



# SEPA THRESHOLD DETERMINATION

## Mitigated Determination of Non-Significance (MDNS)

**FILE NAME:** 51<sup>ST</sup> AVENUE URBAN VILLAGE

**FILE NUMBER:** PLN #634

**LEAD AGENCY:** City of Arlington Community and Economic Development Department

**DESCRIPTION:** The proposed development includes retail and commercial uses which qualify under the mixed use overlay of the General Commercial zoning, which includes six multi-family residential buildings with attached commercial, sixteen Live-Work units, and eight commercial buildings with multifamily on the second story, with all adjoining parking, walks, utilities and parks and landscaping on a 20.035 acre site.

**LOCATION:** The project is located at 16612 51<sup>st</sup> Avenue NE, Arlington, WA, Tax Parcel ID #31052800100900. The subject property is zoned General Commercial (GC).

**APPLICANT:** Arlington 51<sup>st</sup> Street LLC, [paul@bykconstruction.com](mailto:paul@bykconstruction.com)

**STAFF CONTACT:** Josh Grandlienard, [joshg@arlingtonwa.gov](mailto:joshg@arlingtonwa.gov)

**DATE CHECKLIST PREPARED:** October 21, 2019

**APPROVALS REQUIRED:** City of Arlington: Conditional Use Permit, BSP, SEPA, Design Review, Civil Permit, Utility Permit, Building Permits, Stormwater General Permit.

**SEPA THRESHOLD DETERMINATION:** The City has determined that with the mitigation measures identified herein, this proposal would not have a probable and unavoidable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. However, we have identified impacts by the proposed project that requires mitigation. In addition to the requirement that the development must comply with all City of Arlington zoning and development regulations, the following conditions of approval of the permit decision apply:

**(B)(1) Earth:** In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.

**(B)(2) Air:** In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.

**(B)(3)(b) Ground Water:** In order to mitigate for potential impacts to ground water the Applicant shall employ best design practices meeting the current D.O.E Stormwater Manual.

**(B)(3)(c) Water Runoff:** In order to mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.

**(B)(4)(b) Plants:** Landscaping amounting to approximately 25% of the site will be included as part of the development consisting of native grasses and street trees as required by AMC 20.76.

**(B)(6) Energy:** The project will comply with the latest Washington State Energy Code requirements.

**(B)(7)(A) Environmental Health:** Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.

**(B)(7)(B) Environmental Health:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.

**(B)(10) Aesthetics:** The height of the tallest proposed building will be approximately 50' (4-story). The buildings' exteriors will consist of a variety of panel siding materials that represent masonry block, steel, and glazing. Street trees shall be installed along all streets associated with the development in accordance with AMC 20.76.110.

**(B)(11)(a) Light and Glare:** In order to mitigate for potential light pollution the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict B.

**(B)(12)(c) Recreation:** Community parks mitigation fees will be determined as each lot develops under individual permits.

**(B)(13) Historic and Cultural Preservation:** The site lies within the Stillaguamish, Tulalip Historic Area per WISAARD. No inadvertent discovery has been made within 0.5 miles of the site. A cultural Archaeological study was completed on the site, by Mr. Garth Baldwin M.A. RPA, Drayton Archaeology. The extent of investigation from Drayton Archaeology and the Department of Archaeology and Historic Preservation did not identify any archeological evidence on or near the subject property. None the Less, if any potential evidence is encountered during the site work, work will be halted and the local authorities will be contacted,

**(B)(14)(d) Transportation:** The proposal will require improvements along 51<sup>st</sup> Avenue, as well as constructing 168<sup>th</sup> Street and 47<sup>th</sup> Avenue NE. New on-site drive aisles and sidewalks will be installed, improving pedestrian, bicycle, and vehicular access to and within the site.

**(B)(14)(f) Transportation:** Trip generation has been calculated at 353 PM Peak Hour Trips (PMPHT). The City traffic mitigation fee is \$3,355.00 per PMPHT for a total of \$1,184,315.00 in traffic mitigation fees. The City in reviewing the Traffic Impact Analysis submitted by Gibson Traffic Consultants, Inc, noticed some inaccuracies where the Consultant calculated the live-work units as multi-family units when they are fee simple and should be calculated like single family residents instead of multi-family.

**(B)(16)(a) Utilities:** The applicant shall connect to the City of Arlington water and wastewater systems.

**DISCLAIMER:** The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. The City of Arlington codes governing noise control, land use performance standards, construction and improvements of roads, off site road improvement obligations, drainage control, traffic, school, park, stormwater, and utility mitigations, fire protection; and building practices will provide substantial mitigation of the aforementioned impacts.

The issuance of this MDNS should not be interpreted as acceptance or approval of this proposal as presented. The City of Arlington reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interest of the city and/or necessary for the general health, safety, and welfare of the public to do so.

**DATE OF MITIGATED DETERMINATION OF NONSIGNIFICANCE:** December 20, 2019

**COMMENT PERIOD:** There is a 14-day comment period for this MDNS. If you would like to comment on this Application or Threshold Determination, written comments must be received prior to 5:00 p.m. on January 3, 2019. The Responsible Official may incorporate any substantial comments into the MDNS. If the MDNS is substantially modified, it will be reissued for further public review.

**SEPA Responsible Official:** Marc Hayes, Director of Community and Economic Development

December 18, 2019	Marc Hayes
DATE	SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

**TO APPEAL A DECISION:** An agency or person may appeal the City's procedural compliance with WAC Chapter 197-11 (SEPA) for issuance of this MDNS. Appeal of the final MDNS must be made to the Hearing Examiner within 10 days of the date the MDNS is final (see WAC 197-11-390(2) (a)). The MDNS is a final MDNS when the City issues the land use permit. Appeal shall be made to Snohomish County Superior Court Pursuant to the Land Use Petition Act, Chapter 36.70C RCW, within twenty-one days of the date the decision or action becomes final, unless another applicable appeal process or time period is established by state law or local ordinance.