



## NOTICE OF SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

**File Name:** Wisemark Commons  
**File Number:** PLN #1140  
**Owner:** Goutam Jain LLC  
**Applicant:** Synthesis Interests Zocalo LLC  
**Location:** 6804 204<sup>th</sup> St NE  
**Parcel No.:** 31051400200600  
**Date of Application:** October 5, 2023  
**Date of Completeness:** October 11, 2023  
**Date Notice of Application:** October 20, 2023  
**Date SEPA Checklist Prepared:** January 5, 2024  
**Date of Threshold Determination:** February 8, 2024  
**Date Published:** February 9, 2024  
**Lead Agency:** City of Arlington  
**Lead Agency Contact:** Amy Rusko, Planning Manager, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov)

**PROJECT DESCRIPTION:** The applicant is proposing to construct a mixed-use development with ten buildings onsite consisting of 8 buildings with 150 residential units, one facility club house, one restaurant and 8 commercial retail spaces in the mixed-use building. The three-story building along the 204<sup>th</sup> Street NE frontage will consist of commercial space and thirty-three covered parking stalls on the rear side of the ground floor with residential units on the upper floors. The three-story buildings behind will consist of parking on the ground floor and residential units on upper floors. Onsite improvements include a total of 310 parking stalls, pickleball court, dog run, playground, patios, sidewalks, open space, and landscaping. Frontage improvements along 204<sup>th</sup> Street will include a median, drive aisle, twenty-five angle parking spaces, curb, gutter, sidewalk, and street trees. Stormwater runoff from the proposed development will be managed through onsite infiltration and be conveyed to a stormwater filter catch basin and enter the onsite infiltration trench.

**APPROVALS REQUIRED:** City of Arlington: Conditional Use Permit, Binding Site Plan, SEPA Review, Civil Permit, Utility Permit, Complete Streets, and Building Permits. Department of Ecology: Stormwater General Permit.

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

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

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

**(B)(3)(b) Ground Water:** In order to mitigate potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.

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

**(B)(4)(b) Plants:** To mitigate for the removal of significant trees on the site the Applicant shall replant at a ratio of 3:1 for every significant tree removed. The development proposes to remove 17 significant trees and the landscape plan shows that 55 native trees and an additional 142 trees are to be planted on the site.

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

**(B)(7)(b)(2) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.

**(B)(8) Land and Shoreline Use:** The property is located within Subdistrict C and shall comply with the Federal Aviation Regulations (FAR) Part 77 and complete a Federal Aviation Administration form 7460. An Avigation Easement over the subject parcels shall be placed on the face of the associated Binding Site Plan, PLN #1139 prior to recording with the Snohomish County Auditor.

**(B)(10) Aesthetics:** The proposal is required to meet the City of Arlington Development Design Standards of AMC 20.110, as part of this submittal.

**(B)(11)(a) Light and Glare:** To mitigate for potential light pollution, the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict C – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces. Street lighting is required to be installed along 204<sup>th</sup> Street and 67<sup>th</sup> Avenue. The applicant shall follow the Street Lighting Guide of the Complete Streets Program for approved roadway lighting luminaire fixture and poles.

**(B)(12)(c) Recreation:** The proposed development has provided and met the mini-park requirements through a variety of amenities on the site. The proposed 150 multi-family residential units shall pay Community Park Impact Fees in the amount of \$224,550.00 (\$1,497 x 150). The applicant shall pay all community park impact fees prior to building permit issuance.

**(B)(13) Historic and Cultural Preservation:** The applicant submitted a Cultural Resources Assessment for the project site and shall follow all recommendations of the report. The applicant submitted an Inadvertent Discovery plan and, if during construction, historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall notify the Stillaguamish Tribe prior to ground disturbance and allow for on-monitoring if requested.

**(B)(14)(d) Transportation:** The proposal is required to construct frontage improvements along 204<sup>th</sup> Street NE. These improvements include repaving ½ of the street and dedication of right-of-way shown as Tract A on the site plans. The applicant shall work with the city on the suggested restriping of the center turn lane on 67<sup>th</sup> Avenue NE per the Traffic Impact Analysis.

**(B)(14)(f) Transportation:** Trip generation for the proposed development has been calculated by Heath & Associates Consultants through a Traffic Impact Analysis. The report references land use code 220 for low rise multi-family, 822 for Strip Retail, and 932 for High-Turnover (Sit-Down) Restaurant per the ITE Trip Generation Manual, 11<sup>th</sup> Edition. The project proposes 150 multi-family units, approximately 12,000 square feet of commercial retail space, and 3,400 square feet of restaurant space, which results in 113 PM Peak Hour Trips (1287 Average Daily Trips). The Applicant is required to pay the following Traffic Impact Fees as proposed in the Traffic Impact Analysis:

- City of Arlington Traffic Impact Fees = \$379,115 (\$3,355/trip x 113 PMPHT)
- WSDOT Traffic Impact Fees = \$46,404 (\$36/trip x 1287 ADT)

The applicant shall pay all traffic impact fees prior to building permit issuance.

**(B)(15) Public Services:** The proposal is within the Arlington School District and is required to pay \$2,328 for every two/+ bedroom multi-family dwelling unit. The proposed development consists of 36 2-bedroom units, for a total of \$83,808.00 in school mitigation fees. The applicant shall provide the City a copy of payment/receipt to Arlington School District prior to building permit issuance.

**(B)(16)(a) Utilities:** The applicant shall receive approval and connect to the City of Arlington water and wastewater systems, extend utility lines as necessary, and pay water and sewer connection fees. All improvements shall be installed during the Civil Construction phase of the project. All utilities shall be installed underground.

**DISCLAIMER:** The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. The City of Arlington codes governing noise control, land use performance standards, construction and/or improvements of roads, off site road improvement obligations, drainage control, traffic, school, park, stormwater, and utility mitigations, fire protection; and building practices will provide substantial mitigation of the impacts. The issuance of this MDNS should not be interpreted as acceptance or approval of this proposal as presented. The City of Arlington reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interest of the city and/or necessary for the general health, safety, and welfare of the public to do so.

**Public SEPA Threshold Determination Comment Period:** This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of the published decision. Written comments must be submitted no later than **5:00 p.m. on February 23, 2024**. The Responsible Official may incorporate any substantial comments into the MDNS. If the MDNS is substantially modified, it will be reissued for further public review.

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

February 8, 2024

DATE

*Marc Hayes*

Marc Hayes (Feb 8, 2024 11:30 PST)

SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

**Appeal Process:** The MDNS may be appealed pursuant to the requirements of AMC 20.98.210, AMC 20.20, and AMC 20.24. The fourteen (14) day appeal period commences on the date of publication of notice. Any appeal to the Hearing Examiner must be addressed to the City Hearing Examiner, accompanied by an application, written findings, a filing fee of \$600.00 (plus the actual cost of the Hearing Examiner), and be filed in writing at the City of Arlington, Community and Economic Development Department, 18204 59<sup>th</sup> Avenue NE, Arlington, WA 98223. An appeal hearing of the MDNS shall be combined with the Public Hearing for the project. The appeal must be received by **5:00 p.m. on February 23, 2024**.