



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004778
Address: 4850 Green Lake Way North
Applicant Name: Paul Pierce and Kenn Rupard

SUMMARY OF PROPOSED ACTION

Land Use Application to allow seven live-work units with seven surface parking stalls.

The following approvals are required:

Design Review pursuant to SMC Chapter 23.41 with Departures:

Development Standard Departure to allow a 4’ rather than 5’ deep landscaped buffer along part of the east property line adjacent to the residential zone (SMC 23.47.016.D)

Development Standard Departure to allow square shaped bay windows instead of tapered, with max 11’ width (SMC 23.53.035)

Development Standard Departure to allow 60% rather than 75% “medium” size and 40% rather than 25% “small” size parking stalls (SMC 23.54.030.B.2.a)

Development Standard Departure to allow a two-way driveway to be 12’ wide rather than 22’ wide (SMC 23.54.030.D.2.a.2)

Development Standard Departure to allow parking aisles to be 22’ rather than 24’ wide (SMC 23.54.030.E)

SEPA - Environmental Determination – SMC Chapter 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

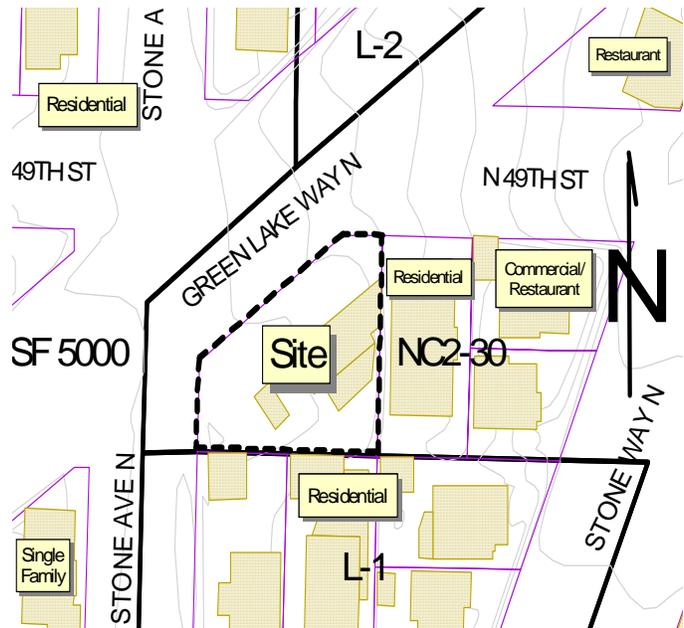
Zoning: NC2-30'

Site and Vicinity

The 7,778 square foot corner site is located diagonally facing Green Lake Way N with N 49th St to the north and Stone Ave N to the west. One existing commercial structure is located on the site, currently leased by a scooter rental use ("Scoot About").

The site is relatively flat, with some sloping to the northeast. The site is zoned Neighborhood Commercial 2 (NC2-30), which continues to the east.

Single Family 5000 (SF 5000) zoning is located to the west, Multifamily Lowrise Residential (L-2) to the north, and Multifamily Lowrise Residential (L-1) to the south.



Surrounding uses include a mix of retail, restaurant, multi-family residential, and single family residential. Commercial and multi-family uses are located to the east on Green Lake Way N and Stone Way N, with single family and multi-family development to the north, west, and south. The buildings are a mix of mostly older structures that are one to two stories tall. One newer restaurant building is located to the east.

Green Lake Way N is a heavily used connecting street, with two lanes of travel in each direction. Vehicular lanes are located adjacent to the sidewalk in front of the subject property. There is one large deciduous street tree in the middle of the Green Lake Way N street frontage, but otherwise no vegetative buffer between the sidewalk and the vehicle traffic lanes. The site is not adjacent to an alley. Parking is predominantly on-street, with limited parking lots located adjacent to retail buildings. The nearest bus stops are several blocks away at N. 45th St and on Stone Way N.

Project Description

The proposed development would include demolition of the existing building and construction of a new three story structure containing seven live-work units with seven surface parking spaces located behind the building. Vehicular access would be from Green Lake Way N.

I. DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING

PUBLIC COMMENTS:

Six members of the public attended the Early Design Guidance meeting. The following comments were offered:

- Current residents whose view of this lot is from across the street currently see a small building with open space at the parking lot. A three story tall street wall will visually obstruct open space. However, if it's a visually pleasing building, this change would be acceptable. "Visually pleasing" includes the following comments:
 - Permanent materials and façade treatments such as stone or brick (no corrugated metal)
 - The building shape is less important than the finish materials
 - The street wall is better than the sawtooth Option C facade
 - Blend the look of the building with architecture of nearby buildings
 - Make the "back" of the building attractive to adjacent development as well
- Trees, vegetation, setbacks, or something to visually break up the wall would be helpful
- Additional setbacks at Green Lake Way N should be provided in order to allow street trees and pedestrian open space
- The area is heavily used by pedestrians, especially near the intersection of Stone Way N, Green Lake Way N, and N 50th St.
- Concerns of hours of operation and customer visits to the site for live-work units
- Concern about the number of units on one lot
- Traffic and parking concerns

DESIGN REVIEW BOARD – DESIGN GUIDELINE PRIORITIES:

At the Early Design Guidance meeting held on November 6, 2006 and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-4 Human Activity
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- A-10 Corner Lots
- B-1 Height, Bulk, and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

The primary guidance from EDG included:

- Improve the pedestrian environment between the site and Green Lake Way North, including vegetated buffers between the traffic and the sidewalk areas
- Retain the existing street tree and demonstrate how it will be protected during construction
- Design a variety of scales, recognizable both to pedestrians and vehicles passing the site
- Design the ‘work’ portion of the live-work units to demonstrate the storefront nature of this use
- Use vegetation, open space, modulation, and reduction of scale to create a transition between the proposed structures and adjacent residences
- Consider referencing materials found in the neighborhood; materials should be durable and high quality

DESIGN REVIEW BOARD RECOMMENDATION MEETINGS

On December 16th, 2006, the applicant submitted for a Master Use Permit. On May 19th, 2008, the Northeast Design Review Board convened for a Recommendation meeting. On June 27th, 2008 the applicant submitted revised design recommendation packets and materials to DPD. On July 7th, 2008, the Northeast Design Review Board convened for a Recommendation meeting. Additional graphics and display boards presented for the Board members’ consideration included a list of proposed departures, landscape plan, graphics, and a sample of corrugated metal panel.

DESIGN PRESENTATION

The project architect Kenn Rupard listed the following responses since the EDG phase:

- The driveway entrance was relocated to retain the existing street tree on Green Lake Way N.
- A landscaped buffer will be provided between the parking at the rear of the lot and the adjacent residences
- The live-work units are individually scaled units that step down with the grade, and pedestrian scale details are included at the street level
- The “work” portion of the units include storefront windows, blade signs, and light fixtures
- Proposed materials include brick and metal siding

After hearing the applicant presentation and the public input, the Board deliberated and determined that additional design information was needed before the Board could recommend the proposal for design approval.

The Board directed the applicant to provide the following information at a second recommendation meeting to address the remaining design guidelines:

- Provide a colors and materials board
- Provide detailed elevation drawings of the street facing façade and street level façade, clearly indicating proposed colors and materials

- Provide a conceptual lighting plan and a manufacturer cut sheet or picture of proposed exterior light fixtures
- Provide graphics demonstrating how the proposed application of materials and colors references the context of the surrounding development
- Provide a chart of proposed departures including the following information:
 - Code section
 - Code requirement (including required dimensions)
 - Proposed departure (including dimensions and rationale)

The graphics presented at the second recommendation meeting included lighting information, colors, materials, and a pedestrian level sketch of the live-work units. Lighting would be located on the building façade near the entries and downlighting would be provided under the upper level bay windows. The colors were proposed to range from pink and orange on the east to brown in the middle to blue and gray on the west. The bay windows in the middle would be clad in hardi panel and the bay windows on the edges would be corrugated metal. The rest of the façade would include corrugated metal with aluminum storefront systems. Kenn noted that the previous materials included brick and corrugated metal, but have been revised to include corrugated metal and hardi panel.

PUBLIC COMMENT

No members of the public attended the meeting.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the three Design Review Board members came to the following conclusions on how the proposed design met the design objectives from City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings, identified as those most important to this proposal.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Preliminary design recommendation: The proposed driveway has been relocated and the building has been designed to retain the existing street trees and provide additional street trees. Landscape strips would be located between the sidewalk and the curb, providing additional buffer space between the traffic and pedestrians. The proposed development meets this guideline.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Preliminary design recommendation: The proposed ‘work’ portion of the spaces would include storefront windows, building overhang for overhead pedestrian weather protection, blade signs, and lighting. [Techniques to achieve this may include overhead pedestrian weather protection, large storefront windows and prominent entrances, lighting techniques, signage, and display windows – from EDG]

The Board felt that the graphics presented in the Recommendation packet and at the Recommendation meeting didn’t demonstrate enough detail to determine if the proposal met this guideline.

Final design recommendation: The proposed street level development includes storefront windows, pedestrian scaled lighting, and signage. The proposed development meets this guideline.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

Preliminary design recommendation: The proposed landscape plans provide sufficient buffer and variety of landscaping for open space and screening.

Final design recommendation: The Board discussed the proposed departures for parking maneuverability (aisle width and driveway width) and the existing traffic conditions on Green Lake Way North. Due to the lack of maneuverability inside the parking area and the inability for cars to back into Green Lake Way N, the applicant should study the possibility of significant signage and/or a gate to prevent visitors from accidentally accessing the parking area at this site. Any gate placement should allow a car to queue outside of the sidewalk pedestrian areas. Any gate placement should also be clearly visible from vehicle travel on Green Lake Way N, in order to prevent drivers from having to back out into Green Lake Way N. If the applicant shows that a gate would not be able to meet these conditions, significant signage indicating parking is for residents/tenants only should be visible from both directions of vehicular travel on Green Lake Way N. The proposed development meets this guideline, subject to the conditions listed below.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

Preliminary design recommendation: The proposed development includes a wider sidewalk with landscape buffer between the curb and the pedestrian areas, as discussed in the response to A-1 and A-2. The parking access is located approximately mid-block, as far as possible from the lot corners and the existing street tree. Additional information is required to determine if the pedestrian environment is sufficiently addressed through the proposed street level building façade design, as discussed in the response to A-4.

Final design recommendation: The Board discussed the south elevation and its appearance from Stone Ave N. The entire side of the building is proposed to be corrugated metal with one small window. At the base of the wall is the pedestrian access point between the sidewalk and the back of the live-work units.

Due to the orientation of the street grid and existing adjacent development, this wall would be highly visible from the south and from the pedestrian path for the site. The Board recommended additional façade treatment at the south wall to reduce the scale and improve the visual appearance. Possible methods of treatment include a significant change in colors and materials, additional fenestration, a green wall, planted areas at the base of the wall with vertical vegetation, and/or adding columnar trees between the trash area and the south property line. The proposed development meets this guideline, subject to the conditions listed below.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

Preliminary design recommendation: The proposed building massing and modulation includes expression of individual vertical units and stepped rooflines with the grade change across Green Lake Way North. The Board expressed some uncertainty about the proposed combination of colors and materials, and whether the application of materials provides a pedestrian scaled street level façade that is in context with surrounding residential development. Additional information is required for review.

The Board noted that the proposed building massing, placement, and modulation meet this guideline. Additional information is needed regarding materials and façade detailing.

Final design recommendation: The Board noted that the proposed structure forms include a fine level of detail and visual interest. The application of colors and materials appears to detract from the architectural forms. The Board recommended reducing the number of colors in the palette, and modifying the application of materials to reflect a finer grain material on all the bay windows. One possible method would be consistent application of hardi-panel on all bay windows and corrugated metal for flush areas of the façade. The proposed development meets this guideline, subject to the conditions listed below.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Preliminary design recommendation: The proposed massing and modulation provide appropriate reference to nearby structures, and the commercial nature of the live-work units. Additional information is needed regarding materials and façade details as they relate to the context of surrounding architecture, especially at the street level.

Surrounding residential context suggests a finer scale application of materials at the street level.

Final design recommendation: Comments reflect those found in response to guidelines A-10 and B-1. The proposed development meets this guideline, subject to the conditions listed below.

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**
- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

Preliminary design recommendation: Comments reflect the responses found in A-4, A-10, B-1, and C-1.

Final design recommendation: Comments reflect those found in response to guidelines A-10 and B-1. The proposed development meets this guideline, subject to the conditions listed below.

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

Preliminary design recommendation: Comments reflect the responses found in A-4, A-10, B-1, and C-1.

Final design recommendation: In addition to comments found in response to guidelines A-4 and A-10, the driveway should include safety considerations to reduce vehicular impacts on the pedestrian environment. The driveway should include a change in paving pattern at the sidewalk and mirrors for drivers to check for pedestrians while leaving the site. The proposed development meets this guideline, subject to the conditions listed below.

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

Preliminary design recommendation: Trash containers would be located within the individual live-work units and brought out to the street front on trash day. A pedestrian walkway is provided from the back of the units to the sidewalk at the street front. The proposed development meets this guideline.

Final design recommendation: The Board noted that the proposed fencing is chain link, which will not provide adequate screening between parking and trash areas, and adjacent residents. The proposed development should include wood screen fencing and/or evergreen vegetation for areas adjacent to parking or trash bin storage. The proposed development meets this guideline, subject to the conditions listed below.

E. Landscaping

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

Preliminary design recommendation: Comments reflect the responses found in A-1, A-2, A-7, and A-8. The proposal meets this guideline.

- E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

Preliminary design recommendation: Comments reflect the responses found in A-1, A-2, A-7, and A-8. The proposal meets this guideline.

- E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

Preliminary design recommendation: Comments reflect the responses found in A-1, A-2, A-7, and A-8. The proposal meets this guideline.

DEVELOPMENT STANDARD DEPARTURES

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Screening and Landscaping requirements for surface parking SMC 23.47.016.D	When the commercial use abuts a residential zone, a 5' deep landscape buffer is required between surface parking and the lot line.	Provide a 4' deep landscaped buffer along part of the east property line adjacent to the residential zone	Other landscaped buffer areas are deeper than the required 5' and the parking maneuverability would be very difficult if reduced by 1 foot.	Recommended approval by 4 Board members, subject to the conditions listed above
Structural Building Overhangs over public rights of way SMC 23.53.035	Bay windows in the public right of way shall be tapered with a maximum outer width of 9', and 2' separation between bays	Provide square shaped bays instead of tapered, with max 11' width	4' separation is provided between bays. The departure would change the shape, but not increase the bay areas	Recommended approval by 4 Board members
Parking space standards SMC 23.54.030.B.2.a	Live-work units with 10 or fewer parking spaces shall have a parking stall mix including maximum 25% "small" stalls and minimum 75% "large" stalls	Provide 7 parking stalls, 60% of which are "medium" size and 40% of which are "small" size	The parking would be for residents of the live-work units only and would not serve as customer parking	Recommended approval by 4 Board members
Driveway widths – nonresidential uses SMC 23.54.030.D.2.a.2	Two-way driveways for live-work units shall be 22' to 25' wide	12' wide two-way driveway	The parking would be for residents of the live-work units only and would not serve as customer parking	Recommended approval by 4 Board members, subject to the conditions listed above
Parking Aisles SMC 23.54.030.E	Parking aisles for this type of parking lot shall be at least 24'	22' parking aisles	The parking would be for residents of the live-work units only and would not serve customers	Recommended approval by 4 Board members

The Board recommended that the proposed design and Development Standard Departures be **CONDITIONALLY GRANTED**, subject to the conditions listed at the end of this decision.

DRB BOARD RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the recommendation packet date stamped June 27th, 2008 and materials presented at the July 7th, 2008 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected

to remain as presented in the plan set and other drawings from the June 27th, 2008 submittal and materials presented at the July 7th, 2008 meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed above). The Board recommends the following CONDITIONS for the project. (Authority referred to via letter and number in parenthesis):

1. Provide a gate and/or signage to prevent vehicular visitors from accidentally entering the parking area at the rear of the site. Any gate placement shall allow a car to queue outside of the sidewalk pedestrian areas. Any gate placement shall also be clearly visible from vehicle travel on Green Lake Way N. If a gate would not be able to meet these criteria, significant signage is acceptable. Signage indicating parking is for residents/tenants only should be visible from both directions of vehicular travel on Green Lake Way N. The proposed response should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (A-8)
2. Modify the south building facade to reduce the scale and improve the visual appearance. Possible methods of treatment include a significant change in colors and materials, additional fenestration, a green wall, planted areas at the base of the wall with vertical vegetation, and/or adding columnar trees between the trash area and the south property line. The proposed response should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (A-10, C-2, C-4)
3. Reduce the number of colors in the palette and modify the application of materials to reflect a pedestrian scaled material on all bay windows. One possible method would be consistent application of hardi-panel on all bay windows and corrugated metal for flush areas of the façade. The proposed response should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (B-1, C-1, C-2, C-4)
4. The applicant should demonstrate that the proposed driveway location will provide safe interaction between pedestrians and vehicles where it crosses the sidewalk. The proposed response should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. The applicant should provide the following:
 - A change in paving near the intersection of the driveway and sidewalk
 - Mirrors on either side of the driveway, or demonstration through diagrams that clear sight distances will be available to pedestrians and drivers at this area (D-1)
5. Include wood screen fencing and/or evergreen vegetation for areas adjacent to parking or trash bin storage. The proposed response should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (D-6)

APPLICANT RESPONSE TO DRB CONDITIONS

1. The applicant thought that it was not possible to locate a gate in such a way that resident cars would be able to pull into the site and wait for it to open without blocking the sidewalk and still be visible enough to deter unauthorized users before they entered. Instead he proposes to provide signage warning that parking is for residents only.
2. The applicant has added additional windows and a metal trellis to the south elevation.

3. The applicant has revised the elevations to have a consistent material treatment with hardi-panel on the bay windows and corrugated metal on the building body. The color palette has been simplified to seven colors across a red-orange-yellow ramp. Each unit would have a single color for both materials.
4. The plans have been revised to show textured paving at the driveway surface and mirrors will be added to increase visibility for motorists.
5. A solid wood fence has been added to the plans along the south and eastern property lines.

Staff finds that the above changes adequately address the Board conditions.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Director has analyzed the Board's recommendations pursuant to SMC 23.41.014.F.3. Based on the rationale provided in the foregoing discussion and review matrix, the Director agrees with the findings and recommendations of the Board concerning the project. The above conditions have been adequately addressed in a revised design submitted August 4, 2008 so only procedural conditions are required on the MUP decision.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

II. SEPA

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).”

Under specific circumstances, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, including a SEPA Checklist, Soils Report and a Historic Resource Assessment, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the Project. The potential environmental impacts disclosed by the environmental checklist and the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle's SEPA Ordinance (SMC 25.05).

Short-Term Impacts

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances. Specifically these include the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Air Quality

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Demolition and construction activities associated with the Project could generate temporary, localized increases in ambient concentrations of suspended particulates, including fugitive dust and vehicular emissions. While adverse, these impacts are expected to be temporary in nature and largely controlled by existing laws and regulations. Dust is expected to be controlled by provisions of the Seattle Stormwater, Drainage and Grading Code and by the Seattle Street Use

Code. Airborne particles due to demolition and vehicular emissions are regulated by the Puget Sound Clean Air Agency.

Noise

Several residential buildings abut or are across the street from the property and construction of this scale could impact noise levels in the vicinity. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts.

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Historic Resources

A building existing on site, constructed in 1946, is proposed for demolition. A packet of information about the building was sent to the Office of Historic Preservation of the Seattle Department of Neighborhoods. That referral resulted in a staff determination that the building would be unlikely to meet the standards for designation as an individual historic landmark. No conditioning based upon SEPA Historic Resource policies is warranted.

Environmental Health

The site had been used as a gasoline station from the 1950's through approximately 1988. When that use was discontinued the underground gasoline tanks were removed. Testing by The Riley Group in a Phase II Subsurface Investigation in 2004 showed no signs of residual hydrocarbon contamination and exposure of petroleum contaminated soils during construction is not expected. The Model Toxics Control Act (MTCA; WAC 173-340) mandates remediation of sites that exceed the thresholds of contamination identified in the legislation. Additionally, standards for safe removal of underground storage tanks are enunciated in WAC 173-360 and elsewhere (i.e. City Fire Code). In the unlikely event that additional significant levels of petroleum in the soils are encountered compliance with WAC 13-340 and WAC 173-360 (administered by the Department of Ecology), and the City Fire Code will suffice to mitigate impacts. Therefore no conditions will be imposed in this area pursuant to SEPA authority.

Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of mixed use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below.

Height, Bulk, and Scale

The height, bulk and scale measures were addressed in the MUP and Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675, a Project that is approved pursuant to the Design Review process shall be presumed to comply with the height, bulk and scale policies. There is no evidence that height bulk and scale impacts documented in the environmental review have not been adequately addressed. The proposed building scheme has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

Views

Green Lake Way North adjacent to the site is a scenic route identified in the Public View Protection SEPA Policy (SMC 25.05.675.P) as a location where it is the policy to protect views of Woodland Park and other identified natural and human-made features. Woodland Park is located one block to the north, and at a similar elevation to the project site. Because the site is south of Green Lake Way the new building, while larger and higher than the existing structure, would not block views of the park.

The nearest historic landmark is the Wallingford Fire and Police Station, approximately 1,500 feet to the southeast of the site. No views of that structure would be affected by the proposal.

The series of factors described above in combination lead to the conclusion that conditioning based on the SEPA Public View Protection Policy is unnecessary.

Transportation

Minor traffic impacts in the order of 20 trips per day are to be expected from the proposal. Given that the current use of the site is for rental of motor scooters the change should not be significant.

Traffic to be generated by the proposed development is expected to be small in comparison to the capacity of surrounding streets and no SEPA conditioning of traffic impacts is deemed warranted.

Parking

The proposal includes parking for seven vehicles, one for each of the live-work units. Street parking is available in the vicinity for any customers of the commercial spaces. No SEPA conditioning of parking impacts is warranted.

Air Quality

Longer term impacts of the project include operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Based on the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit

1. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Prior to Certificate of Occupancy

2. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Shelly Bolser, shelley.bolser@seattle.gov). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.

An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

4. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

SEPA CONDITIONS

During Construction

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

5. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file) Date: August 21, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

NG:bg