City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3005396

Applicant Name: Todd Smith, Johnston Architects for Martin Tobias, MGT Investments

Address of Proposal: 1126 34th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three story, mixed use building with 8,527 sq. ft. of office, 2,847 sq. ft. of retail at ground level and one 2,433 sq. ft. artist studio/dwelling on the 3rd floor.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

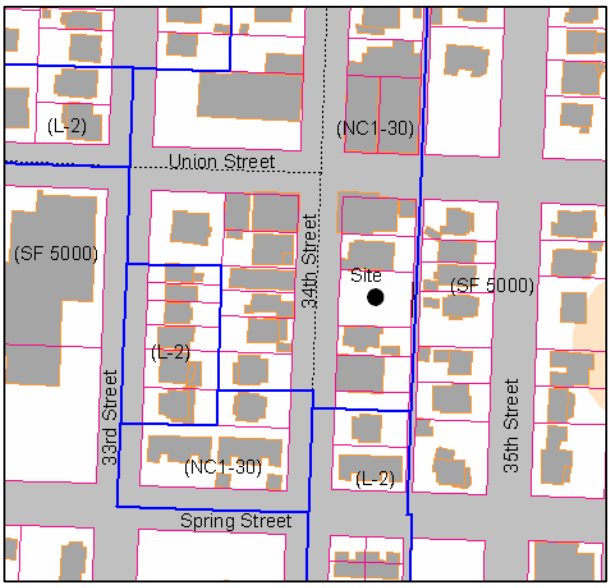
[X] DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

Located in the Madrona neighborhood on 34th Ave., midblock between Union and Spring Streets, the subject site is currently used as a parking lot for adjacent businesses. The lot has 75 feet of frontage on 34th Ave, and is 100 feet deep. The parking lot is currently accessed off of 34th Avenue, but is flanked by a narrow dirt alley. The alley, while unimproved, is used for access to single family houses to the east, the adjacent triplex (currently being renovated for commercial space), and the low-intensity retail to the south (hat shop and cleaners). The site is fairly level with a slight drop of 1 to 2 feet from 34th Avenue to the alley.



The subject site is near the heart of the small neighborhood commercial area of Madrona, an area consisting of several blocks developed with a mix of residential and commercial uses that is surrounded by an area of older single family residences. Classic storefronts of 1 or 2 stories, built to the property line are interspersed with several older houses that have been converted to commercial or multi-family use. A church and private school are located a block to the south and west of the site; while a neighobrhood park (Madrona Park) and a newer 3-story mixed use residential and commercial development lie across the street on the corner of Spring Street. Madrona Elementary School and Library are located just one block west on 33rd Street.

The zoning is Neighborhood Commercial (NC1-30) along 34th, with transition areas of Lowerise 2 (L2), and single family zoning (SF-5000) beyond. (See Diagram of Zoning above.)

Proposal

The proposal is to construct a mixed use building with ground floor restaurant (approximately 2850 sq. ft.), upper floor offices (about 10,000 sq .ft.), and one 3rd floor artist's loft. Parking for 9 vehicles is included in an at grade parking garage proposed to be accessed from the alley.

ANALYSIS – DESIGN REVIEW

Early Design Guidance

An early design guidance (EDG) meeting was held on 4/4/07 where ideas for the design were discussed and design priorities identified by the Board. Numerous members of the public attended.

Summary of Board Guidance

The Board had the following initial reactions to the design:

- The design feels very massive since the upper floors max out the building envelope.
- The entrance is hidden with the ground floor modulated inward.
- Access from the alley is good.
- The bulk of the bulding is pushed to the edges of the lot, with little attention to the relationship to the lower intensity zone on the alley.

Public Comments

Bulk, Scale, Design

- Would like to see the use of durable materials – brick consistent with traditional commercial.

- The design should blend with the existing early 1900's vintage style.
- The commercial creates a severe edge adjacent to single family; please pay attention to light, air, privacy, and issues of yard shading for the single family and create a community friendly development. Balconies should not focus views onto residences.

Access

- The alley is the only buffer from the single family.
- Current access is from 34th street; retaining current access strongly favored by single family neighbors.
- Since the alley is only 10' wide, alley access for the project does not seem feasible.
- Turning a large vehicle would be difficult with no setback of the ground floor from the alley.
- The alley currently does not go through to Spring Street; it has been blocked by the neighbor; if the alley is used for access, it should be improved through to Spring Street to ensure the traffic is shared equally between all houses on the block.

Parking

- There is a shortage of parking for adjacent businesses. The subject property is currently a parking lot used by area businesses; parking difficulties will increase.
- 20 parking spaces are being removed; while this may be legal, it doesn't meet the area needs. Current spaces for Synapse, Group Health, other area businesses are being eliminated.
- Since parking is such a challenge, consider putting another level of parking.

Lighting and Landscaping

- Lighting should be appropriate and not spill onto adjacent properties' yards and homes.
- Retain or replace the flowering cherries at back of the existing site so no net loss of tree canopy.

EDG PRIORITIES & BOARD RECOMMENDATIONS

The Design Review Board members identified the following siting and design guidelines from the City of Seattle's *"Design Review Guidelines for Downtown Development"* and "*Design Guidelines for the Belltown Urban Center Village"* of highest priority to this project.

A complete report of the EDG meeting is available in the Master Use Permit file.

A-2 Streetscape Compatibility

A-3 Entrances Visible from the Street

A-5 Respect for Adjacent Sites

A-8 Parking and Vehicle Access

B-1 Height, Bulk and Scale Compatibility

C-2 Architectural Concept and Consistency

D-1 Pedestrian Open Spaces and Entrances

D-6 Screening of Dumpsters, Utilities and Service Areas

D-7 Personal Safety and Security

D-10 Commercial Lighting

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Summary of Board Guidance

The bulk feels uncomfortable. Reduce the height/bulk/scale. The design should be sensitive to the adjacent zone. Include setbacks on the sides. Indenting the ground floor is not helpful. The Board wants to see a more cohesive design that fits better in the context at the Recommendation Meeting.

MASTER USE PERMIT (MUP) SUBMITTAL

A permit application for the project, including detailed plans was submitted to the Department of Planning & Development on June 11, 2007. The application proposes a design with approximately 2,850 sq. ft. ground floor retail, anticipated to be a restaurant, and parking accessed from the alley. Upper floors consist of 10,000 sq. ft. of office on the 2nd and 3rd floor, and one artist's loft occupying the western, street-facing portion of the 3rd floor.

The 10' alley is proposed to be paved from Union Street to the project site. The project will include dedication of 1 foot of the project frontage on the alley. The 1st floor garage is fully screened and landscaped. Parking for 9 cars is provided; these are to be used during the daytime for the office use, and in the evenings for the restaurant. Bicycle storage and solid waste/recycling are provided at the south side of the garage.

RECOMMENDATION MEETING

A recommendation meeting was held April 4, 2008. Todd Smith from Johnston architects presented the project as follows:

The design has responded to the priorities and concerns expressed by the Board and the public. Specifically, the following features have been incorporated to respond to design priorities and concerns:

- ***A-2; Enhance Desirable Characteristics of the Right Of Way.***
    - *The window pane design is vertically oriented*
    - *The base, middle and top of the building are differentiated*
    - *There is a building setback displaying a balcony for 25% of the top floor*

- *Entries are clearly visible, marked by breaks in the landscaping, canopies, signage and lighting*

- ***A-5; Respect for Adjacent Sites.***
  - *The design has been set back significantly from the alley to reduce the height, bulk and scale adjacent to the residential zone.*
    - *The ground floor is set back 5 feet from the alley, plus there will be a one foot alley dedication.*
    - *The five foot setback adjacent to the ground floor garage is landscaped; landscaping includes 5 Japanese Maples.*
    - *75% of the upper floors are set back 17' from the property line; the remaining 25%, a projecting balcony on the 3rd floor, is set back 12'. This substantially exceeds code setback requirements for upper floors across the alley from residential.*
    - *The top floor of the design is also recessed 3 feet from the side property line for the back 13'.*
    - *The garage will be screened with IPE wood; a roll-up garage door will be open during the day, and closed at night.*
  - *The height, originally at 38', has been reduced to 35', similar to that allowed in a single family zone.*
  - *An 8.5' long by 3' 8" deep recess is provided along the top floor on the north side of the building.*

- ***A-8; Parking & Vehicular Access.***
  - *The 10' alley is paved from Union Street to the project. In front of the project, the alley is 11', paved. In front of the 25' garage entrance, due to the building setback, there is 16' of pavement.*
  - *9 parking spaces are provided within the garage, one for the artist's loft, and 8 spaces to be shared between the daytime office use and evening restaurant use.*
  - *Parking provided exceeds code requirements; additionally, a parking utilization study showed that the project would not put on-street parking above 85% utilization.*

- ***B-1; Height, Bulk & Scale Compatibility***
  - *The building is designed to activate the street with retail built to the sidewalk edge, similar to the Bowling Green building at 34th & Spring Streets.*
  - *The design has been pulled forward on the front so the entrances are not hidden.*
  - *As discussed previously, the scale on the alley has been greatly reduced.*

- ***C-2; Architectural Concept and Consistency***
  - *A series of steel columns along the street front at the property line provides support for the awning, and a structure within which the accent landscaping is planted.*
  - *Upper 2 stories of the front façade are composed of brick*
  - *Cementitious panel provides accent in the 3rd floor recess on the north side of the building, and in places on the front façade.*
  - *In front of the brick is a screen that allows rooftop greenery to grow down the face of the front façade from a growing trough on the roof.*
  - *50% of the rooftop is a green roof.*

- ***D-1; Pedestrian Open Space and Entrances***

- *The frontage along 34th features an awning with metal supports and Polygal acrylic panels. The awning is 5' deep over the main entry, secondary entry and secondary exit, and 3' 8" over the rest of the sidewalk.*
- *Lights are tucked into the awning for both the entries and signage.*

- ***D-6; Screening of Dumpsters, Utility and Service Areas***
  - *90 gallon totes will be provided for the garbage and recycling so that they can be serviced by small trucks; IPE wood fencing will screen garbage areas*
  - *The quietest possible roll-up garage door has been provided; it will only be operated after restaurant business hours by the tenant of the artist's loft.*

- ***D-7; Security & D-10 Commercial Lighting***
  - *Ample lighting is provided, but in a manner that will not create glare on adjacent properties –- the garage entry has a down light that is fully shielded; along the pedestrian frontage there is ample lighting for entries and signage.*
  - *The garage is screened, both for security, and to reduce any possibility of glare from the garage.*

- ***E-1; Landscaping to reinforce design continuity with adjacent sites***
  - *Landscape planters on the 3rd floor balcony (12" x 18" deep, planted with grasses) provide for screening and a sense of privacy.*
  - *The trees provided on the alley will be as large as possible at planting to provide maximum separation.*

<u>Board Comments</u>

- The board asked for clarification of materials.
  The following materials are used:
  - *Street front: Brick (color – "Ruby")*
  - *Green screen: galvanized steel plates, bents and awning supports with welded wire mesh;*
  - *Accent areas: Minaret, a type of through-board cementitious panel, painted red;*
  - *8" x 8" x 16" CMU.*

<u>Public Comments</u>

Twelve members of the public signed in for the public meeting, and several expressed concerns about the project:

- Per Guideline A-5, Respect for Adjacent Sites, buildings should be located to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings. Alley access would cause traffic, pollution, noise, and light, disrupting privacy in the back yards adjacent to the alley. The outdoor balcony on the 3rd floor disrupts the privacy of adjacent residential yards.
- Per Guideline A-8, Parking and Vehicle Access, siting should minimize the impact of automobile parking on the pedestrian environment, adjacent properties and pedestrian safety. The proposed location of the garage on the alley does not minimize the impact on adjacent properties. The alley is platted at 10'; most of the actual circulation area is 9', in some places less. Two cars cannot pass and the alley does not go through to Spring Street.

Asking vehicles for a commercial use to navigate this will create problems, particularly if the garage is full, and during the evening peak when office workers are leaving and restaurant workers are arriving.

- Per Guideline 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 existing pattern of neighboring buildings. This is the only property that is built lot line to lot line. As such, there is very little ability of light to penetrate in the east-west direction.
- Owner of St Cloud's restaurant -- it will be difficult for a restaurant of this size to be successful given the cost of the design to build.
- Where is the mechanical and air conditioning equipment? Will it be noisy?
- The deck overlooking the alley should be removed.
- The design does not take into account the neighborhood.
- Small retail spaces were successful in Bowling Green and are better for this area.
- A wider sidewalk is needed.
- Traffic flows in the alley are not reasonable – totally opposed to access from the alley.
- Reconsider modulation of the windows more in keeping with the historic neighborhood's traditional wood windows.

BOARD DELIBERATIONS

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the applicant met the identified design objectives:

Board Discussion:

- The Board likes the materials, palette, and scale of the design.
- They confirmed their support for use of the alley for access.
- The Board is concerned that the columns on the ground floor are not architecturally referenced with the upper floor building elements, and were not convinced by the architectural presentation of the column features in relation to the rest of the design. To address this, they want to see more continuity between the upper 2 floors of the design and the ground floor, by carrying a material from the upper floors to the lower floors, preferably the brick.
- The Board liked the brick façade; they are concerned with how the welded wire mesh on top of the brick will look if the green screen is not successful. The architect agreed to show an organization to the underlying screen that would accent rather than detract from the façade.
- The Board thought it especially important for the feasibility of the green screen, including plant locations, type and amount of soil, to be evaluated by a landscape architect to ensure feasibility prior to proceeding. If shown that the green screen was not feasible, then the Board thought the design of the front façade would be successful without a green screen. They also thought that the north side of the building should be considered as a location for a green screen, to soften the CMU and provide some transition for the residential use currently located on the property.

- One board member thought that the green screen's extension out over the Polygal awning increased the apparent mass of the building and thought that the green screen should be modified to lighten or remove the part that extends over the awning.
- The Board discussed the size of the retail as one large space, and benefit of the flexibility of a design that would allow dividing the retail into 2 spaces; however the Board was did not emphasize this point as a requirement.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the applicant met the identified design guideline priorities:

Site Planning

A-2 Streetscape Compatibility

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

The building is built to the sidewalk edge as are many other in the neighborhood with features that engage the pedestrian environment including landscaping. The modern interpretation of the classic storefront is generally supported by the Board. The window panes are vertically oriented; while the overall shape departs from the grided double-hung style of older buildings and residential design, they are consistent with a more commercial/office aesthetic. The windows should be operable.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

The entrances have been emphasized with canopies, landscaping, lighting, and signage.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The alley façade has been designed to minimize impacts through significant setbacks adjacent to the alley, garage screening, landscaping and lighting. The project has achieved a good balance of creating a design that can join with adjacent properties on the sides as they redevelop, similar to a traditional store front, while creating features of interest through small recesses and the use of color.

A-8 <u>Parking and Vehicle Access</u>

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

It was brought to the Board's attention that while alley access is allowed by the code, it is not required. The Board clarified that they still think access from the alley is appropriate to minimize the disruption of the commercial street front and avoid a curbcut on the street that would take up to 1/3 of the property's frontage.

Height, Bulk, and Scale

B-1 <u>Height, Bulk and Scale Compatibility</u>

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 the anticipated development potential of the adjacent zones.

The height, bulk and scale has been reduced by pulling the project back from the single family zone. The proposed height of 35' is not out of scale with the single family zone across the alley. The setback of 17' for the 2nd floor and most of the 3rd floor provides adequate separation. The projecting deck on the 3rd floor is still set back 12'.

The Board thinks that the small 3rd story deck (approximately 5' x 18.5') on east (alley-facing) façade does not cause undue privacy concerns. Visibility is buffered by a planter, and, over time, by landscaping along the alley; the deck will only be used during the day.

A pattern of building up to the side lot line is evident in some of the surrounding developments, such as where the building containing Café Soleil on 34th & Union butts up against the store front for the Hi Spot Café. A similar pattern of zero setback on side lot lines is also evident on the west side of 34th Street. This pattern adds to the character of the area, rather than detracting from it.

Architectural Elements

C-2 <u>Architectural Concept and Consistency</u>

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

The Board is pleased with the design's materials, palette and scale, but wants to see greater integration on the street front facade of the upper with the lower level. The column design of the ground floor is not well-integrated into the architectural concept; the Board wants to see greater integration through moves such as bringing an upper-level material down to the ground floor, preferably the brick, and potentially through architectural referencing of the columns, if they are retained, with the upper level

building elements. The apparent massing of the upper levels can also be decreased by reducing the heaviness of the green screen's extension over the Polygal awning.

The Board appreciated the use of colors, materials, and form in creating an overall interesting design expression.

Pedestrian Environment

D-1 <u>Pedestrian Open Spaces and Entrances</u>

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.

The building's main pedestrian entrance has been accented through signage, lighting, and overhead weather protection that extends 5' from the building face.

D-6 <u>Screening of Dumpsters, Utilities and Service Areas</u>

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.

The garbage and recycling area has been screened. The applicant has chosen to use a private hauler for garbage and recycling pickup since Seattle Public Utilities does not provide service via the alley. The private hauler will use a truck that will be able to access the alley; 90-gallon totes will be used instead of dumpsters.

D-7 <u>Personal Safety and Security</u>

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The ground level garage has been screened to provide for security. Lighting has been well-chosen to illuminate the project without creating glare.

D-10 <u>Commercial Lighting</u>

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours.

A conceptual lighting and signage plan has been provided. Lighting is designed with cut-off fixtures that will not create glare. Internal garage lighting is shielded from view outside the structure.

The design details show the pedestrian environment along the street and along the alley, both in the daytime and at night. Pedestrian amenities include lighting, overhead weather protection, signage and landscaping.

Landscaping

E-1 <u>Landscaping to Reinforce Design Continuity with Adjacent Sites</u>

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

A substantial amount of landscaping is being provided on the alley, which serves as a transition to the single family zone. The "green factor" has been met through a green wall on the front façade, and a green roof. Landscaping on the balcony facing the alley includes a planter to help to create privacy and separation from the single family area.

The Board, however, wants to ensure that the green screen on the front façade, growing solely from a planter trough on the roof, will be viable. The Board also thinks that a green screen along the North side of the building should be included to enhance the CMU materials there, while the green screen on the front, where the underlying material is classic brick, is not essential to enhance the design, and could even detract from the brick if it were not successful. The Board wants DPD to secure verification by a landscape architect that the design of the green screen's planting locations, soil amounts, plant species, and maintenance plan is feasible in creating the intended feature.

DEVELOPMENT STANDARD DEPARTURES

No departures are requested.

BOARD RECOMMENDATIONS:

At the recommendation meeting on April 2, the 3 members of the Design Review Board present recommended Approval of the project with the following recommended conditions to be worked out administratively by the DPD prior to approval of the final MUP plans:

1. **The Board wants to see greater integration of the upper and lower floors of the front façade through moves such as bringing an upper-level material down to the ground floor, preferably the brick, and potentially through architectural referencing of the columns, if they are retained, with the upper level building elements.**

2. **Verify to DPD the feasibility of the green screen on the 34th avenue façade with a landscape architect (including plant species, depth, amount and location of planting area, irrigation, and maintenance).**

3. **Ensure there is a pattern or order in the green screen's support structure that enhances the brick façade beneath in case the green screen fails, or for initial growth and seasonal times when the green screen will not fully cover the welded metal mesh.**

4. **Reduce the heaviness/bulk of the green screen's proposed projection over the awning by eliminating or modifying the screen in this area.**

5. **Include operable windows on the upper west façade.**

6. **Place breaks in the planting strip to allow pedestrians to walk through from the on-street parking.**

7. **Work with a landscape architect to design a feasible green screen for all or a large portion of the north façade.**

DIRECTOR'S ANALYSIS AND DECISION - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in recommending approval of this design with the recommended conditions. However, in attempting to implement certain of the conditions, practical considerations cause the Director to allow some modifications to the Boards Recommendations, as noted below. The Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by the four Board members and the recommendation to approve the design, as stated above.

The applicant has responded to the Board's recommendation and conditions with updated plans that address the items as follows:

1. The architect submitted designs showing the brick material in the upper two levels being brought down to the street level. The brick was added to the previously proposed steel columns that are integral to the design of the green screen and awning. The width of the brick covers some of the store-front windows, while the location of the entries at the ends of the building further limit the amount of brick that can be added, causing the added material to not extend at the ends of the buildings. This seemed to defeat the Board's purpose of integrating the upper and lower floors. In contrast, the architect's demonstration of an underlying pattern to the green metal screen that ties in with the columns has a greater unifying effect than the extension of the brick would. DPD notes that metal at the ground floor was a material traditionally used, along with brick, and the use of metal columns creates a clean and traditional storefront system design. In conclusion, the Director finds that using the proposed steel columns, along with carrying down some of the greenery or accent color of the upper floors, creates a simple integration and is an effective way to integrate the upper and lower floors.

2. The Board's also discussed creating a green screen on the north side of the building to enhance the CMU. This came up as part of the discussion of the feasibility of the green screen and desire to ensure that the front façade was well presented regardless of the time for the green screen to be established. The architect has consulted with a landscape architect experienced with green walls, and has modified the design according to their recommendations to ensure feasibility of the screen.

DPD further notes that the addition of a green screen on the north façade would add height to the building on that façade, and cause the structure to no longer allow a 4-hour fire wall at the side property line in this area due to the setback necessary to create the screen. Further, maintenance of this area would not be possible without access across the adjacent property, causing a maintenance liability for both the property owner and neighbor.

In conclusion, the recommendation to extend the green wall to the north is not practical, and the Director finds that the green wall on the front façade should be successful based on the recommendation of the landscape architect.

3. The Director notes that the existing sidewalk is 6 feet with a 3 foot planting strip. The proposed sidewalk width is 5' with a 4 foot planting strip. The reduced sidewalk width is not a desirable direction regarding creation of better pedestrian circulation in the area. Given the substantial amount of landscaping within the project, the Director requires that the sidewalk be increased to 6' in areas not adjacent to street trees, and along the entire frontage if feasible.

4. Finally, regarding the overhead weather protection, the proposed 3'8" distance that the weather protection extends for most of the façade is insufficient to provide for covering two persons walking on the sidewalk, and will result in runoff at the edge of the weather protection in the middle of the sidewalk. This would be annoying to pedestrians and in some cases worse than no weather protection. The weather protection must be extended to at least 5' along the façade.

DECISION - DESIGN REVIEW

The proposed design is CONDITIONALLY GRANTED, subject to the previously stated Board recommendations, as modified by the Director's analysis. The conditions of Design Review approval are listed at the end of the document.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated 6/11/07) and annotated by the Land Use Planner, and the following additional studies:

- Geotechnical Study (dated 2/2/07)
- Trip Generation/Distribution Analysis (dated 6/18/07)
- Parking Utilization study (dated 6/8/07 and supplemented 8/7/07 and 11/11/07).

The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

In addition 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.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

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.

Earth

The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The proposed project involves an estimated 2 foot cut for footings, removal of approximately 555 cubic yards of material and fill of approximately 555 cubic yards.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.016). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation for the site will be minimal as the structure will be at grade, with an estimated 2’ cut for footings. Approximately 555 cubic yards of material will be removed from the site and disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately one year. Excavation and fill activity will require approximately 56 round trips with 20 cubic yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. SMC 25.05.675 B gives the authority to mitigate construction impacts that are not addressed by the street ordinance and building code.

A Construction Traffic Management Plan shall be submitted to DPD and SDOT and approved by each prior to the beginning of construction. The plan shall describe operational procedures to be implemented during construction that minimize construction traffic impacts and construction parking impacts. Elements addressed shall include:

Construction Traffic

- Preferred truck access to the site;

- Load/unload area for trucks;
- Measures to minimize construction vehicles tracking dirt onto streets;
- Measures for maintaining safe pedestrian connections during construction;
- Measures for maintaining alley access around the site during construction;
- Stipulation that large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Construction Parking

- Estimated amount of parking needed for construction workers during various phases of the project;
- If construction worker parking is anticipated to exceed the equivalent of ten 2-axle vehicles, use of a private lot for construction worker parking shall be arranged. If such is needed, proposed parking locations shall be documented.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site and increased traffic and parking in the area.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations. However, due to the location of the project adjacent to a less intensive zone, further discussion of certain potential impacts is warranted.

Height, Bulk and Scale

The design review process considered compatibility of the development with the existing commercial and residential development in the neighborhood. The Board's recommendations during Early Design Guidance and subsequent Final Recommendations resulted in the reduction of the appearance of scale and bulk of the building adjacent to the residential uses in the alley by including the following design measures:

- enclosing the garage for security and better visual appearance;
- recessed accent areas on the sides of the building;
- the addition of window mullions that define vertical panes; and
- a ground floor interface with the street that adds interest while providing support and grounding for the upper levels.

The setback of the structure from the alley provides sufficient separation from the residential uses. Regarding the bulk on the sides of the structure, the adjacent zoning is commercial, allowing similar height, bulk and scale.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Traffic and Transportation

In a June 18, 2007 Trip Generation and Distribution Analysis by Transportation Engineering Northwest, the proposed project was estimated, based on Institute of Transportation Engineers (ITE) Trip Generation rates, to generate approximately 39 PM peak trips (4-6 pm), 25 for the restaurant (12 entering/13 leaving) and 13 for the office (11 leaving/2 entering). It should be noted that the study uses standard ITE data for a restaurant (category 932) that is open all day, with a 20% credit for walk-in and internal trips. Since this restaurant will only be open for dinner, the cited daily trips (360) greatly over-estimates the total amount of traffic associated with this restaurant. A more realistic assessment of the traffic associated with the restaurant would be based on the 2 hour period during the evening rush hour (25 trips during a 2 hour period, or about 13 trips per hour). If the restaurant is open from 5 pm to 10 pm, total trips would be about 65.

The office use is estimated in the June 18 memo as generating 100 daily trips. Since the offices are on the 2nd and 3rd levels, it is likely that the offices would be mainly administrative rather than customer-service offices.

Union Street is an arterial west of 34th, and is anticipated to carry the majority of the traffic (60%) into and out of the area. About 20% of the traffic would access and leave the area via 34th, street; and the remaining 20% would head east on Union or Spring Street. The streets are anticipated to have the capacity to handle the increased traffic.

Some of the traffic generated by the development will park within the garage, generating trips in the alley. Analysis of alley use is discussed below, followed by analysis of parking impacts.

Traffic and Transportation - Alley Use

The project proposes vehicular access to the solid waste/recycling area and to nine (9) parking spaces in an at-grade garage accessed from the alley. Use of the alley is not required by code since the alley is not currently paved, but alley use is allowed by code if the alley is improved as part of the project from the site to the nearest street. The developer wants to access the property from the alley to preserve commercial frontage; alley access is also preferred by the Design Review Board because it creates a more pedestrian-friendly design on 34th Avenue. The developer proposes to pave the alley from Union Street through the project's alley frontage – a distance of 175' (100' north of the project, and 75' of project frontage).

From a traffic point of view, use of the alley is complicated by the following factors:

- The alley currently does not go through, forcing two-way traffic within a 10' alley.
- There is limited ability for vehicles to pull aside onto private property to allow another car to pass.
- During the peak evening rush hour when office workers are leaving, restaurant employees are arriving to work, and residential users are arriving home, there may some congestion in the alley.
- The location of the garage makes it difficult to know whether garage spaces are occupied or full. When the garage is full, turning around may be more difficult.

The potential impact of alley use is reduced by the following factors:

- The proposed garage entry is fairly close to the north end of the alley (about 120'), and the number of vehicle spaces in the garage is relatively small (9 spaces). Likewise the number of residences and businesses currently accessing from the alley is relatively small (approximately 8 residences and 3 small businesses).

- For potential vehicle conflicts south of the site, the addition of the project, with a 25' wide driveway provides an additional 6' of pavement (1' alley dedication and 5' building setback) where a vehicle can pull aside, allowing another vehicles to pass.

- The garage's 24' drive aisle allows sufficient space for vehicles to maneuver within the garage and drive forward out of the garage. In the rare case where a vehicle does back out of the garage, there will be 30 feet of paved alley south of the garage where a vehicle can back up in order to drive forward out of the alley to the north.

- The applicant proposes private garbage service from the alley in a manner that will not create a nuisance or traffic congestion issue due to the smaller vehicle size of the private hauler's truck, and the ability to schedule the pick-up during non-peak hours.

While these factors reduce the potential impact of the project on the alley, without conditions on how the project uses the alley, there could be impacts to alley circulation. SMC 25.05.675 R provides the authority to mitigate impacts associated with traffic from a project. Mitigation measures can include signage, channelization and other improvements to vehicular traffic operations proportionate to the impacts of the project. The following conditions will reduce the impact of the project on circulation within the alley:

- Aside from the dedicated space for the residential unit, parking within the garage shall be reserved for office use during the daytime and restaurant use in the evenings. This shall be enforced through signage and appropriate building management policies.

- To reduce the impacts associated with vehicles entering the alley and garage to look for parking when the garage is full, parking for the restaurant and office uses shall be assigned to employees or guests by reservation in a manner that limits alley traffic to vehicles for which garage space is available.

- Since the garage spaces are shared between office and restaurant users, the restaurant use shall be restricted to evening and weekend hours when the office use is closed.

Parking

Nine (9) parking spaces are provided within the garage. The parking meets the code requirements that are based on the square footage of uses, minus applicable waivers. 1 space is required for the artist's loft, plus 7 spaces for the office uses, and 5 spaces for the restaurant. The zoning code allows that up to 90% of parking may be shared between uses in differing categories or with differing hours of operation. The office (daytime use) is proposing to share its parking with the restaurant (evening use) during the evening hours.

The SEPA policy regarding Parking (SMC 25.05.675 M.) provides the authority to mitigate parking impacts that are not mitigated by the land use code in neighborhoods where the streets are unable to absorb parking spillover. In such cases, and in areas not excluded based on urban village or other high density factors, the policy cites transportation demand management and parking management plans as among the strategies authorized by SEPA authority to reduce parking demand.

A parking utilization study was provided by Transportation Engineering Northwest, to analyze the amount of existing on-street parking capacity, and the impact that potential project overspill would have on that capacity. The study surveyed parking within an 800 foot radius of the site, and found that the existing capacity is 78% utilized during the daytime, and 66% utilized during the evening.

The addition of the project is anticipated to have an overspill onto the streets -- 15 cars during the daytime peak (early afternoon) and 8 cars during the evening peak when the restaurant is in use and peak residential parking demand occurs (measured at about 8 pm). The elimination of the existing parking lot is estimated by the parking utilization study to contribute only 2 additional cars to the overspill analysis since the parking lot was closed to most leases at the time of the parking survey.

The projected amount of overspill with the new project will put street parking at 83% utilization during the day, and 79% utilization during the evening hours. While this is just under the 85% utilization beyond which mitigation would normally be required, the department also finds that other projects will be developing in the area, and that the existing remaining on-street daytime parking capacity should not be consumed solely by one development, but should be apportioned over time to development, particularly retail clientele, as opposed to office demand, for which transportation demand management strategies can be very effective.

The amount of parking overspill from the office is anticipated at 15 cars. To reduce the amount of daytime parking overspill from the office portion of the development, a Transportation Management Program acceptable to DPD, per Director's Rule 14-2002 shall be designed and implemented that reduces office parking demand through strategies such as bus pass subsidies, ride share information and incentives, and telecommuting options. The transportation management program shall apply to the office uses and shall include a maximum Single Occupancy Vehicle goal of 65%.

Additionally, since the amount of parking overspill analyzed here is tied to the ground floor use being an evening-only restaurant, the use shall be limited to evening and weekend hours of operation when the office use is closed.

Noise

SMC 25.05.675 L. authorizes mitigation of noise impacts from a project that are not covered by the Noise Control Ordinance, such as continual or repetitive noise of a project's operations. The location of the project across an alley from a residential zone, and the proposed use of the alley for vehicular access, along with a metal overhead roll-up door at the parking entry could have a noise impact if not mitigated. The design of the garage was addressed during project review, and the potential impact of the garage reduced by enclosing the parking, and requiring quieting features on the roll-up door. The quieting features are listed as a condition for the record:

- The garage door shall include the following noise quieting features:
    - The operator will be inside the garage and will have a cover to reduce noise.
    - Vinyl guards will be placed on the jamb stays to soften the rollup noise.

Additionally, due to the potential impact on residential uses of repetitive opening and closing of the door, the impact shall be mitigated by limiting the repetitive opening and closing of the door.

- The garage door will be kept open during the daytime and in the evening when the restaurant is in operation. The garage door will be kept closed after restaurant operating hours. The only use after restaurant hours will be for the residential dweller of the artist's loft.

Air Quality

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.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

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 *providing that the conditions below are implemented.* 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).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of the Master Use Permit

The MUP plans shall be updated to show the following Board recommendations, with Director modifications as noted:

1. **Integrate Upper and Lower Floors.** Integrate the upper and lower floors of the front façade through moves such as bringing an upper-level material down to the ground floor and potentially through architectural referencing of the columns, if they are retained, with the upper level building elements.

2. **Green Screen Design.**

   A. Verify Feasibility. Verify to DPD the feasibility of the green screen on the 34th avenue façade with a landscape architect (including plant species, depth, amount and location of planting area, irrigation, and maintenance).

   B. Pattern of the Support Structure. Ensure that there is a pattern or order in the green screen's support structure that enhances the brick façade beneath in case the green screen fails, or for initial growth and seasonal times when the green screen will not fully cover the welded metal mesh.

   C. **Awning.** Reduce the heaviness/bulk of the green screen's proposed projection over the awning by eliminating or modifying the screen in this area.

3. **Operable Windows.** Include operable windows on the upper west façade.

4. **Pedestrian Access Through Planting Strip.** Place breaks in the planting strip to allow pedestrians to walk through from the on-street parking. Omit ground landscaping areas adjacent to the building

5. **Sidewalk Width.** Increase the sidewalk width to 6' in areas that are not adjacent to street trees and, if feasible, along the entire project frontage.

6. **Overhead Weather Protection.** Extend the overhead weather protection to a minimum width of 5' along the length of the façade.

During Construction

7. **Design Review Implementation.** Ensure that all materials and canopies presented in the Recommendation packet and on the material boards are included on the building.

Non-Appealable Conditions

8. **Design Review Inspection prior to Occupancy.** Invite the land use/design review planner to any pre-construction meeting with DPD inspectors. Compliance with all images and text on the MUP drawings, design review guidelines per the Recommendation report, and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Anderson, (206) 233-7909), 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.

9. **Show MUP Conditions on future plans.** Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

Prior to Issuance of the Master Use Permit

10. **Garage Signage.** Modify the MUP plans to show the installation of signage within the garage that allocates parking as follows:
    a. A dedicated space for the residential unit
    b. The shared spaces signed for office use during the day and restaurant use in the evenings during restaurant operating hours.

11. **Garage Door Specifications.** Sheet A2.0 shall reflect the following noise quieting features for the garage door:
    - The operator will be inside the garage and will have a cover to reduce noise.
    - Vinyl guards will be placed on the jamb stays to soften the rollup noise.

12. **Transportation Management Program (TMP)**. A TMP acknowledgement Letter per Attachment A of Director's Rule 14-2002 shall be submitted to DPD for recording, acknowledging the following condition:

    A Transportation Management Program acceptable to DPD, per Director's Rule 14-2002 shall be designed and implemented that reduces office trips through strategies such as bus pass subsidies, ride share information and incentives, and telecommuting options. The Transportation Management Program shall apply to the office uses and shall include a maximum Single Occupancy Vehicle goal of 65%.

    Please refer to Director's Rule 14-2002 or contact John Shaw, DPD for details on the Transportation Management Program requirement.

Prior to Issuance of a Demolition, Grading, or Building Permit

13. **Construction Traffic Management Plan**. A Construction Traffic Management Plan shall be submitted to DPD and SDOT and approved by each prior to the beginning of construction. The plan shall describe operational procedures to be implemented during construction that minimize construction traffic impacts and construction parking impacts. Elements addressed shall include:

    Construction Traffic
    - Preferred truck access to the site;
    - Load/unload area for trucks;
    - Measures to minimize construction vehicles tracking dirt onto streets;
    - Measures for maintaining safe pedestrian connections during construction;
    - Measures for maintaining alley access around the site during construction;
    - Stipulation that large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

    Construction Parking
    - Estimated amount of parking needed for construction workers during various phases of the project;
    - If construction worker parking is anticipated to exceed the equivalent of ten 2-axle vehicles, use of a private lot for construction worker parking shall be arranged. If such is needed, proposed parking locations shall be documented.

14. **Parking Management Plan.** A parking management plan shall be submitted to DPD for review and approval that establishes and enforces the following management policies:

    A. The shared garage parking shall be available to the restaurant use during restaurant operating hours. The restaurant shall operate only during weekday evening hours or on weekends when the office use is closed.

    B. To reduce potential congestion in the garage and alley, parking for the office and restaurant uses shall be assigned to employees or guests by reservation such that alley traffic is limited to vehicles for which garage space is available.

    C. To reduce garage door noise, the garage door shall remain open during office and restaurant hours, and closed after business hours. The only use of the garage after restaurant hours shall be for the occupant of the artist's loft.

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. 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 weatherproofing material and shall remain in place for the duration of construction.

15. **Construction Noise.** 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 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.

16. Measures identified in the Construction Traffic Management Plan shall be implemented.

For the Life of the Project

17. **Hours of Restaurant Use.** Due to the shared use of the garage parking spaces, the restaurant shall operate only during weekday evening hours or on weekends when the office use is closed.

18. The Transportation Management Program specified in condition #12 shall be implemented.

19. The Parking Management Plan specified in condition #14 shall be implemented.

Signature: (signature on file) Date: June 23, 2008
Holly E. Anderson, Land Use Planner
Department of Planning and Development

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