



Maple Leaf Community Council
PO Box 75595
Seattle, WA 98175

February 27, 2007

Diane Sugimura, Director
Department of Planning and Development
PO Box 34019
Seattle, Washington 98124-4019

Re: Project 3006480

Dear Ms. Sugimura:

This document is the Maple Leaf Community Council's detailed response to the proposed development on the Waldo Hospital site at 8511 Fifteenth Avenue NE. Since DPD continues to accept updates to information filed with the original Master Use Permit (MUP) application, we reserve the right to add to this material after the February 27, 2008 comment period expires.

Members of the Maple Leaf Community are willing to meet with you or your designees if you have questions about this document. In fact, we suggest such a meeting might be very beneficial for you and your staff given the level of detail included in this document. We are also, on limited basis due to budgetary concerns, willing to make our hired experts available to you or your designees as well.

The Maple Leaf Community opposes the development proposed at the Waldo Hospital site as the development is currently configured. This site is unique in a number of ways, and it deserves a development plan respecting this fact. Since before the start of the Landmark process, we knew development of one sort or another was going to happen at this site. Our goal from the beginning has been to positively affect the development plan. Characterizations that we are simply opposing *any* development on the site are false and defamatory.

What is not commonly known is we have been approached by a number of individuals and organizations interested in developing the Waldo Hospital site in a way that respects the unique attributes we describe in detail below. Two of the organizations approaching us are developers. One wishes to preserve the building and the trees, fitting their development plans around the key features of the site. Another would demolish the building, but preserve the significant grove on the eastern portion of the site. While in the ideation phase only, both are preferred alternatives.

Multiple non-profit organizations have approached us, some with significant budgets, interested in returning Waldo Hospital to its historical use as a teaching facility. Refurbishing the building is something that has worked to great success with other sites.

Each of these alternatives, as well as alternatives from the current property option holder Prescott Developments, deserves the type of full consideration possible only under the auspices of a full Environmental Impact Statement (EIS).

The existence of attractive alternatives is not the only reason to require a full EIS for this development. The age of the building, location in the neighborhood, existing traffic patterns, significant potential for release of toxic materials during demolition/construction, plus loss and damage to an existing significant stand of trees on the site all rise above the “probable significant adverse impacts” threshold specified in SMC 25.05.300.

There are over 100 letters in the file from community members concerning this development. Many of the responses sent by City personnel indicate DPD will “balance” the need for protecting the environment from adverse impacts with a policy goal of increased density when making the threshold determination. We believe it is worthwhile to quote SMC 25.05.330(E) (emphasis added) pertaining to this “balancing” concept:

A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

While the eventual outcome of the permitting processes after an EIS is completed may well involve balancing divergent policy goals, the initial threshold determination of whether to require an EIS may not. This includes, but is not limited to, the option holder’s current proposal to build these homes to some level of LEED certification.

A determination of significance leading to a full EIS requires DPD to “reasonably believe that a proposal may have a significant adverse impact.” (SMC 25.05.330(D)) Subsection ‘C’ of this section outlines guidelines for the decision. We discuss each briefly below, with the code cited in italics and our summary observations in regular text.

- A. *In determining an impact's significance (Section 25.05.794), the responsible official shall take into account that:*
1. *The same proposal may have a significant adverse impact in one location but not in another location;*

This is **clearly** the case with this proposal. Locating the currently proposed development in a true L2 transitional zone could mitigate many of the traffic and excess density issues raised by the community. Placing it on a similarly-sized parcel without the existence of a significant grove of trees would dramatically reduce the adverse environmental impacts of the proposal. This development located away from a working drinking water reservoir would not eliminate all of the airborne toxin issues, but it would reduce the potential *reach* of environmental harm. Locating this development on a different parcel with traffic flow on four sides would reduce the material adverse environmental impacts from traffic flow. Finally, placing the project on a site that would not require the demolition of a 1924-era hospital building would decrease the significant adverse environmental impacts of the current proposal.

2. *The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;*

Seattle is a uniquely neighborhood-oriented city. Our recently appointed Parks Superintendent remarks frequently that one of the things he likes so much about Seattle is people he meets never say they are just “from Seattle”, but from a specific neighborhood within the city. The proposed development will create a high-priced (\$550,000-750,000, the upper end of which is 66% higher than the median \$460,000 home value in the Maple Leaf neighborhood) gated community. Insofar as community culture can be considered an “environmental impact”, the effect of this proposal goes beyond the more tangible points we discuss herein. In terms of quantification, it’s worth reminding the reader of the well over 100 comment letters received asking for a full EIS and nearly 2,000 signatures on petitions concerning the project.

3. *Several marginal impacts when considered together may result in a significant adverse impact;*

Most of the impacts we describe in this document meet the “probable significant impact” threshold on their own. Even if DPD disagrees any one issue reaches the “significant” threshold, the sum of the impacts is certainly significant.

4. *For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified;*

One of the more frustrating aspects of this process from a neighborhood perspective is the uncertainty involved. We have been asked to generate a comprehensive comment letter based upon incomplete information. At the time of this writing, DPD staff have sent the property option holder somewhere between one and four “Correction Notices” requesting more information. None have been responded to. There is no tree protection plan, no proposed traffic mitigation plan, no proposed pedestrian mitigation plan, no complete toxicology study, and no specific details on storm water retention capacity and flow.

Given this, it is “impossible to forecast the environmental impacts with precision” and a full EIS process, which at a minimum excels at gathering all the pertinent information into one place, must be required.

5. *A proposal may to a significant degree:*
 - a. *Adversely affect environmentally critical or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness,*

The grove of trees on the site is an environmentally special area. All but 36 of the 108 surveyed trees and prominent shrubs on the site will be removed. Independent arborist research declares the current site plan likely harms many of the remaining trees due to the height and location of units in the current development proposal. The same independent arborist declares the entire grove of trees on the eastern portion of the site must be retained.

b. Adversely affect endangered or threatened species or their habitat,

While the site has a history of use by American Bald Eagles for perching, that species is no longer considered endangered or threatened. Minimal time has been devoted to habitat study (portions of two days) so there may be unknown effects.

c. Conflict with local, state, or federal laws or requirements for the protection of the environment, and

Removing the significant grove of trees on the site is a violation of DPD Director's Rule 2001-6 as well as a number of stated city policy initiatives. The current plan for demolition inadequately controls for toxins, violating county and state laws. Potential damage from increased runoff to threatened streams and bodies of water could violate city, county, state, and federal laws.

d. Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.

In the past six years, Mayor Nickels has put forth a number of different environmentally-focused programs. The most recent of these are the Urban Forest Plan, Green Seattle Initiative, and the Climate Change Initiative. These are admirable proposals, each focused on environmental goals of serious concern to our city, state, nation, and planet. Each has been put forward in good faith by Mayor Nickels and significant public resources have been placed behind them.

What precedent would be set by allowing the currently proposed development to advance? The single significant adverse impact of cutting down over 66% of the trees and shrubs on the site screams conflict with all three of the Mayor's recent initiatives – the Urban Forest Plan, Green Seattle Initiative, and the Climate Change Initiative. As Mayor Nickels himself noted, "We're at risk of becoming 'the city formerly known as emerald... Only 15 percent of the city has tree cover any more, and we'll lose the vast majority of what's left if we don't do something to save our trees.'"¹

We must recognize our scientific and social understanding of environmental impacts have radically changed. Climate Change has moved from scientific theory to city planning mandate. The value of trees in an urban setting have progressed from a "nice to have" to a "must have". The old way of doing things and old procedures and precedents must be re-evaluated in light of new information, and development proposals must be modified to avoid creating significant adverse impacts on the environment.

Allowing this development to proceed without a full EIS calls into question the sincerity of the Mayor's initiatives. More to the point of this portion of the rule, it sets a dangerous precedent for future actions with significant effects involving unique and unknown risks to the environment that *will* adversely affect public health and safety.

The remainder of this document will provide detailed information on specific documents filed in the MUP process, plus additional observations about the proposed development.

¹ "Mayor Launches Major Initiative to Save Seattle's Trees", April 17, 2004. Press release. http://www.seattle.gov/environment/green_seattle_initiative_pressrelease.pdf

SEPA Checklist Review

This segment follows the order of items in the SEPA checklist to make our comments easier for you to correlate. The numbering below corresponds to the numbering in the SEPA checklist. The information in italics is copied from the checklist version filed by applicant Prescott Development in late January 2008, though the “date prepared” on the document still reads December 1, 2007. Our comments appear in regular text below each italicized entry.

A4. Date checklist prepared:

December 1, 2007

This is not completely accurate. The checklist was incomplete (see Maple Leaf Community Council letters dated January 14, 2008 and February 5, 2008) as it was missing file documents. It was subsequently updated with additional information on or around January 23, 2008.

A6. Proposed timing or schedule (including phasing, if applicable):

Master use permit approval – May 2008

Building permits issued – July, Aug and Sept 2008

Site grading and foundations – Sept 2008 to begin.

Construction completed by fall of 2009

The conversion of the Maple Leaf Reservoir into underground tanks will be accelerated, beginning in late 2009 instead of 2011. This will burden the neighborhood and the environment in the area with a minimum of three straight years of heavy construction pressure. Even if it's determined the marginal impact of this development proposal does not reach the significance threshold, the two projects combined together will certainly cause significant impacts on traffic, noise, air quality, and other elements covered in the SEPA document. This is sufficient reason to trigger a threshold determination of significant adverse environmental impact.

B. ENVIRONMENTAL ELEMENTS, (1). Earth, (f) Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not likely. Project will be reviewed under and will comply with Seattle's Stormwater Grading and Drainage Control ordinance. Best Management Practices pursuant to that ordinance will be adequate to prevent erosion

It is difficult to evaluate this portion of the applicant plans as they have not yet filed a Temporary Erosion and Sedimentation Control (TESC) plan as required by the code. The steep slope in the southeast corner of the site would be particularly susceptible to erosion. Low-lying areas on the northeast corner of the site could send debris-laden overflow water on to 15th Avenue NE in a strong rainstorm, particularly since this portion of the property will be significantly disturbed by tree removal under the current development proposal.

Construction areas should be stabilized with gravel or other material to avoid additional erosion and provide additional measures of dust control during construction. Vehicle tires should be washed before exiting the site to reduce sediment buildup in adjacent storm water drains.

B. ENVIRONMENTAL ELEMENTS, (1). Earth, (g) About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?

Approximately 36%.

Because the site plan is shifting while this document is being written, and there are two areas on recent site maps that are subject to adverse possession claims, an exact percentage is difficult to calculate. The applicant's filed documents exacerbate this problem because they are not sufficiently detailed to determine how they calculated the 36% number. For example, it is unknown whether they counted the concrete lid over the parking garage as impermeable or permeable.

Using a starting number of 1.5 acres (65,339 ft²), it appears the actual impervious surface coverage will be closer to 58%, or 37,594 ft². We calculated this number using the following assumptions:

- At an 810 ft² footprint average for each of the units, the area of the impermeable surface represented by the units is 31,590 ft².
- The driveway into the garage represents another 720 ft² as measured from the north edge of the sidewalk. The portion of the driveways leading to the houses between the houses and the sidewalk totals approximately another 700 ft² for a total of 1420 ft² of impervious surface for driveways.
- The two refuse enclosures are inadequate as currently designed according to the City. We assume 400 ft² for the pair, with the expectation this is an understatement of the actual size required.
- The dimensions of the concrete lid are irregular, making it difficult to estimate the entire area from the plans provided. However, it appears the garage lid represents 9,854 ft². An equivalent of seven units appears to be on the garage lid. Netting the two figures provides 4,184 ft² of impermeable surface attributable to the garage.

The applicant has indicated in meetings there will be a boardwalk stretching the length of the property from south to north. It is unclear whether this is considered permeable or impermeable, so we have left it out of our assumptions. The site plans also do not provide enough detail to calculate stairwell covers, landings, or the walkways surrounding them. The same is true for the areas around the refuse enclosures. This is additional square footage of impermeable surface that should be combined with the total above.

We cover the impact of storm water runoff below.

B. ENVIRONMENTAL ELEMENTS, (1). Earth, (h) Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

BMP's will be implemented during construction.

Landscaping and drainage improvements will be put in place as a part of the development including detention and storm water quality.

Removal of the existing untreated parking lot runoff should result in better overall water quality leaving the site.

According to a conversation with the applicant in mid-January, only runoff from the portion of the site west of the lid over the covered garage will be detained in the northwest "pond" and connected storage and filtering mechanisms. Rainwater hitting the impermeable surfaces on the eastern 2/3 of the site will

be shunted to pipes. While some unknown quantity of detention would occur in this section, there would be no filtering. We are skeptical of the idea the eastbound pipes installed will be of sufficient size to significantly detain storm water runoff from the considerable impermeable surfaces on this portion of the site.

In addition, running the storm water pipes to 15th Avenue NE would route them through the few trees the developer plans to retain. This would further damage the retained trees according to the independent arborist report.

B. ENVIRONMENTAL ELEMENTS, 2. Air, (a). What type of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Fumes from construction vehicles and equipment during construction.

Emissions typical to residential development following construction such as vehicle exhaust, residential heating and cooking exhaust.

This dramatically understates the impact both during and after construction. This issue is also addressed in some detail below in our comments on the “environmental” portion of the SEPA checklist.

The developer describes some 400 dual dump truck loads of dirt being hauled to and from the site during construction. No provision is being made for additional exhaust filtering or alternative fuel usage for these dump trucks or other construction vehicles to mitigate the significant adverse impacts resulting from construction activity on the site. No policy and related implementation strategy is described to reduce idling by construction and related vehicles.

Diesel exhaust is problematic both because of the composition of the exhaust particulate and its size. Authors Li and Nel in a recent review article talk about the many adverse impacts proven in the literature through animal, field, and epidemiological studies.² According to the authors, “an important component of the...diesel exhaust particle (DEP) is comprised of a carbon core that adsorbs a mixture of metals and organic chemicals, including carcinogens. The small size and large surface area of DEP allow these particles to penetrate deep into the lung and deposit toxic chemical throughout the respiratory tract.”³

The increase in diesel exhaust particles will continue after construction is complete. According to our conversations with the City, appearances of garbage and recycling trucks will increase from 2.5 visits per week to a likely 10 visits per week. If the eventual owners are low recyclers, the number could shift significantly higher due to increased garbage collection frequency. The likely mandate of food waste recycling in 2011 will raise the required number of truck trips even higher.

Vehicular traffic from the site will increase significantly as well. Gasoline particles are similarly toxic to diesel particles, creating additional concern. The applicant’s traffic study assumes an ***additional 290*** daily trips will be generated by this development. We discuss in detail below why this number significantly underestimates the true vehicle impact, but even 290 trips per day represents a significant adverse environmental impact to the surrounding neighborhood.

² N. Li and A. E. Nel, Eur Respir J 2006; 27:667-668

³ *Ibid.*, pg 667

We note the unique nature of the site magnifies these potential impacts. The adjacent Maple Leaf Reservoir will be lidded by 2011 and the resulting space will be converted into a park. Preliminary plans for the design of the new Upper Maple Leaf Park (UMLP) include a walking/running track around the perimeter. Additionally, the existing Maple Leaf Park features ballfields and play spaces in close proximity to the proposed development. This is one among many aspects of this proposed development that pose additional significant adverse environmental impacts at this site compared to if the proposed development was located elsewhere.

Ironically, exercise appears to *increase* the adverse effects on DNA and disease when individuals are exposed to the ultrafine particles of the type found in vehicle exhaust.⁴ Brauner, *et al* performed a study where they exposed otherwise healthy individuals to differing levels of urban air particles. DNA strand breaks and other adverse health effects were seen in these individuals, an effect that was potentially magnified with exercise.

The loss of 67% of the trees and bushes in the site assessment further exacerbates this problem. Trees decrease pollution by absorbing chemical airborne pollutants such as NO₂, SO₂, ozone, carbon monoxide, and capture dust and particulate pollutants. It has been found that 100 trees remove 5 tons of CO₂ per year and 1000 pounds of pollutants per year including 400 lbs of ozone and 300 lbs of pollutants.⁵

This doubly magnifies the significant adverse impact of the proposed development. Not only are vehicle trips increasing dramatically (above 290 per day), the immediate environment's capability to mitigate the harm from carcinogenic particles and ultrafine particles is being diminished.

The use of better exhaust filters and alternative fuels in construction vehicles could mitigate the impact during construction activities. **However**, the significant adverse environmental impact of the dramatically increased vehicle traffic is not capable of mitigation. Mitigation from the increased garbage and recycling trucks is also not likely capable of mitigation.

Because this adverse environmental impact likely falls disproportionately on children, as significant users of neighborhood parks, it makes the potential impact much more significant and deserving of a threshold determination of significance and a resulting requirement for a full EIS.

B. ENVIRONMENTAL ELEMENTS, 2. Air, (c) Proposed measures to reduce or control emissions or other impacts to air, if any:

PSCAA regulations will be adhered to during construction. These air quality regulations will adequately mitigate temporary impacts.

Measures include:

- *Assure that vehicles and equipment are properly tuned*
- *Watering of dry soils and or debris to prevent airborne dust during demolition and excavation.*

The project should not be allowed to move forward without *detailed* plans for toxin mitigation proposals being made available for community review.

⁴ Brauner, et al. Environ Health Perspect 115:1177–1182 (2007).

⁵ E.G.McPherson et.al., Local Government Commission, 1999.

Watering of dry soils and debris may keep down ground dust, assuming vehicles exiting the property are thoroughly washed before moving on to city streets. Watering is unlikely to affect the diesel particulate referred to above. Additionally, watering to keep down toxic particles is an unacceptable solution. This just fixes the toxins in the ground dust. Children playing on the limited open space in the development would be at risk for exposure, as would homeowners and park users as wind spreads ground dust and “watered toxins” in the time between construction cessation and full coverage of planted ground cover.

B. ENVIRONMENTAL ELEMENTS, 3. Water, (a) Surface, (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No. There is a Seattle Public Utilities reservoir to the west of the subject site. This reservoir provides storage for domestic water supplies.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

We understand “surface water body” has a specific meaning in the regulations. However, the Maple Leaf Reservoir is located well within 200’ of the proposed development. This is one of the most unique aspects of this site, deserving of the utmost in care in order to determine the potential significant adverse impacts of this construction to water quality and the health of the thousands of people who get their drinking water from the reservoir.

We address issues of the potential for toxin release from demolition and subsequent destruction below in detail.

We noted in the introduction how this development would clearly have a reduced adverse environmental impact if done on another site. The proximity of the reservoir is one of many aspects of the unique site that makes this true. The proximity of the reservoir is reason enough to make a threshold determination of significance and require a full EIS.

B. ENVIRONMENTAL ELEMENTS, 3. Water, (a) Surface, (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

This is not accurate. It is worthwhile to note the current use of the site generates one dumpster of garbage, one dumpster of recyclables, and a half of a yard/food waste container each week. According to city personnel, the proposed development will generate three dumpsters of garbage, two dumpsters of recyclables, and an unknown amount of yard/food waste. We believe this increase in overall waste generation is suggestive of a likely increase in discharged waste material to surface waters.

The lack of light between the structures will make it very difficult for the proposed landscaping materials to grow properly. Because of a lack of food from sunlight, they will likely need to be

fertilized at higher levels than would occur if the development were spread over an equivalent 1.5 acres on a different site.

Parking on site is insufficient for the number of expected vehicles. The applicant projects the deficit in parking spaces to be nine, our data (described in more detail below) projects to 20 vehicles required to park on the street. Vehicles are acknowledged to be the largest current contributor to pollutants reaching our lakes and streams. Therefore, either figure represents additional oil and other contaminants resulting from the proposed development. The only suitable mitigation for this significant adverse impact is to provide parking in the garage for the projected 68 vehicles.

We note locating this development in another area could reduce the significant adverse impacts. Overflow parking will likely occur in the Thornton Creek Watershed area, and will certainly occur in the Thornton Creek Drainage Area. The status of Thornton Creek as a protected stream requires close attention to this potential harm.

Households also have issues with car washing, pet waste, and other potentially environmentally degrading activities. These are difficult, if not impossible, to mitigate. While the argument can be made the resulting environmental issues would be no worse than the surrounding single-family home neighborhoods, SEPA rules do not allow such comparisons. Additionally, the density proposed for this site is over three times the density of any of the surrounding single family city blocks.

B. ENVIRONMENTAL ELEMENTS, 3. Water, (b) Ground, (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No.

This is incorrect. The applicant proposes to use ground watering to keep down potentially toxic dust created by demolition activities. While the unsuitability of this aspect of their proposal is discussed elsewhere, if watering continues to be part of the demolition and construction mitigation plan then there will be runoff involved. Exacerbating this issue is the runoff may well be carrying toxic particles from the demolition. We note the SEPA checklist for the reservoir-covering project immediately to the west of this project intends to make use of an onsite treatment process. This should be required for this project.

Allowing potentially toxic sediment to reach groundwater via runoff from sprinkling or rainfall poses a significant adverse environmental harm.

B. ENVIRONMENTAL ELEMENTS, 3. Water, (c) Water Runoff (including storm water): (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water runoff from roofs and impervious surfaces will be detained and discharged to the storm water system located in 15th Avenue. The project will meet applicable requirements of the storm water and drainage control ordinance.

Water collected in the below grade parking garage will be discharged to the wastewater system in accordance with the Plumbing Code.

Please see above for a quantification of impermeable surfaces for the proposed development.

We note the current site plan includes provision for a storm water collection pond in the northwest corner of the site. The applicant has communicated to us additional storm water retention may occur under a boardwalk that spans the site from north to south. Such standing water provides an excellent breeding ground for mosquitoes.

West Nile virus activity has been detected in King County, though no humans here have been infected. The Washington State Department of Health notes the best way to avoid contracting the West Nile viruses is by limiting breeding grounds. We suggest the design of the storm water collection features be such that no standing water is allowed to collect.

This may result in something of a Catch-22. Reducing the standing water capacity of the collection features may increase the volume and velocity of storm water runoff to City infrastructure and eventually Thornton Creek and Lake Washington. The environmental impact of the development could be difficult to mitigate, given difficulty in balancing these two apparently contradictory aspects of environmental protection.

There is currently uncertainty concerning the storm water retention. We do not know the size of detention ponds running to 15th Avenue NE. We do not know the capacity of the northwest retention pond. As noted in the regulations, this uncertainty is an independent justification for a threshold determination of significance.

B. ENVIRONMENTAL ELEMENTS, 3. Water, (c) Water Runoff (including storm water), (2) Could waste materials enter ground or surface waters? If so, generally describe.

Not likely. No waste material would be generated on site.

Construction best management practices will be required pursuant to storm water and drainage control code.

See our comments above on increased environmental impact from the transition to a densely-populated home use, as well as our comments on the insufficiency of ground watering during construction.

B. ENVIRONMENTAL ELEMENTS, 4. Plants, (b) What kind and amount of vegetation will be removed or altered?

See Habitat Assessment prepared by ESA Adolfson. Attachment 2 and Arborist report incorporated by reference.

The arborist reported dated March 1, 2007 is actually a tree survey. The report does not indicate which trees are to be retained or saved. The Habitat Report dated November 26, 2007 notes “approximately half” of the forested area will be retained.

This is incorrect and the environmental assessment of the current site plan must be redone with the corrected figures and informed by likely additional tree loss due to the placement of units, construction damage, and possible utility placement damage.

The originally filed documents indicated that 58 of 104 trees and shrubs on the site would be retained. During our independent arborist’s site visit, we discovered these documents were incorrect. Subsequent conversations have set the actual retention number at 36 of 108 trees and shrubs on the site. Our arborist places the total number at 34 live trees of 82 total on the site, for a 41% initial

retention rate. It is probably worthwhile to discuss divergent ways these numbers can be expressed before continuing:

- The original survey of the site counted 104 trees and prominent shrubs.
- Four additional trees were added in a February 2008 revision. This makes 108 trees and prominent shrubs. It is worth noting these four trees are located on land that is currently in dispute with an adjacent property owner.
- Our arborist informs us it is standard practice to count only trees with calipers (diameters) six inches or greater. Using this standard, there are 82 total trees on the site.
- The applicant would likely increase that total to 84, counting the one dead tree on the site and one exceptional tree under six inches they wish to retain.
- The applicant now counts 36 trees saved, including one dead tree over six inches in diameter and one exceptional tree under six inches in diameter.

The bottom line is less than half the trees on the site will be retained. This is true whether you calculate the retention percentages at $36/84 = 43\%$ or $34/82 = 41\%$. Only a third of the prominent trees and shrubs on the site will be retained ($36/108 = 33\%$).

DPD Director's Rule 6-2001 is the one most often cited concerning tree preservation in terms of SEPA review. The pertinent portions of the rule are cited below:

SMC 25.05.675 N.2a.

"It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value."

SMC 25.05.675 N.2c.

"When the decision maker 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 decision maker 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; provided, that for any project subject to the City's Shoreline Master Program, the Overview Policy set forth in SMC Section 25.05.665 shall apply."

SMC 25.05.675 N.2d.

"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 scientific community's understanding of tree systems has increased greatly since this rule was created in 2001. A greater recognition of the worth of a grouping of trees has occurred, particularly

when those trees are in an urban setting where development and other pressures have drastically reduced tree cover.

The issue of significance at the grove level, versus simply the individual tree level, was emphasized in *Brigman v City of Seattle*. This case involved the cutting of 17 of 60 trees (72% retention rate) in Occidental Park. King County Superior Court Judge John Erlick ruled the City of Seattle violated state and city environmental regulations by not adequately addressing how removing those 17 trees would affect the remaining trees. At further issue in the case in front of us is how the planned development will affect the remaining trees.

The Maple Leaf Community Council hired Tina Cohen, a certified, independent arborist, to examine the site. The current property owners, Camp Fire Puget Sound, did not oppose having her visit the site.

Ms. Cohen is a respected and accomplished arborist. Her services have been retained by developers, community groups, and local municipalities including the City of Seattle. A profile of her and her company are included as Attachment 1 to this document.

Ms. Cohen performed her work on February 18, 2008. The purpose of her visit was to determine if the stand of conifers on the east side of the property is high quality and worthy of preservation. The second part of her investigation was to explore the impacts to specific trees designated for retention as confirmed by Greg Kappers of Prescott Homes.

Here are Ms. Cohen's summary findings (our emphasis added):

- The site has large, healthy trees throughout, however the stand (group) at the east portion is notable for its overall size, aesthetics, and vigor, which is a rarity within an urban area. **The entire stand is appropriate for protection under the DPD Directors Rule 6-2001.**
- The Prescott plan retains a portion of the east stand and removes nearly all the rest of the trees on the site. They propose to retain 34 live trees out of 82 total = 41% retained.
- The Prescott plan will greatly impact the east stand of trees because the project will encroach on the roots and canopies of the trees at the west, north and south perimeters. **As proposed, the project could create declining, high-risk trees.**
- Recommendations include using a consistent scale to show the tree locations and their dripline measurements on all documents, retaining more trees, allowing more room for the roots and canopies, bonding the value of the retained trees, and requiring arborist participation and inspections.

Here are selected portions of Ms. Cohen's site overview (emphasis added):

Approximately one-third of the site is comprised of a mixed stand of trees, mostly conifers, along the east side of the property. The Waldo Hospital site was originally built in 1924 and the larger trees were installed around that time. Some of the trees may be 'volunteers', meaning they were self-sown instead of planted.

Smaller trees and shrubs at the southeast corner near the sign are much younger, probably planted within the past 10 or 20 years. They were not included in the Williams report, which only assessed trees with trunk diameters of 6 inches or greater, but they contribute to the aesthetics of the stand.

There are large, healthy trees throughout the site, however **the stand along the east side is notable for its overall size, a rarity within an urban area.**

Since the stand of trees at the eastern portion of the property is the most endangered under the proposed development, we include some of her comments on this stand of trees below (emphasis added):

The trees were observed to determine their vigor, but were not excavated or drilled. The thin tops of the canopies and large amounts of cones are typical symptoms of drought stress.

In general, the trees at the north end of the stand appear the most stressed, probably due to shade from the surrounding trees. Within the stand the smaller diameter interior trees are ‘suppressed’, which means the larger trees not only shade them but they also lean on their tops distorting the smaller ones. The south, east, and west edge trees have more vigorous canopies because they’re in full to mostly-full sun. I did not observe any fungus or other indications of disease. Storm damage from 12/06 was limited to broken branches but no whole tree failure was reported.

Overall, I consider the east trees to form a high quality stand, although individual trees may be in decline. Future management should be included in the project arborist’s recommendations to the owner.

As part of the survey, Ms. Cohen reviewed the arborist survey filed by the applicant. Ms. Cohen identified three additional exceptional trees (per DPD Directors Rule 6-2001) that were not in that document. The numbers refer to the numbering system on all the tree surveys filed to this date:

Additional Exceptional Trees			
Tree #	Type	Arborist comment	Status
3	Madrona	This is a vigorous sapling and may eventually fuse with #2. .	Retain
4-5	Douglas fir	The two are grafted at the base and are actually one tree.	Retain
66	Western white pine	Although it was limbed up, it’s still very healthy. I measured the trunk diameter to be 25.8 inches, so it’s over the size threshold. [Also identified as significant by SDOT Arborist Bill Ames.]	Remove

Ms. Cohen was asked to determine whether the stand of trees on the eastern portion of the site was suitable for protection under DPD Director’s Rule 6-2001. This is her response (no emphasis added by us):

The benefits of trees in urban settings have been well documented and quantified. Trees improve air quality, sequester carbon, provide passive cooling in the summer, and reduce storm water run off.

The DPD Director's Rule 6-2001 quotes the Seattle Municipal Code:
"SMC 25.05.675N.2a It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, education, ecological and/or economic value."

It is my opinion that the ENTIRE east stand of trees meets the criteria of aesthetic and ecological value within an urban area. Therefore, it deserves protection through the mitigating measures listed in SMC 25.05.675N2d:

- Relocation of the project on the site;
- Reducing the size or scale of the project;
- Preservation of specific on-site habitats, such as trees or vegetated areas;
- Retention of existing vegetation.

This conclusion is important. It reflects the latest thinking in the arborist community that stands of trees can be just as significant as individual trees. The conclusion is also related back to pertinent code citations so there can be no confusion about Ms. Cohen's opinion where this stand of trees is concerned.

We note that her conclusions leave out protection for two of the "significant" trees on the site. These are the grouping of trees at the northern central edge (69-71, with 70 already identified as significant) and the northern white pine at the southeast edge of the Waldo Hospital Building (66). We were disappointed these trees were not recommended to be preserved, but that sometimes happens when you hire an independent expert and ask them to provide their opinion. We continue to believe trees 69-71 are particularly worthy of being saved, especially since they serve as the occasional seasonal perch for our area's Bald Eagle pair.

It is also noteworthy to point out Ms. Cohen did not find enough infiltration of invasive plants to comment about them in her report. While there are instances of blackberry and ivy on the site, the stand is significantly less affected than others in Seattle. According to the draft Urban Forest Management Plan published by the City of Seattle in 2006, over 70% of Seattle's remnant forests have some invasive plants present and about 50% are moderately to heavily invaded. Nothing close to this kind of infestation is present within the Waldo tree grove.

We also asked Ms. Cohen to provide her opinion on the survivability of the trees intended to be retained under the current site plan. Here are her conclusions (our emphasis added):

Expect root stress due to the proximity of the excavation and the reduction of water availability. Conifer roots extend far beyond the edge of the canopy. Mr. Miller [Maple Leaf Community Council President David Miller] said soil studies did not show any underground water source; therefore the trees are receiving their primary water as runoff from the adjacent lawn, uphill to the west. **Further damage could occur if the utilities and drainage lines are routed through the trees.**

Canopy decline may occur on the west side of the stand because of shade from the 35-foot tall houses. The lower foliage will die because conifers need full sun.

The newly exposed south perimeter trees will be susceptible to failure in high winds. The prevailing winds are from the south, and the existing south perimeter trees (called ‘edge trees’) have adapted to the pressure from storms. Note there were no failures in the 70 mph December 2006 storm. **If the south trees are removed, then the former interior trees will be more exposed and could break or uproot. The north edge trees could also be affected.**

This paints a dismal picture for the long-term health of the remaining trees. In our discussions with Ms. Cohen, she repeatedly pointed to dangers to the “edge trees” from construction. These trees are located along the “tree protection fence” indicated on the applicant’s site plans L1.1 and L1.2. A significant number of the trees planned to be retained on the site are directly endangered by unit construction too close to their root structures.

SDOT Arborist Bill Ames also visited the site and performed a brief inspection of the trees.⁶ In his analysis, he notes [our emphasis added]:

“Removal of part of the forest on the western half of the site for construction would open up these trees and expose them to the prevailing winds. The trees, for the most part **would not be stable**. This forest survives as a whole, encroachment for construction would warrant the majority of the trees to be removed based on stability concerns.”

Removal of so many trees in the grove is not an environmentally viable alternative. Aside from this, Mr. Ames echoes Ms. Cohen’s analysis that tree removal is problematic in terms of the survivability of the remainder of the trees and that the forest currently survives as a *whole*.

Mr. Ames also comments, “Many of the Douglas firs rated as “poor” [in terms of individual tree ratings] are fine in their current conditions, i.e., forest-like.”⁶ This is a key observation as it again recognizes consideration of individual trees has less meaning than considering the grove as a whole forest.

The above information underscores why significance cannot simply be assigned to individual trees. While such a narrow view might be appropriate for a solitary tree standing in the middle of a park, it is not appropriate for an entire stand of trees like the one appearing on the eastern portion of this property. Taking out some of the trees endangers the rest – **it is simply not possible to separate them in terms of determining the significant adverse environmental impact of their removal.**

We next asked Ms. Cohen to make recommendations based upon her expert analysis of the health of the trees and the currently proposed development [her emphasis only]:

- Improve/clarify site plans: I suggest using a 1:20 scale for all the site plans so they're consistent with each other. Show the retained trees with a dot to indicate the trunk location, and the radius of the canopy shown TO SCALE as a dotted line. The different size tree symbols on the existing plans are not to scale. [The tree canopies depicted on the various site plans filed are “iconic” according to the applicant and are not, according to Ms. Cohen’s field observations, to scale as they understate the actual tree canopy size]

⁶ E-mail from Bill Ames to Michelle Chen, dated May 18, 2007. Obtained from DPD file on project # 3006480

- Save additional trees: Retain the entire south portion of the stand, trees and shrubs #50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 (already saved), 63, 64, and 65. The protection fencing around this group would need to be placed at a minimum 24 feet west of fir #52. Ideally, we want to include the north trees as well for their aesthetic and ecological value.
- Allow more space for trees roots: At a minimum, there should be NO disturbance within the radius of the dripline plus an additional 5 feet (example, if the dripline radius is 20 feet, then construction disturbance can start at 25 feet from the trunk). The project arborist must first approve any exceptions.
- Allow more light: The project's design should be reviewed so more light can reach the lower portion of the west side of the stand.
- Bond the retained trees: The developer must post a bond with the City for the appraised value of the retained trees to insure their viability for 10 years. The values are listed on the enclosed spreadsheet.
- Require arborist participation: The project arborist needs to meet with the contractor and approve the placement of protection fencing. He/she must review landscaping, pruning, and any other changes within the protected area so the trees aren't compromised. The arborist shall monitor the site regularly for compliance and to answer questions. If pruning is needed, it should be done under the arborist's supervision.

We understand there is a great deal of information communicated above concerning the trees. Before adding to this, it is worthwhile to note how Ms. Cohen concluded her report:

The planned development of this site should be reviewed and modified to allow adequate space for the entire east stand of trees.

We emphasized "entire" because that is the important conclusion from this respected independent arborist. Clearly, the planned development would create a significant adverse environmental impact by removing so many of the trees. The planned development creates a significant adverse environmental impact by building too close to the remaining trees.

However it is analyzed, the conclusion is clear and is supported by two different arborists: This proposed development is not environmentally sound. Alternatives must be explored, and the best way to ensure that happens is via the EIS process. The tree removal and additional tree endangerment caused by the currently proposed development clearly creates a harm exceeding the SEPA threshold.

The developer proposes to plant 29 deciduous trees as part of their landscaping plan. We note the location of some of the trees on the most recent plan call into question their survivability. It is the rare tree that can thrive when planted every ten feet or so in a narrow space between 37-foot-tall homes with only an east/west exposure.

Regardless of the implied survivability, the planted trees will be tiny. The calipers (diameter) on each are just two inches. Each will take decades to reach the canopy spread suggested in the landscape plan. Even then, these trees will be essentially useless in terms of storm water retention as they will have no

leaves to retain water during Seattle’s rainy season. There is a good reason Seattle Climate Action documents suggests planting not just any tree, but *evergreen* trees.⁷

Deciduous trees are poor substitutes for the existing trees on the site, particularly when alternatives exist that would save the existing trees. Considerable significant adverse environmental effects will occur in the decades it takes for the new trees to reach maturity. Significant adverse environmental consequences will result from their inability, even at maturity, to handle storm water retention.

Even if you do not agree with our analysis about the insufficiency of the replacement trees, the planting of new trees on the site cannot be considered for the SEPA threshold determination. Under SMC 25.05.330(E), the decision maker is prohibited from balancing “the beneficial aspects of a proposal”.

In its earliest communications to the applicant, DPD indicated a full EIS was not likely to be required.⁸ Leaving aside issues concerning making this statement prior to receipt of a SEPA checklist or any community involvement, this communication was likely based on the fact this type of a project is rarely deemed to meet the threshold requirements for SEPA review. While this issue will be addressed again further below, the impact of the loss of trees due to this proposed development should be explored in additional detail in terms of past SEPA threshold determinations.

It is no secret the last seven years have seen significant changes in how we view our environment, particularly how we view trees in an urban setting. The concept of climate change was not broadly accepted seven years ago. Today, few rational people believe climate change isn’t real and Seattle Mayor Nickels receives worldwide acclaim for leading urban mayors to address issues of climate change. Seven years ago, the concept of how critical an urban tree cover is to the health and welfare of city dwellers was not fully appreciated – to put it mildly. Worldwide coverage is now provided to major urban tree initiatives and Mayor Nickels has sponsored three of his own. The progression of those initiatives is instructive, moving from planting more trees to replacing trees lost to development, to attempting to reduce the loss of mature trees in the first place.

Administrative rules change over time as their effect on the environment (natural and social) becomes clearer. Even if the letter of the rules don’t change, their interpretation often does to account for advances in scientific and social understanding. We are clearly at that point for issues regarding urban tree cover where the full force of scientific and social understanding are converging with a demand that we use all our available resources to preserve existing trees.

There are good reasons to preserve existing trees, as we relate below.

In the aforementioned draft Urban Forest Management Plan, the City of Seattle called attention to the dramatic loss of tree canopy in Seattle, which has been documented from review of aerial photographs and is evident to residents of the City who are witnessing continued deforestation firsthand.

The City has reported a loss of close to 1.7 million trees since 1972, more than half of all the trees standing since then.⁹ The canopy cover is estimated at 18%, compared to 40% just 35 years ago.¹⁰

⁷ “Reduce Carbon”, pg. 2. http://www.seattlecan.org/downloads/SeattleCAN_GetStartGuide.pdf.

⁸ DPD File Letter dated January 29, 2007 to DPD employee Lucas Deherrera from applicant

⁹ *The Seattle Times*, September 6, 2006. “The battle for Seattle’s trees is beginning”

The City has agreed that average tree canopy coverage for Seattle is too low by national standards and has stated a goal of increasing canopy cover to 30% in 30 years. American Forests recommends that 40% is an appropriate canopy cover level for cities in the Pacific Northwest, more than double our most recently estimated level.¹¹

In light of these findings, the need to protect remaining large trees contributing significantly to the existing canopy cover is essential. This is especially true of such a substantial stand of healthy, intact trees as exists on the Waldo Hospital site.

Trees growing on private property compose the majority of urban forests, and the greatest loss of Seattle's tree canopy has been on private property⁷. City parks are limited by a more or less stagnant land base, and street trees are largely small deciduous trees of a few species that have a fraction of the ecological or wildlife value of 60+ foot tall native evergreens such as those endangered by the currently proposed development plan. A City inventory of street trees found that 43% of street trees are maple, cherry, or plum and 80% of them are less than one foot in diameter (City of Seattle Street Tree Inventory 1990-92). It is also well known that there has been a large decline in the native conifers and a shift in dominance to shorter-lived deciduous trees. This is particularly concerning as deciduous trees do not have the storm water-retention capabilities of their evergreen cousins. As noted above, even literature endorsed under the Mayor's Climate Action Plan specifically reference planting evergreen trees as a method to reduce atmospheric carbon.

It may seem obvious to state, but it takes 80 years to replace an 80-year old tree. To a regulator dealing with proposed mitigations, this should suggest planting a few two-inch trees today leaves residents surrounding this development in the "environmental lurch" for more than a couple of decades. That's hardly compatible with the concept of preventing environmental harm intertwined with the SEPA regulations.

The estimated economic implications of tree loss to taxpayers are staggering. Costs come in the form of increased storm water runoff, pollution abatement, increased heating and cooling needs, more frequent resurfacing of streets from excessive heat, and both the current and future costs of attempting to restore natural systems and recover endangered and sensitive species such as salmon. Lost tree canopy during 1972-1996, not to mention additional losses in the past decade, translates to 35 *million* more pounds of pollutants in the atmosphere annually, a \$95 million per year lost value.⁸

More alarming are the environmental impacts tied to urban forest loss. The total storm water retention capacity of Seattle's urban forest cover was reduced by 27% from 1972 to 1996, which resulted in an estimated 7.5 million cubic feet of additional storm water runoff.⁸ A recent article calls attention to the state of environmentally ailing Puget Sound and the costs that it could take to begin to clean it up – estimates of \$9 billion by 2020.¹²

This article attributes pollution funneled by the rain that streams into the Sound from streets and lawns after every downpour as the fastest growing threat to the Puget Sound. In the article, a storm water

¹⁰ City of Seattle. September 2006. Public Review Draft. Urban Forest Management Plan.

¹¹ American Forests. 1998. Regional Ecosystem Analysis Puget Sound Region Metropolitan Area. American Forests, Washington, D.C.. Available on-line from: <http://www.americanforests.org/resources/rea/>

¹² *The Seattle Post-Intelligencer*, December 14, 2006. "Gregoire offers blueprint to rescue Puget Sound, but storm water pollution still at issue."

consultant, Holz, expresses his frustration stating, “We’ve pretty much demonstrated that the end-of-pipe systems that we hang on to the end of the storm water (pipe) after we commit a holocaust upon the land don’t do anything. This is well known with hydrologists and senior professionals who deal with storm water daily... We have to go to land-use reform if we’re going to see any progress.”

Increased air pollution is also a result of urban deforestation. The City notes the lost tree canopy would have removed many thousands of pounds of the pollutants sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and particulate matter of 10 microns or less from the atmosphere annually.⁷ Air pollution has large-scale implications to forest health and human health, including the asthma epidemic in children to which air pollution is frequently cited as a major cause.

Global and local warming (the urban heat island effect), and storms of increasing frequency and intensity are increasingly being linked with tree loss. High temperatures and windstorms result in more tree loss, which continues this destructive loop and makes the situation worse. Our recent windstorms in Seattle are another example of the connection between global warming, trees, and urban environments. A recently-written article by Don Fitz discusses ultra-storms in New Orleans and St. Louis explains this phenomenon.¹³

Cities accumulate heat because of their high concrete-to-tree ratios, according to Fitz’s article. As storms down urban trees, this ratio rises even more, making the city hotter due to less shade and more air conditioning emissions. Fitz notes that during these events, the media focuses on the danger of trees with no mention of their value in lowering temperatures. The St. Louis July 2006 storms discussed in the article are estimated to have resulted in 15% of the city’s trees being damaged or destroyed. The percentage of trees lost in the recent Seattle windstorms was similarly significant. As global warming produces more and stronger storms, we are going to lose even more trees and thus each large existing tree is even more important – particularly when they function in a self-protecting, cohesive stand as the trees on this property do.

Other major impacts of tree loss are direct loss of wildlife habitat and damage to aquatic habitat and spawning streams.

Other less-measurable impacts are those to humans. As trees are lost, quality of life decreases. Once nice neighborhoods become unlivable, people are less likely to travel as pedestrians, stress levels rise, and people’s sense of wellbeing is negatively affected. The City recognizes the loss of trees in a built-up city reduces livability.⁷

What is left of Seattle’s urban forest is in serious decline, and the City has now fully recognized this judging by an increase in the number of tree- and climate-based initiatives introduced by Seattle Mayor Greg Nickels. The city has an unprecedented opportunity by preserving this grove of large, healthy, native coniferous trees. Saving this grove of trees will preserve the beauty and character of the Maple Leaf neighborhood and contribute to the City’s greening plan.

¹³ Fitz, Don. Winter 2007. “Ultra-Storms, Trees, and Urban Warming.” *Synthesis/Regeneration* 42: A Magazine of Green Social Thought.

No less an authority than the US Forest Service notes, “Preserving existing large trees is the most important thing that can be done to realize the benefits provided by trees.”¹⁴ As stated by the City “All the benefits of trees – environmental, health, economic and aesthetic – really only occur once a tree starts to mature, thus underlining the fact that a healthy city tree is an investment worth keeping.”¹⁵

A tree in a community is everything -- a source of beauty, an air purifier, a heat modifier, a soil stabilizer, wildlife habitat, and even adding to property value. A stand roughly the size of the one on the eastern edge of the Waldo Hospital site provides enough oxygen for nine people for a year and absorbs as much carbon dioxide as a car produces in 13,000 miles. Trees also remove sulfur dioxide and nitrogen oxide, two major components of acid rain and ozone pollution, from the air. Trees reduce noise pollution by acting as a buffer and absorbing urban noise.

There is an economic aspect to trees as well. The value of just the trees to be retained under the current development plan amounts to over \$286,000. Trees contribute to a community’s well being, giving a neighborhood a sense of home, framing views, and creating feelings of relaxation and comfort. A healthy and sustainable urban forest is truly a fundamental part of the Seattle community.

It is also worth mentioning this statement is not an abstraction in this case. Nearly 2,000 residents of our 4,000-home neighborhood signed a petition urging the city to act responsibly concerning the development of *this* site by, among other things, saving the trees on the site.

The 2006-2007 Environmental Action Agenda builds on Seattle’s leadership in the fight against climate change and outlines how the city will restore its urban forest, protect water quality, and build healthy communities. The four pillars of the Action Agenda – the Climate Change Initiative, the Restore Our Waters program, the Green Seattle Initiative and Healthy People & Communities – link the health of the urban ecosystems to the prosperity, health and social equity of the city as a whole. The more recent Urban Forest Management Plan simply underscores the increasing realization that preserving existing trees is a smart policy decision for the city.

“A healthy urban environment isn’t just a nice thing to have,” Mayor Nickels said when introducing his Environmental Action Agenda. “It’s vital to the health of our residents and our economy. That’s why this Environmental Action Agenda is such an important part of my administration.”

B. ENVIRONMENTAL ELEMENTS, 5. Animals, (a) Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

Anna’s hummingbird, Steller’s jay, black-capped chickadee, and Bewick’s wren, northern flicker, American robin, house sparrow, golden-crowned kinglet, European starling, American crow, dark-eyed junco, and red-breasted nuthatch. All of these species are likely resident species in the area, Other wildlife observations included an Eastern gray squirrel. These species are relatively common for a treed urban area.

(b) List any threatened or endangered species known to be on or near the site.

None known.

¹⁴ Center for Urban Forest Research. Fall 2002. The Large Tree Argument. The case for large trees vs. small trees. Pacific Southwest Research Station, USDA Forest Service. Davis, California

¹⁵ City of Seattle. Office of Sustainability & Environment. 1995-2006. Webpage.

http://www.cityofseattle.net/environment/urban_forest.htm [Accessed December 15, 2006]

We note the environmental assessment spanned only a couple of hours on two separate days, neither of which were during active nesting or feeding times. Neighbors to the property often comment that something must be wrong with any survey that sees only one gray squirrel on the property. During the arborist survey, as an example, no fewer than four were seen running back and forth across the site and to trees on adjacent sites. Rock doves, bushtits, Canadian geese, and house finches are commonly observed in the area and are missing from this analysis. These omissions call into question the sufficiency and accuracy of the habitat assessment.

We should note any fences around the property would limit ground animal access. The increased vehicle traffic, at over 290 trips per day, will endanger ground animals. The close proximity of the houses to the trees is likely to reduce their habitat potential significantly.

Finally, the habitat report was based upon the incorrect assumption that over half the trees on the site would be retained. Fewer than half will be retained and a goodly portion of the remaining trees will be endangered by the current site plan according to Certified Arborist Tina Cohen. This sums up to a significant adverse impact on habitat, even if the animal and bird species found in this habitat are not particularly significant as individuals.

B. ENVIRONMENTAL ELEMENTS, 6. Energy and Natural Resources, (c) What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The project will meet or exceed the Washington State Energy Code. The project is seeking LEED certification and as such one of the goals is to limit use of non-renewable energy sources.

While LEED certification is a worthy goal, this is not a mitigating item to offset the significant adverse environmental effects of the proposed development. To exaggerate to make a point, constructing a development of LEED Gold Certified homes in the middle of a clear-cut old-growth forest is hardly environmentally sound. The threshold determination for this project, both logically and by statute, must be made based upon the adverse environmental effect on this site – not what “make up” items the applicant is suggesting to sweeten the pot.

B. ENVIRONMENTAL ELEMENTS, 7. Environmental Health, (a) Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

The existing structures on site will be demolished in accordance with PSCAA guidelines following remediation of asbestos. Other toxic substances encountered during demolition such as lead paint and or petroleum products will be disposed of consistent with MTCA guidelines. See Environmental report, Attachment 4

This is inaccurate and dramatically understates the potential for toxic release and exposure during and after demolition and construction. The fact there are no spill control and spill countermeasure plans specified is also of concern.

The applicant does not adequately detail their proposed remediation processes. In conversations subsequent to the filing of these documents, the applicant has proposed an independent air monitoring

system. While this is welcome and the offer will be accepted, it is not a substitute for taking care of the problem before it becomes airborne. Air testing is something of a “shut the barn door after the horses leave” situation whose only benefit is guiding the notification of neighboring homeowners concerning whether they should consider seeking medical attention due to exposure to airborne toxins

Any conversation about environmental health has to start by determining what toxins might exist. The testing mechanisms described in the file documents are not adequate. Too few samples were taken and toxins typical for old hospital buildings were not included in the testing protocols. We have subsequently received a draft supplemental testing proposal, which is also lacking.

The toxicology work suggested by this supplemental proposal should be performed by a certified industrial hygienist, not a geologist/hydrologist. Industrial hygienists have the training, background, and the ongoing certification requirements necessary to adequately perform assessments of this type.

The lead testing is a huge concern, particularly since the testing method specified in the new draft testing proposal is inadequate. The preferred process includes the use of a XRF (x-ray fluorescence spectrum) analyzer. Our research indicates this could be a less expensive option for the applicant as it provides immediate results without lab costs.

We note HUD guidelines for single family homes require each component in a room or area be tested. A typical three bedroom/two bathroom house will result in 150-300 separate XRF shots or tests, depending upon the detailing (moldings) and quantity of other rooms (dens, laundry, dining, bonus, etc.). The process takes 2-4 hours. This should provide some guidance as to the acceptable level of testing necessary for a structure the size of Waldo Hospital.

Lead soil samples should be increased in number. We note the very high (400 ppm) lead concentrations under a contemporary structure (the Maple Leaf Water Tower) and the fact over 80% of structures built in this era have lead-based paint in them. The number of soil samples should be expanded from the draft proposal as a baseline, and include further testing dependent on the results of the XRF testing on the exterior of the building.

Mercury assessment should include plumbing traps, light fixtures, electrical fixtures, as well as obvious places of spills or storage of medical equipment. Camp Fire, due to their relationship with the Waldo family, likely has (or can obtain) the best floor plan info the applicant can use to guide this aspect of the testing.

Sites for the radiation evaluation are not elucidated in the supplemental plan and were left out of the original assessment altogether. Again, obtaining a floor plan would be helpful here to determine which rooms need basic testing versus rooms requiring extensive testing. We note that our historical records indicate the radioisotope lab was in the ‘new’ addition, though we do not know where.

There are specific established standards where the demolition of hospitals is concerned that take into consideration the unique toxins that could be present. It is worthwhile for the applicant to have their experts research these standards to inform the subsequent draft of their testing proposals. This is especially important since this was a hospital prior to when most of the now common environmental controls were created.

The current owners of the building told us, city officials, and media representatives of problems with molds and mildews in the building. This was cited as one reason behind their desire to sell the property. Demolition of the building could release these allergens into the air. Watering of the dust is unlikely to significantly affect the release of allergens, and may even exacerbate their growth. Efforts to remediate any molds or mildew should be undertaken prior to demolition.

We ask DPD to consider the study entitled “A Study of Urban Housing Demolitions as Sources of Lead in Ambient Dust: Demolition Practices and Exterior Dust Fall,” authored by Dr. Mark R. Farfel and others, and which was published in the peer-reviewed journal *Environmental Health Perspectives*.¹⁶ The Farfel study provides strong evidence of the fact that the demolition of structures containing lead-based paint will result in significant increases in ambient lead dust levels in adjoining areas. This is particularly concerning since the “adjoining areas” in this instance are single family homes with children and elderly residents, an active park, and a future park.

Specific state and federal regulations dealing with lead do not require the applicant in a case like this to make mitigation measures with respect to lead, but SEPA has a substantive component that requires mitigation in cases—such as this one—in which other regulations do not sufficiently address particular environmental concerns. It is our position that SEPA itself requires further mitigation measures to ensure the safety of the residents, particularly the children who live and play in the area now and in the future, and of the community surrounding the demolition site. So, in this matter, the measures proposed by the applicant do not go as far as the law requires.

We want to emphasize that our position continues to be that the proposed demolition is likely to have a “significant adverse environmental impact” as that phrase is defined under the SEPA regulations and that an EIS is therefore required. We are talking about the demolition of a large structure, which certainly contains significant amounts of a dangerous pulmonary toxin and could contain significant amounts of neurotoxins such as lead and mercury.

As to this issue, we ask you to consider the definition of “significant” in the City’s SEPA regulations at section 25.05.794 of the Seattle Municipal Code. That section directs DPD to consider that “[t]he severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.” In this case, we believe the potentially fatal consequences of a child being exposed to lead, and the long-term harm to those breathing toxic dust resulting from this demolition, constitutes a severe adverse environmental impact. Therefore, regardless of the likelihood of such a tragic situation actually ensuing, the adverse environmental impacts of the project must be found to be “significant.”

We’ve noted before how this site provides unique challenges to mitigation of potential environmental harm. Some of these challenges are not capable of mitigation. For the others, the certainty of outcome of mitigation in comparison to the terrible harm causes concern. The potential release of toxic materials from the demolition of Waldo Hospital is significant. The significance of the adverse environmental harm is exacerbated by:

- The proximity of the site to a source of drinking water for thousands of Seattle residents
- The proximity of the site to current playfields

¹⁶ Farfel, et al, *Environ Health Perspect* 111:1228–1234 (2003)

- The proximity of the site to future park space
- The suggested mitigation methods will do little more than saturate the soil of the development with toxins to be picked up later by children and adults contacting the dirt.

Encapsulating Waldo Hospital in an airtight cover, observing proper negative ventilation procedures, and completing all aspects of demolition inside the cover would seem to be the only appropriate mitigation given the magnitude of the potential harm.

A full EIS should be ordered to fully explore this sort of highly technical demolition project, as well as adequately weigh alternative development proposals that would avoid the need for encapsulation in the first place. These significant adverse environmental impacts are also unique to this site.

B. ENVIRONMENTAL ELEMENTS, 7. Environmental Health, (b) Noise, (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site.

As noted above, during construction noise from residential construction project and excavation would be expected during the construction window of workdays 7 AM to 6 PM and non holiday weekends 8 AM -5 PM.

This considerably understates the noise impact of the proposed development, particularly on the relatively quiet 14th Avenue NE and the portion of NE 85th Street between 14th Avenue NE and 15th Avenue NE.

The proposed development is atypically dense for the neighborhood. The proposed project places 26 units per acre, compared to surrounding densities of 9 homes per acre. The resulting increase in long-term noise levels is a significant environmental impact, even if the noise level from any single proposed unit is comparable to that of a single adjacent single family home.

The applicant suggests there will be net 290 additional trips per day generated by the site. That's a new trip every 5 minutes around the clock. The 290 additional trips is a low estimate based upon inadequate information about typical vehicle ownership for the neighborhood (covered in more detail below). All this additional vehicle noise will be magnified as it bounces off the 37-foot units lining both NE 85th Street and NE 86th Street.

In addition, the site will be visited by garbage and recycling trucks at much higher rates. According to our conversations with the City, appearances of garbage and recycling trucks will increase from 2.5 visits per week to a likely 10 visits per week. If the eventual owners are low recyclers, the number could shift significantly higher due to increased garbage collection frequency. When food waste collection is mandated in 2011, there will be even more trips per week.

In addition, surrounding residents are mostly sheltered from the current noise of the trucks and their operation is swift. With the proposed development, the noise will no longer be sheltered, but magnified. Pickup of garbage and recycling will occur in the middle of NE 85th Street and NE 86th Street. On the latter street, the garbage and recycling trucks will need to back in. That triggers the backup alarm on these vehicles. The pickup itself will not be quiet, as limited space for the dumpsters will require contractors to wheel the noisy, metal-wheeled containers in and out of their storage areas.

All this noise will be magnified as it bounces off the 37-foot units lining both NE 85th Street and NE 86th Street.

This noise will likely occur between 5am and 10am, in all likelihood disturbing the sleep of residents inside and outside the development.

These significant adverse environmental impacts cannot be mitigated under the current site plan, making the importance of a full EIS to explore more environmentally sound alternatives that much more important.

B. ENVIRONMENTAL ELEMENTS, 8. Land and Shoreline Use, (j) Approximately how many people would the completed project displace?

None.

This is incorrect. A number of non-profit organizations who rented from the current owner of the property, Camp Fire Puget Sound, have already been displaced. These valuable organizations were an asset to the Maple Leaf Community and, unfortunately, nearly all have relocated outside of our neighborhood.

Demolition of the building would mean this significant adverse environmental impact would be made permanent. Alternatives exist for retaining the building for continued use by non-profits, alternatives that deserve to be explored in a full EIS process.

B. ENVIRONMENTAL ELEMENTS, 10. Aesthetics, (b) What views in the immediate vicinity would be altered or obstructed?

None.

This is not accurate.

Current views of the stand of trees looking east across the reservoir (and from the future UMLP) will be obscured by the proposed units on the site. Mountain views from much of the northeast corner of the future UMLP will be similarly obstructed.

Views of the city from at least one home along NE 86th Street will be obscured by the height and close proximity of the units in the current site plan.

Increased residential lighting sources have a demonstrated adverse impact on the ability to view the nighttime sky. This development poses a particularly acute problem in this regard given the unusual density of units compared with the surrounding neighborhood.

The obstruction of views damages property values and the feeling of community. This is a significant adverse environmental impact that should be mitigated.

B. ENVIRONMENTAL ELEMENTS, 12. Recreation, (b) Would the proposed project displace any existing recreational uses? If so, describe.

No. The existing site is a private institution.

This is not accurate.

Overflow parking from the site will interfere with parking for organized kids' baseball games at the currently existing ballfields.

Overflow parking on NE 14th Street may conflict with potential designs for the future UMLP.

Stating the site is a "private institution" leaves out a 70-year history of the site as a public good. In the 1930s, Dr. Waldo converted Waldo Hospital to non-profit status. His comments at the time indicated he intended the site to be part of the public good. When Camp Fire Puget Sound acquired the site in the 1960s, the existing history as a non-profit was continued. Throughout the history of the site, neighbors have picnicked and played on the grounds. Prior to restrictions on outdoor campfires, a fire pit existed on the grounds and was used for Camp Fire programs and by neighbors.

Even today people walk their dogs, and children not related to Camp Fire play on the grounds. Well-worn paths exist from joggers cutting through the woods for a bit of auditory and scenic respite from busy 15th Avenue NE. Metro bus passengers seek shade in the trees on hot summer mornings while waiting for southbound buses. The parking lot of the facility has become a viewing place of some local repute for July Fourth fireworks festivities.

The applicant has indicated in public meetings the grounds will be made off limits to anyone not living on the property. This will effectively end an 84-year history of public access to the site and represents a significant adverse impact that cannot easily be mitigated given the proposed density and use of the site.

B. ENVIRONMENTAL ELEMENTS, 12. Recreation, (c) Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Common open spaces are provided in addition to decks and porches for individual and community recreation.

The use of "common open spaces" and "community recreation" are potentially misleading. The applicant has indicated in public meetings the grounds will be made off limits to anyone not living on the property. This will effectively end an 84-year history of public access to the site and represents a significant adverse impact that cannot easily be mitigated given the proposed density and use of the site.

B. ENVIRONMENTAL ELEMENTS, 14. Transportation, (a) Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The project site bounded by 15th Avenue NE on the east, NE 86th Street on the north, NE 85th Street on the south and the Maple Leaf Reservoir on the west. The project would have one main access on NE 85th Street into the below-grade parking garage. Nine residential units would have private driveways, four on NE 86th Street and five on NE 85th Street.

This description leaves out one of the unique aspects of the site. This site is bounded on only one side by a true through street (15th Avenue NE on the east). NE 86th Street is a dead end that does not even stretch the full length of the property. NE 85th Street does not extend through to the west as it is stopped by the reservoir. It does join with 14th Avenue NE, but does not qualify as a through street in

the traditional definition of the term. The same is true for 14th Avenue NE as it connects with NE 85th, but does not go through. 14th Avenue NE crossing NE 82nd Street is not aligned across the intersection. There is no street on the west edge of the property.

This reveals a fundamental flaw in the traffic study submitted with the second SEPA checklist: The authors attempt to use national averages based upon standard intersections in an effort to describe the traffic impact in an area that is significantly non-standard.

B. ENVIRONMENTAL ELEMENTS, 14. Transportation, (b) Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

The site is directly served by public transit with a King County Metro transit shelter located along the site frontage on 15th Avenue NE. This bus stop is served by Routes 73 and 77. Other bus routes are accessible less than one-quarter mile from the project site.

What is not mentioned anywhere in the traffic study is this development will interfere with bus service at peak hours in the morning and evening.

The current (understated) traffic estimates project an additional 29 cars at peak. This will back up traffic beyond the current drop-off entry points for both northbound evening and southbound morning busses. The impact of this delay on overall transit ridership, given convenience and timeliness are big components desired by current and prospective transit users, could be a significant adverse environmental impact. Given the uncertainty, a threshold determination of significance is warranted to explore this potential effect in more detail.

B. ENVIRONMENTAL ELEMENTS, 14. Transportation, (f) How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Trip generation for the proposed development was determined using rates in Trip Generation (Institute of Transportation Engineers [ITE], 7th Edition, 2003). The estimates reflect the net change between what is proposed (39 residential units) and what currently exists on the site (20,860 square foot Camp Fire Headquarters building). The traffci [sic] study utilized ITE land use "Single Family – Detached Housing" (Land Use Code 210) with the number of residential units as the independent variable, and "General Office" (Land Use Code 710) based on 25 employees were used. The completed project is expected to generate a net increase of approximately 290 daily trips. The peak volumes would occur during the afternoon peak hour (typically one hour between 4:00 and 6:00 P.M.) when the project is expected to generate a net increase of 27 trips. The nearest major intersection, 15th and Lake City Way currently operates at LOS D in the PM peak. The 27 additional trips will not cause a substantial impact to service levels.

We reiterate the traffic study mistakenly attempts to use standardized information to apply to a very non-standard site. No decision to accept these traffic estimates as accurate should be made until this inconsistency is investigated further. The traffic analysis also does not cover traffic impacts to NE 82nd Street. As a result, the traffic plans currently present should be considered incomplete.

The traffic study suggests suggest there will be just 57 vehicles for this development at peak parking, based upon a "residential/townhome condo" average of 1.46 vehicles per unit. We believe this significantly underestimates the vehicular traffic on the site.

This development is not akin to townhome/condo developments. There are 15 freestanding homes, with **no expectation these units will be any different than other single-family homes in the neighborhood in terms of traffic and parking.**

	Maple Leaf	Proposed
Median selling price*	\$449,770	\$650,000
Median footage*	1,787	1,800 for singles
*2007 data		

The above table demonstrates the homes in the proposal have more in common with the current single family homes in Maple Leaf than they do with the averages cited in the traffic analysis. The lowest proposed sale price for any unit in the development is more than \$100,000 above the Maple Leaf average. The median price proposed for the new units is 45% higher than the median for other homes in the Maple Leaf neighborhood.

The price differential is useful in terms of understanding who might buy the 29 joined units. It is clear those who will have the financial resources to afford these units will be in the upper income brackets. Research indicates car ownership rises with income levels, providing an additional reason to believe the averages cited by the consultants are not applicable to this development.

We have investigated car ownership for our area based upon US census data. We chose the 98115 zip code, which encompasses more than half of the Maple Leaf neighborhood. It also includes other neighborhoods of similar land use profiles. We believe this is a more appropriate approach than using either citywide or nationwide averages as it more closely models reality for our neighborhood and, in particular, the likely owners of these above-median price units.

Census data for vehicle use can be segregated by type of residential unit. The most applicable to this development is the “Owner Occupied House and Condo” segment. It is important to note these are homeowner vehicle ownership rates, meaning they form a **baseline** for the vehicle impact for this development – a **baseline** because they do not account for vehicle parking and traffic from friends and service vehicles traveling to and from the site.

Using the most recent (2000) census data available generates a 1.74 vehicle per household ownership average in the 98115 zip code. This is importantly higher than the 1.46 figure assumed by the developer’s consultant as the baseline for all their assumptions. With 39 units, this suggests a **baseline** vehicle impact of 68 vehicles.

It is also important to note this is indeed a baseline. It does not count added traffic from service vehicles or visitors, so the actual average peak demand will be higher – particularly in terms of vehicular traffic and weekend parking.

One could argue against using the 1.74 vehicles per unit number for traffic projections on the basis these units theoretically will be purchased by single people – suggesting that even if the data show these singles own 1.74 vehicles, they would only be driving one car at a time. Contradicting this objection is the applicant’s own information. In the SEPA checklist, the applicant indicated 100 people (2.56 per unit) will live in these units. This suggests more than one car will be used, and not just owned, by each unit. We also remind the reader the price of these units suggests a single adult with

1.56 kids will be the *least* likely eventual owner. The likely owner will be two working adults, with every other unit having a child.

The applicant's consultants suggest shared vehicles (FlexCar) could mitigate some of the impacts. This is unlikely. First, FlexCar does not allow their vehicles to be parked on public right-of-ways. Second, they do not allow their cars to be parked in locked, private areas. Since the developer has indicated the garage will be gated and locked, and there is no surface parking in the site plan, this makes it unlikely a FlexCar would be located here. Finally, FlexCar has indicated they are not interested in locating cars in north-end neighborhoods like ours without a guarantee of revenue exceeding \$600/month. While a homeowners association could conceivably 'tax' themselves this amount, we remain unconvinced that expenditure would last for long.

Given all this, the 1.74 number appears to be the most accurate estimate for parking analysis, which increases the overflow parking burden to 20 additional vehicles *at baseline*. This number actually understates peak parking demand, particularly on evenings and weekends when the owners are likely to all be home and/or friends are visiting. This will mean owners and friends will need to park across busy 15th Avenue NE.

The fact no pedestrian mitigation proposals exist is deeply troubling. The developer hopes many of the 100 people living in this development won't own cars. We believe, because that is what the data tell us, that most of them will own cars. Either assumption will generate significant pedestrian traffic across 15th Avenue NE. The traffic report already shows this is a congested arterial. SDOT data shows 80th percentile speeds are well in excess of posted limits.

We also note increased traffic in and out of the garage on NE 85th Street will pose a danger for pedestrians, particularly combined with the additional curb cuts. This is particularly concerning since this street will be the entry point to UMLP for the entire southeast quadrant of the Maple Leaf neighborhood as well as our neighbors in Wedgwood.

Mitigation must be required for the significant adverse pedestrian impacts. Mitigation could include adding additional off-street parking, but it must include at a minimum improvements to the intersections of NE 85th/86th and 15th Avenue NE. We note the unique proximity of a park means mitigations required to make this site safe are would be un-necessary if the development were located elsewhere.

We have taken the time to incorporate photos with commentary to demonstrate some of the real world, on-the-ground impacts of the unique configuration of streets in this corner of the neighborhood

The following view looks south from NE 85th Street along 14th Avenue NE. You can see how the park usage takes up most available parking and there is barely room for one vehicle to get down the street. What will happen if fire trucks or emergency vehicles need this access? This photo proves our assertion the minimum 20 vehicles that represent parking overflow will end up across busy 15th Avenue NE. This view also shows averages assumed in the proposal completely understate the potential traffic bottlenecks that will occur even at current levels of park usage due to the unique configuration of streets in the area.



The picture below looks north from NE 82nd Street up 14th Avenue NE



The picture below looks west up NE 82nd Street from 14th Avenue NE towards Roosevelt Way NE. On NE 82nd Street, there is no parking on the north side of the street. This no parking zone runs the entire length of NE 82nd from Roosevelt to 15th Avenue NE. This street is an important cut-through for emergency vehicles, particularly fire, rescue, and ambulance. Proposals to enable parking on the north side of NE 82nd Street should be rejected because of this.



The photo below shows yet another unique aspect of the street configuration in this portion of our neighborhood. This is the intersection of NE 82nd Street and 14th Avenue NE. You'll note that 14th Avenue NE "offsets" at this location. There are no speed signs and no stop signs to slow traffic. Residents of the area report considerable cut-through as frustrated commuters waiting for the light at 15th Avenue NE and Lake City Way NE try to cut through to Roosevelt and access the freeway to the south or west.



The photo below looks west along NE 85th Street. The ingress/egress from the proposed parking garage will be just opposite the red truck parked in this picture. This dramatically illustrates how the street grade in this area will make egress from the parking garage potentially dangerous depending on the steepness of the ramp. The parking garage ramp should be constructed so the entire length of the

departing car sits at street level prior to reaching the sidewalk.



The traffic analysis should be redone using vehicle ownership figures accurate for our neighborhood *and* accounting for the unique configuration of streets illustrated by the photos above. Census data do not lie and there are no data present showing homes at this value in the Maple Leaf neighborhood should expect car ownership at any other rate than the surrounding single-family homes. Condos and townhomes that cost significantly less *may* experience lower vehicle ownership rates, but those data would not apply here.

We also caution against focusing only on the concept of “peak” impact. The applicant makes much of the fact that “only” 27-29 peak hour trips is not likely to cause an issue. This approach is wrong for three reasons:

First, it completely ignores the impact of more than 290 additional daily trips. Particularly given the unique location of this proposed development, this level of daily trips represents a significant adverse environmental impact.

Second, just because other developers with similar impacts have been allowed to slip by without necessary mitigations is insufficient reason to allow one more to slip by – particularly given the size of this proposed development. There is no doubt traffic is bad at the heavily-used intersections in the immediate area. This plan will make it worse.

The third reason is the plan is completely ignorant of the impact of service vehicles. As many as ten new garbage truck trips per week will be caused by the proposed development. This will increase with new food waste requirements in 2011. Each will occur on a weekday some time between 5am and 10am. To access 86th Street NE, the garbage and recycling trucks will need to **back** onto the street. If 14th Avenue NE gets as congested with overflow parking as we suspect, the same will happen on NE 85th Street. Depending on the timing of the pickups, this could cause even more significant traffic congestion.

We hope the above examples have impressed upon you the unique nature of the site in terms of traffic and parking and, most importantly, how a traffic analysis rooted in textbook averages simply cannot adequately describe the impact of over 68 vehicles, 100 people, and over 290 new daily trips. This concern is not merely academic. City and State law are very clear as to the requirements for traffic mitigation, a topic we tackle next.

“Concurrency” refers to the timely provision of public facilities and services relative to the demand for them. To maintain concurrency means that adequate public facilities are in place to serve new development **as it occurs**. The Growth Management Act (GMA) gives special attention to concurrency for transportation.

The GMA requires transportation improvements or strategies to accommodate development impacts need to be made **concurrently** with land development. “Concurrency” is defined by the GMA to mean that any needed improvements or strategies are in place **at the time of development** or that a financial commitment exists to complete the improvements or strategies within six years.

If concurrency cannot be demonstrated, then local jurisdictions are required to enforce adopted ordinances, which **prohibit** development approval unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

The concurrency goal linking development approval and public infrastructure was established in the 1990 GMA as follows:

Public facilities and services. Ensure that those facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current levels of service below locally established minimum standards [RCW 36.70A.020(12)].

The following are pertinent City of Seattle Comprehensive Plan transportation policies:

- TG3 Promote safe and convenient bicycle and pedestrian access throughout the transportation system.
- TG7 Protect neighborhood streets from through traffic.
- T14 Use neighborhood traffic control devices and strategies to protect local streets from through traffic, high volumes, high speeds, and pedestrian/vehicle conflicts. Use these devices and strategies on collector arterials where they are compatible with the basic function of collector arterials.

- T33 Accelerate the maintenance, development, and improvement of pedestrian facilities, including public stairways. Give special consideration to:
 - access to recommended school walking routes;
 - access to transit, public facilities, social services and community centers;
 - access within and between urban villages for people with disabilities and special needs;
 - areas with a history of pedestrian/motor vehicle crashes and other safety problems; and
 - areas with high levels of growth.

This proposed development is located within the Northgate Overlay. The Northgate Comprehensive Plan transportation policies pertinent to this discussion are:

- NG-P11 Promote pedestrian circulation with an improved street level environment by striving to create pedestrian connections that are safe, interesting and pleasant.
- NG-P13 Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets, and improving traffic flow, circulation and safety, without increasing vehicular capacity.

The Traffic Impact Analysis for the proposed development admits the signalized intersections of NE 80th Street and Lake City Way NE as well as 15th Avenue NE and Lake City Way NE will operate at LOS F and E respectively, but no mitigation measures are proposed. Clearly, the City will be illegally ignoring state concurrency rules if it allows this development to proceed even though the transportation facilities are not adequate to support that development.

Further, the unsignalized intersection of NE 85th Street and 15th Avenue NE deteriorates from LOS D to E with the proposed project. The deterioration in LOS appears to be related to an increase of eastbound left turns. This situation will decrease safety because the additional left-turns will likely become impatient, resulting in increased accidents at this location. This is a significant adverse environmental impact that must be mitigated prior to project approval. Because this situation might not exist at another location or with an alternative development plan, a full EIS is warranted to more fully understand the environmental impacts of this proposal.

Traffic data for speeds on 15th Avenue NE provided by the Seattle Department of Transportation shows that for measurements taken south of NE 88th Street in 2005 and 2006, 85th percentile northbound flows are 36 mph and 35.7 mph, and southbound flows are 39.0 mph and 38.5 mph. The legal speed on 15th Avenue NE is 30 mph. The Seattle Police Department does not have the necessary staffing levels needed to regularly enforce the legal speed limits. This fact will make it more dangerous and difficult for pedestrians to cross 15th Avenue NE and for vehicles to make the left-turns onto 15th Avenue NE.

While it may appear that the proposed project will add minimal trips in a single “peak hour” to the local area streets, the City must not ignore the potential for these trips to be the “straw that breaks the camel’s back.” The Lake City Multi-Modal Project has clearly identified the failure of the existing traffic infrastructure to accommodate the travel demand on the system, especially for left turns at the intersections of Lake City Way and both NE 80th Street and 15th Avenue NE. **No Phase II plan has**

been developed for the funding necessary to correct these problems in the next six years as is required by State law prior to allowing additional development affecting these intersections.

Therefore, the cumulative impacts of individual projects, including this proposed development will place more and more demand on the system. Traffic flows on 15th Avenue NE are intricately connected to one or both of these intersections and new trips will cause traffic to back up to the north. This will make it more difficult for both pedestrians and vehicles to access and cross 15th Avenue NE. This problem will be complicated by the fact that 85 percentile speeds on 15th Avenue NE are over the legal speed limit and that regular enforcement is not available or likely to be available in the foreseeable future. Backups on 15th Avenue NE will cause drivers to seek alternate routes of travel and all of those routes are residential streets. These outcomes are in conflict with the Growth Management Act, the City Comprehensive Plan, and the Northgate Area Comprehensive Plan policies.

The traffic impact of this proposed development is a significant adverse environmental concern. Mitigation might be possible, but expensive. This underscores the need for exploring alternatives through the EIS process.

B. ENVIRONMENTAL ELEMENTS, 15. Public Services, (a) Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Some additional need for public services would be anticipated including typical fire, ambulance and police service consistent with residential development patterns in the City.

We remain concerned about fire department access to houses on the central western border of the proposed development, particularly given the physical layout of the site. We are not convinced fire personnel can pitch a three-story ladder at an angle safe to effect a rescue through a third-story window given the planned close proximity of the units. At the time this was written, we were awaiting reworked architectural designs, which could have a significant bearing on this concern.

The design is also inadequate for planned future refuse and recycling handling. We related already above how the City has rejected the current refuse spaces at the north and south edges of the site as being too small. We note that food waste recycling will become mandatory for single-family homes in 2009. Proposals are already on the books to make food waste recycling mandatory in multi-family zones by 2011. The current development proposal must be altered to adequately account for this feature.

We join City garbage personnel in uncertainty regarding whether the eventual subdivision connected with this development proposal will affect the multi-family status. It seems clear the 24 duplexes are likely to remain multi-family, but what about the 15 stand-alone units? In any case, the need to plan for the eventual requirement for food waste receptacles is clear.

The applicant has suggested yard waste will be collected by a landscape contractor employed by the homeowners association for the property. The developer has also indicated they expect the small “private open spaces” for each house will facilitate gardening. Ignoring for a moment the fact very little will grow in a six-foot space between 35-foot homes, where will these intrepid gardeners dispose of their garden waste? There are no spaces on the site suitable for a compost heap.

Given this, the need for a redesign to incorporate space for food/garden recycling receptacles is great. While not having space for food waste recycling is not a current environmental issue, having no receptacle for yard waste is. Food waste recycling will become an issue by 2011. That makes this a significant adverse environmental impact requiring mitigation.

B. ENVIRONMENTAL ELEMENTS, 16. Utilities, (a) Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

All of the above service are [sic] available at the site.

Water pressure at homes on or near the top of the hill in the Maple Leaf neighborhood is notoriously low. Area residents have been told by City personnel that sewer and water infrastructure in the area are at capacity. The applicant suggests plans to tie in the water mains on 15th Avenue NE and 14th Avenue NE will be sufficient to fix this problem. Records obtained from the DPD offices indicated these water mains are already connected. If this is the case, then the addition of 100 people in 39 homes will cause a significant adverse environmental impact. The only way to mitigate this impact is an extensive expansion of water services to the area.

If the records obtained are incorrect, then additional study needs to be undertaken to determine whether tying together two undersized water mains will result in a sum greater than the parts. More information must be collected on the sufficiency of the sewer system to handle the increased load.

This issue remains one of the largest concerns for our residents. Even a 1-2 psi drop in water pressure resulting from this proposed development will be a very significant adverse environmental impact. A full EIS should be required in order fully quantify the effects of this proposal on water pressure, then to explore alternatives to the current development plan to avoid any potential drop in water pressure.

Zoning issues

Judging by the January 29, 2007 correspondence between the applicant and DPD employee Lucas Deherrera, DPD acknowledges the current L2 zoning is unique in that it is “an island of Low Rise Zoning surrounded by primarily Single Family Residential.”

As noted above, one aspect of the SEPA rules is the concept of differential impacts:

C. In determining an impact's significance (Section 25.05.794), the responsible official shall take into account that:

- 1. The same proposal may have a significant adverse impact in one location but not in another location;*

This L2 zone is a zoning anomaly in the neighborhood, and as such, the proposal to develop the site under L2 development standards warrants the more stringent level of review provided for under the provisions of SMC 25.05.

The subject site was platted in the 1880s into eight lots measuring approximately 44' by 145' (6,380 square feet) and four lots measuring approximately 48.33' by 112' (5,376 square feet). This platting pattern for single-family lots was consistent over a several block area surrounding the site.

Dr. William Earl Waldo purchased the site from the estate of Rhoda M. Ronald in 1923. Waldo General Hospital was constructed on the site and completed in 1924.

The site was annexed into the City of Seattle on April 19, 1945 by Ordinance No. 73880. The Zoning Ordinance in place at the time was Ordinance No. 45382, approved June 28, 1923 with the Zoning Maps Amended to August 1, 1947. Under this zoning code, the existing hospital use fell under the Second Residence District, which stated:

(b) Hospitals, sanitariums and clinics shall be permitted in a Second Resident District, subject to the requirements of paragraph (g) of Section 17, when authorized by the Board of Public Works after a public hearing, except that no such hospital, sanitarium or clinic for the treatment of dumb animals, narcotic addicts, or persons suffering from insanity or other mental diseases shall be permitted in said district.

(g) Hospitals, sanitariums and institutions for philanthropic and eleemosynary uses, when located in a Second Residence District, shall provide a side yard on each side other than on a street or alley line, of a width of not less than fifteen (15) feet nor less than three (3) inches in width for each foot of building height, and such institutions shall conform to the further provisions of the area district within which they are located. Where such institution is located on a boulevard or parkway it shall be set back not less than thirty (30) feet from the margin thereof.

In amendments made to the Zoning Ordinances adopted on August 1, 1947 and on July 24, 1957, the hospital was still in operation and remained in Second Residence District zoning.

The hospital property was sold to Seattle/King County Camp Fire Association, presently Camp Fire, Inc., in late 1968. A City of Seattle Building Use Permit (Permit Number BN34085) dated December 16, 1968 indicates that the zoning was RD 5000 when Camp Fire was granted a conditional use to permit them to alter the interior of the existing hospital building and occupy it as offices, training, and a service center in the RD 5000 zone.

In 1987, the Director of D.C.L.U. issued a Certificate of Land Use and Local Assessment. The zoning classification for the site was listed as Lowrise 2 and RD-5000 with the established use was that allowed under permit number BN 34085, the conditional use established in 1968.

The zoning history shows that this L2 zone is a clearly a residual “spot zone” that existed to allow the original Waldo General Hospital to exist and expand on the site when the City brought the area north of NE 85th Street into the city limits. Later both Waldo Hospital and Camp Fire occupied the site as a conditional use granted for their convenience. **The site was never intended for redevelopment to the type of density currently proposed.**

L2 zoning, by City definition, is a transition zone allowing one or two parcel lots to develop as a buffer between a multiple-unit higher density zone and a lower density single-family zone. The subject site is not a transitional or buffer area. It is a large site surrounded by single-family zoning on all four sides. This type of “spot zoning” would not be allowed under today’s planning and zoning practices.

The current development proposal of this particular site warrants full environmental review because it will have a significant adverse impact in this specific location that it may not have in another location where the L2 zone has been more appropriately located.

SEPA guidelines also discuss the concept of cumulative impact. The required cumulative impact analysis must be based on complete information submitted by the applicant. Once complete, DPD must give actual consideration to the areas of impacts. See *Wenatchee Sportsmen Ass’n v. Chelan County*, 141 Wn. 2d 169, 172, 4 P.3d 123 (2000) (“...[a] decision to issue an MDND...[must be] based on information sufficient to evaluate the proposal’s environmental impact.”) The applicant and the City, not the community, have the affirmative obligation to conduct this environmental review in the first instance.

Environmental review must consider the proposal’s impacts upon all elements of the environment, including the project’s impacts upon existing land use plans, aesthetics, and historic structures. (SMC 25.05.444.B.2.a, d and f.) Consideration of the project for consistency with land use plans at the threshold level of environmental review exists apart from the question of whether those policies serve as a basis for environmental mitigation. The City’s comprehensive plan includes goals and policies for land use in general and those particularly for the Northgate Overlay District, which includes the subject site.

Among others, the City’s multi-family goals and policies provide that the City:

LUG8 Preserve and protect low-density, single-family neighborhoods that provide opportunities for home-ownership, that are attractive to households with children and other residents, that provide residents with privacy and open spaces immediately accessible to residents, and where the amount of impervious surfaces can be limited.

LUG14 Create transition in development intensity between single-family zones and more intensive multi-family or commercial areas.

LUP94 In order to maintain a consistent and appealing character in low-density multi-family areas, seek to ensure, through development standards for low-density multi-family zones, that new and converted structures are compatible with existing development in terms of scale, open space, setbacks, siting and unit orientation.

The site is bordered by single family housing on the north, south, and east sides and by the Maple Leaf Reservoir on the west side. The proposed 39-unit development is out of character and scale and is incompatible with the adjacent existing uses. The development will have a density of 25 dwelling units per acre as compared to 9 dwelling units per acre in the adjacent single-family areas. This inconsistency with these policies must be considered within the City's review.

The Northgate Area Comprehensive Plan establishes more specific goals and policies for this particular area. In particular, the present proposal would conflict with goals and policies that create the following objectives for this community [emphasis added]:

NG-P6 Promote additional multifamily housing opportunities for households of all income levels to the extent that a **compatible scale and intensity** of development can be maintained with adjacent single-family areas.

NG-P7 Reduce conflicts between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed.

NG-P13 Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets, and improving traffic flow, circulation, and safety, without increasing vehicular capacity.

NG-G8 Quality open space exists in sufficient quantity and variety to meet the needs of workers, shoppers, students, and visitors, as well as recreational and natural spaces for the growing residential population.

NG-P15 Promote a system of open spaces and pedestrian connections, to guide acquisition, location, and development of future open space and to establish priorities for related public improvements.

NG-P16 Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the Creek to enhance aquatic habitat and absorb more runoff.

The proposed development conflicts with these goals and policies because it would render the community less appealing, place dense development in the middle of a single-family zone, and create housing that would not be compatible in scale and intensity with the surrounding single-family neighborhood.

The project would add vehicular trips to local access streets and potentially an alley, as well as add trips to 15th Avenue NE. This arterial street is documented to have 85th percentile speeds in excess of

the legal limit and a history of both reported (including a fatality) accidents and unreported accidents at the intersections of 15th Avenue NE and NE 85th and NE 86th Streets.

In addition, the proposed development would result in the loss of one of the few remaining natural spaces forested with a grove of mature conifers. The development will block off existing pedestrian access through the site and hinder pedestrian access to the future UMLP. Even though the proposal will provide some drainage to a storm water system, it will still significantly reduce the tree canopy, will increase the impervious surfaces on the site, and will increase rather than reduce runoff to Thornton Creek.

The proposal's lack of consistency with these stated policies must be considered during environmental review. Alternatives that would further consistency with these goals and policies must be considered. The most appropriate vehicle to explore these alternatives is the EIS.

Unique Waldo Hospital

When you place a bucket under a dripping faucet, and the bucket overflows, do you blame the first drop or the last drop? This neatly illustrates one component of the concept of precedent that has puzzled philosophers and jurists for centuries. Fundamentally, is it fair to treat one applicant differently than others who have gone before? Fortunately, we don't have to answer such weighty questions ourselves. Precedent is not absolute, and jurists and philosophers long ago determined the greater good is served by allowing decisions to adapt to changing scientific and social realities.

We discussed in places above how science and social realities have changed swiftly in the last seven years in terms of the environment and trees. The relevancy of these points to the current discussion is obvious. Fortunately, we don't have to make the argument that these new realities should be reflected in public policy. Mayor Nickels has done that for us. His "Environmental Action Agenda" – the Climate Change Initiative, Restore Our Waters program, and the Green Seattle Initiative plus the more recent Urban Forest Plan – are proof positive "things are different" now. Each of these initiatives underscores the increasing realization that paying closer attention to environmental considerations is a smart policy decision for the city.

Even with such a clear demonstration of a desire for change in city development policies, it might be considered difficult to break with years of tradition in issuing determinations of non-significance. We're fortunate, therefore, that the case at hand is truly unique. We've spent a great deal of time in these forty-odd pages explaining how the site is unique, but these points are worth reiterating:

- "Orphan" L2 zoning
- Healthy stand of mature evergreen trees deemed worthy of preservation as a stand under DPD Rule 2001-6 by an independent, certified arborist
- Proximity to Maple Leaf Reservoir
- Old hospital building known to contain toxins
- Proximity to current and future park space
- Unusual street configurations surrounding the site
- Atypically high unit retail price compared to the neighborhood
- Drainage to a protected watershed

The point is we have provided evidence of more than enough unique aspects of this site to reduce any hesitation in making the appropriate finding of significance. The demonstrated progression of environmental concerns over the last seven years, the Mayor's drumbeat on policies promoting environmental responsibility, and the unique features of Waldo Hospital provide ample and defensible reasons for DPD to make the right decision to require a full EIS.

There are significant adverse environmental impacts of the proposed development. Many simply cannot be mitigated due to the unique nature of the site and the proposed development. Alternatives **do** exist that do not harm the interests of the property owner and those alternatives deserve the full and impartial exploration only a full Environmental Impact Statement can offer.

We thank you in advance for your full, fair, and impartial consideration of these arguments. We reiterate our offer to meet with you or your designees if you have questions about this document.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Miller". The signature is fluid and cursive, with the first name "D." and the last name "Miller" clearly distinguishable.

David Miller
President
Maple Leaf Community Council