departure Advisory Committee. The Committee was formed and is composed of eight voting members with a City non-voting Chair.

In order to accommodate the educational program for this program, the District requested the following departures from the Seattle Municipal code:

Departure #1 - Greater than Allowed Building Height (SMC 23.51B.002 D) – The zoning code restricts the height of development on the site to 35 feet plus an additional 15 feet for a pitched roof, if pitched at a rate of not less than 4:12. The District requested a departure to allow the Elementary School to exceed this standard to a total height of 43 feet or 8 feet above the maximum allowed to accommodate a screened mechanical penthouse. The building itself without the screened mechanical equipment would be below the 35 foot height limit.

Departure #2 - Less than Required Off-street Parking (SMC 23.51B.002 H) – When a school is rebuilt the code requires that the District provide parking which in this case would require 162 spaces. The District requested a departure to allow 91 parking spaces on site.

Departure #3 - Continued On-street Bus Loading and Unloading (SMC 23.51B.002 I) – The zoning code directs that when a new school is built, or an existing school expanded, bus loading and unloading must occur on site and not on the street. Section 23.51B.002 I (1) allows load and unload in yards and setbacks and Section I (3) stipulates that departures from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when a departure would contribute to reduced demolition of residential structures. In many cases the District loads and unloads its buses on the street adjacent to the School. The District requested a departure to load and unload school buses along 40th Avenue NE.

The Development Standard Departure Advisory Committee was convened in a public meeting held June 3, 2014 at Thornton Creek Elementary School. The meeting was well attended, and attendance overflowed the space available.

Public testimony and comment dominated the meeting. Commenters mostly expressed concerns that: 1) the District proposal to build a new 660 student school on the site was too large and would bring too many cars and buses into the neighborhood; 2) that the District's decision to retain the existing Decatur building without a projected future use complicated the proposal and

led to concerns that the site would be even more greatly impacted than stated in any District proposal; 3) that there was insufficient mitigation in the form of street and sidewalk improvements to warrant granting departures, and 4) that departures for on-street bus loading and unloading may not even be allowed under the provisions of the Seattle Municipal Code. Other speakers commented that either retention of the existing building including its renovation and incorporation into the new design or its demolition and shifting the new building to the east would be preferable.

Two additional meetings were held on July 9 and July 23, 2014. Comments at these meetings were similar to those received at the previous meetings. The Final Department of Neighborhood's School Departure report is available in the electronic file for this project on the City's website.

At the last meeting the Committee made recommendations to the Director. The Committee recommended that the School District showed need for development standard departures and departure details should be considered. They recommended to allow the over height mechanical screening on a portion of the building. They recommended to allow and suggested conditions that apply to both Departure requests #2 and #3.

The conditions noted in their recommendation are intended to mitigate the impacts of the District Proposal for reduced parking on site and on-street bus load and unload. The intent of the recommendations is to: 1) limit the student population on the site to no more than a combined 910 students through a variety of actions including prohibiting additional portable classrooms on site, 2) encourage adding 18 and 25 more parking spaces utilizing the old Annex site to increase parking, and 3) reduce anticipated traffic impacts associated with both additional traffic associated with the school and with addition of bus loading and unloading along 40th Avenue NE.

Therefore, the Committee recommends to the Director that departures for less than required on-site parking and continued on-street bus loading and unloading be approved with conditions. The Committee suggests the following Design Departure conditions be placed on the project:

1. That the Old Decatur Annex, located at the northeast corner of NE 77th Street and 43rd Avenue NE, be demolished and its site re-used either for added parking, children's play space or general open space with a preference for additional parking.
2. That with any re-purposing of the Old Decatur Annex site, the existing mature trees shall remain and that additional major plantings remain within any code-required landscaped buffer. Note: the Committee prefers that there be a 15 foot landscaped buffer, if feasible.
3. That the Transportation mitigation measures contained in the Transportation Technical Report for the New Thornton Creek Elementary School prepared by Heffron Transportation Inc., dated March 11, 2014, as outlined on pages 37 and 38 of that report, be approved by DPD prior to the issuance of any permit, and made conditions of the issuance of any building permit and remain in effect for the life of the new school and that the plan include details concerning student safety. (See Appendix 1)
4. That the total student capacity for all schools or programs on the combined Thornton Creek/Old Decatur site be limited to a maximum of 910 students.
5. No portable classrooms be allowed on the combined Thornton Creek/Decatur site so long as the old Decatur building remains.

6. That in order to assure sufficient capacity for thru traffic along 40th Avenue NE no parking be allowed on the west side of 40th Avenue NE between NE 77th and 80th Streets during the AM and PM bus loading and unloading periods.
7. That, if both the new Thorntown Creek and Old Decatur Buildings remain and are in use, staggered start and stop times be established for each and that no changes to those times that would eliminate the staggering be allowed without notification of the broader neighborhood, such notification to include at least one public meeting to receive neighborhood comment.
8. That the area along the eastside of 40th Ave NE where bus loading is prohibited be extended an additional 40 feet north by either extending the proposed curb bulb or by striping.
9. That a Transportation Management Plan (TMP) be developed for the school with the participation of neighbors and that a resident of each perimeter street be included in discussions concerning the development of the TMP.

Director's Analysis

The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting and other comments from the public. Section 23.79.008 C states:

a. Relationship to Surrounding Areas: The advisory committee shall evaluate the acceptable or necessary level of departure according to:

- 1. Appropriateness in relation to the character and scale of the surrounding area*
- 2. Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale.*
- 3. Location and design of structures to reduce the appearance of bulk;*
- 4. Impacts on traffic, noise, circulation and parking in the area; and*
- 5. Impacts on housing and open space.*

Departure #1 is a School District request to allow greater than allowed building height for a portion of the building. With this departure the Elementary School would exceed the development standard (SMC 23.51B.002 D) resulting in total height of 43 feet or 8 feet above the maximum allowed to accommodate a screened mechanical penthouse. The building itself is proposed to be at or below the 35 foot height limit.

The area of requested height departure is on the roof top of the western most section of the building where mechanical equipment is located. The Committee considered the height departure request for the elementary school and determined that it appeared to be relatively minor and related mostly to enclosing the mechanical equipment located on the roof. This equipment would be allowed and no height departure required if the mechanical equipment was not enclosed.

In evaluating this departure, the Committee noted the setbacks from the street and zoning set back from the streets were major mitigating circumstances. The departure is appropriate in relation to the character and scale of the surrounding area. The building setback, location on an arterial street and landscaping mitigate the additional bulk of the screen height. The departure has neither impact on traffic, noise and circulation nor impacts on housing and open space. The Committee recommends that the departure to allow greater than allowed height be approved as requested by the Seattle School District without modifications and without conditions. Considering the criteria, the majority recommendation from the Advisory Committee and public comments the Director grants the departure request.

Departure #2, to allow less than required off-street parking (SMC 23.51B.002 H) was considered by the committee. When a school is rebuilt the code requires that the project provide parking as directed by code development standards, which in this case is 162 spaces. The project proposal is for 91 on-site parking spaces. The advisory committee recommends to the Director that the departure for fewer parking spaces be allowed with conditions because the departure is acceptable in relation to the surrounding area.

The committee has determined that the departure for reduced parking meets the appropriateness of character and scale of the surrounding area criteria. Street edges and topographic breaks exist and the location and design of structures and much-valued open space is appropriate with the reduced quantity of parking. However, committee members were still concerned with the reduced parking quantities. Both the public and committee members noted that parking can spill over onto adjacent streets. However, the committee noted that it was obvious that accommodating the 162 spaces required by code would be difficult on this constrained site. The committee requested that the District model what a site plan might look like that accommodated more parking spaces. The District provided a site plan demonstrating more parking spaces located on site. The committee found that accommodating required parking would severely impact the amount of open space. Similarly, providing the required parking, while retaining school open space, might require purchasing adjacent property for parking lots, or constructing prohibitively expensive underground parking. Still, additional parking was considered prudent. Members noted that the annex on the southeast corner of the site could be demolished for additional parking when the building was not needed. It was estimated that this might provide additional spaces. In addition the Committee noted that the District's transportation consultant had offered a series of suggested conditions to mitigate for providing less than required parking. After reviewing the Heffron suggested conditions members concluded that they would be effective. The Director notes that there will be impacts of traffic, noise, circulation and parking in the area due to increased parking on surface streets, but the impact will be partially mitigated by elements of the transportation management plan and other mitigation measures. Impacts on housing will be minimal. Impacts of providing the full code required parking on site would severely impact open space and recreational opportunities. The additional parking from staff does not rise to a significant level and large school events will be held occasionally. Considering the criteria, the majority recommendation from the Advisory Committee and public comments the Director conditionally grants the departure request. Committee conditions and the Director's discussion are included below. Some Committee recommendations are already part of the School SEPA mitigation measures and are thus already addressed.

Departure #3 – To Allow On-street bus loading and unloading.

Departure #3 to allow on-street bus loading and unloading (SMC 23.51B.002 I) was recommended to be approved by the committee. The zoning code directs that bus loading and unloading occur on site and not on the street. In many cases the District loads and unloads its busses on the street adjacent to a School. The District is proposing that on-street bus loading and unloading be allowed on 40th Avenue NE, an arterial. The committee considered the departure request against the criteria 1 through 3 above and found that the on street bus loading and unloading is acceptable in relation to the surrounding area.

There was discussion of the impact of on-street bus-loading. The Committee concluded that the Seattle School District was able to generally justify the departure for continued on-street bus loading due to the desire of both the District and neighborhood to retain as much open play space as possible and accommodate other educational uses on site.

Removing loading and unloading from 40 Avenue NE would reduce impacts on adjacent homes, and utilize the natural buffer/edge provided by 40 Avenue NE, but bus travel impacts to the surrounding area will not be reduced if the busses load and unload on or off the street, area-wide travel to and from the school will remain the same. The applicant supplied plans showing alternative locations of bus load and unload areas on site. There was considerable discussion of criteria 4 and 5 where impacts to site lines from NE 77th Street might be worse with busses during load and unload. SPS will be making street improvements at that location which are meant to help pedestrian visibility, traffic site lines and to provide traffic calming measures.

The Director notes that on-street bus load and unload will allow the school to maintain open space for students and outdoor study areas. There will be impacts of traffic, noise, circulation and parking in the area due to bus load and unload on surface streets, but the impact will be partially mitigated by elements of the proposed transportation management plan and other suggested mitigation measures. Housing in the area would be affected by buses traveling along the streets whether the loading is on site or off site. Buses loading on 40th Avenue NE will be at the school curb twice a day, at the beginning and end of the school day, during the scholastic year excluding school holidays. Considering the criteria, the majority recommendation from the Advisory Committee and public comments the Director conditionally grants the departure request. Committee conditions and the Director's discussion are included below. Some Committee recommendations are already part of the School SEPA mitigation measures and are thus already addressed.

b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

The Committee discussed the overall need for departures (SMC 23.79.008C1b) as part of their deliberations. The Seattle Municipal Code generally envisions granting departures from the requirements of the Municipal Code to accommodate the educational needs of the programs to be located in the proposed buildings. In the case of the Thornton Creek School, the Seattle School District stated: 1) that both the construction of the new school and retention of the existing school were needed to accommodate future projected increase in student populations in the North area of Seattle; 2) that the location of two schools and the concomitant educational outdoor open space standards present significant challenges and that without granting the departures for greater height, less parking and on-street bus loading and unloading those standards could not be met and that therefore some combination of greater heights, reduction in on site non-educational activities (parking and bus loading) would be necessary. Without some departures, the alternatives would be either further reductions in critical open play space, or reductions in the proposed size of and educational program provided at the school.

Some neighbors clearly questioned and opposed the decision of the District to retain the old Decatur building and locate two schools on this site. Some Committee members concurred with this position. However, it was noted that the authority of the Committee was limited to consideration of the departures for the proposed programs and not reconsideration of the original School District decisions concerning facilities plans.

After considering the overall design and program requirements, the Committee generally determined that in the event that the proposed educational programs were located on this site some departures would likely be needed. This decision was not an open endorsement of the two-school program decisions, but instead a recognition that this decision lies with other jurisdictions. The Committee recommended that given the Seattle School District's current proposal, that retains two buildings on the site, that some departures from the provisions of the underlying zoning would be needed in order to facilitate the construction of the new Elementary School. The Director's analysis balances departure requests through criteria based on the relationship to surrounding areas with need for development standards departures and finds that the departure recommendations of the Advisory Committee should be accepted with some conditions. See the decision at the end of this document.

The Director's response to the recommended conditions is noted after the Committee recommended condition.

The Committee recommends:

1. That the Old Decatur Annex, located at the northeast corner of NE 77th Street and 43rd Avenue NE, be demolished and its site re-used either for added parking, children's play space or general open space with a preference for additional parking.
2. That with any re-purposing of the Old Decatur Annex site, the existing mature trees shall remain and that additional major plantings remain within any code-required landscaped buffer. Note: the Committee prefers that there be a 15 foot landscaped buffer, if feasible.

The Committee recommended conditions, number 1 and 2, are combined to state that in the event the School District chooses to demolish the Decatur Annex, the District will add parking, retain landscaping and provide a generous landscape buffer to the south and east. Condition #1, at the end of the document reflects this recommendation.

3. That the Transportation mitigation measures contained in the Transportation Technical Report and Transportation Management Plan for the New Thornton Creek Elementary School prepared by Heffron Transportation Inc., dated March 11, 2014, as outlined on pages 37 and 38 of that report, be approved by DPD prior to the issuance of any permit, and made conditions of the issuance of any building permit and remain in effect for the life of the new school and that the plan include details concerning student safety.

The recommended condition is included in the applicant's SEPA mitigation plan and accepted as sufficient mitigation via City SEPA for conditioning review and combined with recommendation #9 below to include conditioning that neighbors be included in the TMP discussions.

4. That the total student capacity for all schools or programs on the combined Thornton Creek/Old Decatur site be limited to a maximum of 910 students.

The recommended condition is denied. Student enrollment is not controlled by DPD.

5. No portable classrooms shall be allowed on the combined Thornton Creek/Decatur site so long as the old Decatur building remains.

The recommended condition is denied. The City will review any additions to the Schools and site through the established permit process.

6. That in order to assure sufficient capacity for thru traffic along 40th Avenue NE no parking shall be allowed on the west side of 40th Avenue NE between NE 77th and 80th Streets during the AM and PM bus loading and unloading periods.

The recommended condition is granted subject to SDOT approval and is listed in the project conditions at the end of this document in condition number 3.

7. That, if both the new Thorntown Creek and Old Decatur Buildings remain and are in use, staggered start and stop times shall be established for each and that no changes to those times that would eliminate the staggering be allowed without notification of the broader neighborhood, such notification to include at least one public meeting to receive neighborhood comment.

The recommended condition is not needed because the School District has committed to staggered times for separate schools as noted in the SEPA checklist.

8. That the area along the eastside of 40th Ave NE, where bus loading is prohibited, shall be extended an additional 40 feet north by either extending the proposed curb bulb or by striping.

The recommended condition is granted to allow SDOT authority for proper sight line design in condition 4 at the end of this document.

9. That a Transportation Management Plan (TMP) shall be developed for the school with the participation of neighbors and that a resident of each perimeter street be included in discussions concerning the development of the TMP.

The recommended condition is combined with condition number 3 above. The Director's decision and conditions are enumerated at the end of this document.

DECISION-DEVELOPMENT STANDARD DEPARTURES

The school development standard departures are **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The proposal's environmental impacts have been analyzed in environmental documents prepared by the Seattle School District; a SEPA Checklist addendum dated June, 2014.

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 document listed above. This information, supplemental information

provided by the applicant (plans, written descriptions of the project, construction requirements, arborist reports and renderings) 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08), and Puget Sound Clean Air Agency regulations.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during site work and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality

Emissions to the air could result from some construction activities, including tree removal, grading, and vehicle operation. Construction activities and resulting emissions is expected to be minor. Demolition, grading and construction activities each may create adverse air quality impacts in the surrounding area. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. During grading and excavation City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires 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 in route to or from a site. The Stormwater Code (SMC 22.800-808) and the Grading Code (SMC 22.170) regulate on-site grading activities and require that soil erosion control techniques be initiated for the duration of the work. The contractor chosen for the proposed project would be required to comply with Puget Sound Clean Air Agency (PSCAA) regulations. Regulations that apply to the proposed project include Regulation I, Section 9.11 prohibiting the emission of air contaminants that would or could be injurious to human health, plant or animal life, or property; and Regulation I, Section 9.15 prohibiting the emission of fugitive dust, unless reasonable precautions are employed to minimize the emissions. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no mitigation is warranted.

Construction Noise

There will be excavation required to prepare the site and foundations. Additionally, as development proceeds, noise associated with building could adversely affect the surrounding residential uses. The limitations of the Noise Ordinance are found to be adequate to mitigate potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no mitigation is warranted.

Construction Vehicles

According to information provided by Seattle Public Schools, construction vehicles will be active on site. Impacts include truck traffic to remove excavated material from the site and to import fill and construction materials to the site. The expected volume of truck traffic may be noticeable to nearby residents, but the environmental documents state that significant impacts are not anticipated. The vehicles are expected to minimally impact the surrounding area as materials are delivered and construction workers arrive and depart. Site preparation will include site disturbance and construction. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with site preparation will be of short duration and mitigated in part by enforcement of SMC 11.62. No additional conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. Construction parking impacts will be minimal and therefore additional SEPA mitigation of parking impacts during construction is unwarranted. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Greenhouse gas emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Earth

The project will require construction permits. The existing Codes (The City of Seattle Stormwater Code, SMC 22.800 and the City of Seattle Grading Code SMC 22.170) provide authority to require appropriate mitigation for this project. No impacts have been identified and no conditioning is warranted. Surface water controls (i.e. temporary interceptor swales, check

dams, silt fences, etc.) will be constructed simultaneously with clearing and grading for project development. Surface water and erosion control measures will be relocated or new measures will be installed so as site conditions change, erosion control measures remain in accordance with City of Seattle Best Management Practices (BMP) requirements during the construction period.

SPS has proposed mitigation to address short term impacts as described above. The measures outlined in their environmental documents adequately address impacts. Except for noise conditioning listed at the end of this document, no further conditioning of the short term impact elements of the project is warranted pursuant to SEPA policies.

Long Term Impacts

Long term or use-related impacts are anticipated as a result of this proposal, including increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse gas emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Plants

Trees and site plants will be removed during construction. The proposed development is proposing extensive landscaping including tree replacement. More information can be found in the new school development project documents number 3015707. SPS will follow standard best practices to preserve other plants and trees during construction that are scheduled for retention. No exceptional trees are proposed to be removed. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Historic Preservation

According to the Washington State Department of Archaeology and Historic Preservation (DAHP), there are no recorded archaeological sites or cemeteries within or adjacent to the project site. No cultural resource surveys have been conducted within or adjacent to the project site. No conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Earth

The site has no steep slopes nor is it adjacent to any steep slopes. A geotechnical investigation was performed at the project site by Associated Earth Sciences, Inc. (AESI) in January 2013 to provide design recommendations for construction of the New Thornton Creek School project. No mitigation is necessary or warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Air

Upon completion of the building construction, air quality in the vicinity of the site is anticipated to somewhat degrade due to the increase in the number of students and traffic in the area but not significantly. No mitigation is necessary or warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Noise

After construction is complete, noise levels would increase over current conditions with more students on site and more car trips for drop-off and pick-up. If a second school is operated in the existing Decatur Building, noise levels during drop-off and pick-up would be higher. Minor noise levels would be higher and for a longer duration. Noise levels are not expected to exceed codes allowed in residential areas. The District has committed to staggered start and stop times if two schools are operated at the site to mitigate noise impacts. No further mitigation is necessary or warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Light and Glare

Exterior lighting will be added and will be designed to minimize light spill and glare. New modern fixtures are designed and installed to reduce spillover and glare. It is anticipated that both exterior and interior lighting would be on timers so that the site would be mostly dark at night. The athletic fields are not proposed to be lit. No further mitigation is necessary or warranted.

Traffic and Transportation

Traffic conditions and impacts from the new construction are described in the SEPA documents. The checklist refers to the Traffic Impact Analysis for this project. Specific measures to reduce impacts include a construction management plan created by the contractor, a Transportation and Management Plan to educate parents and students on circulation and drop off measures, work with SDOT and working with the Seattle School Safety Committee and other procedures outlined in the project SEPA documents. Recommendations of the Traffic Analysis are described as mitigating measures in the environmental documents and the School District has committed to enacting the mitigation measures described therein. No additional mitigation is necessary or warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

The environmental checklist, Master Use Permit plans submitted on the project, public comment and responses to requests for information, and other submitted documents comprise DPD's 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 New Thornton Creek School and mitigation proposed in the SEPA checklist 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

None.

DECISION-DEVELOPMENT STANDARD DEPARTURES

The school development standard departures are CONDITIONALLY GRANTED.

CONDITIONS -DEVELOPMENT STANDARD DEPARTURES

For the life of the project

1. If the Old Decatur Annex building is demolished by SPS then parking should be considered to be installed at that location. Surrounding mature trees should be retained with as large as possible landscape buffer.
2. Item A of the transportation mitigation measures contained in the Transportation Technical Report and Transportation Management Plan prepared by Heffron Transportation Inc., dated March 11, 2014, as outlined on pages 37 and 38 of that report, must include neighbors in plans and updates: at least one who lives on each perimeter street.
3. No parking shall be allowed on the west side of 40th Avenue NE between NE 77th and 80th Streets during the AM and PM bus loading and unloading periods if SDOT approves.
4. The curb bulb and bus loading area along the eastside of 40th Ave NE, at the intersection of NE 77th shall be designed to maximize safe sight lines.

Signature: (signature on file) Date: October 30, 2014

Holly J. Godard,
Senior Land Use Planner
Department of Planning and Development