City of Seattle

Gregory J. Nickels, Mayor

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

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

Application Number: 3007213

Applicant Name: Susan Jones, NK Architects

Address of Proposal: 1435 34th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 6 live-work units and one residential unit (totaling 11,200 sq. ft.) with surface parking for five vehicles.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05 SMC

Design Review - with design departures for curb cut width, driveway width, sight triangle, parking layout, reduced corner and upper story setbacks adjacent to residential, and size of a structural building overhang (corner bay window). Chapter 23.41 SMC

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

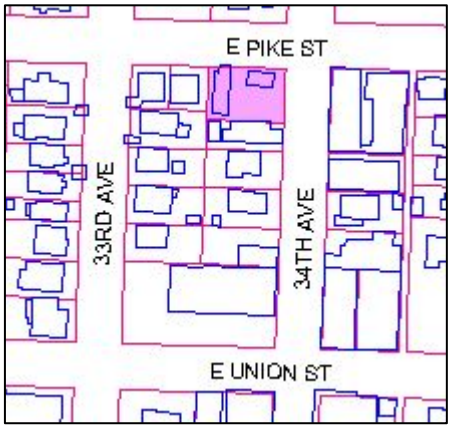
[X] DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The site is located on the corner of 34th Avenue and E. Pike Street in the Madrona neighborhood. The approximate 7000 s.f. site (70 x 100) has a small 350 s.f. building that dates to 1900 and was originally a gas station. In recent years the building has served as an artist's workshop, flower shop, and currently houses a real estate office. The subject property, and



adjacent properties on 34th Avenue, are zoned Neighborhood Commercial (NC1-30), while properties to the west are zoned Single Family (SF 5000).

The subject site is fairly level with the topography of the area rising to the west; the single family house to the west sits several feet above the subject property. The subject site is at the north end of a small neighborhood commercial area of Madrona, a mixed residential and commercial area, which is surrounded by 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 use, and newer mixed use buildings (such as the apartment building with ground floor restaurant across the street, and a similar recently constructed mixed use development located at 34th and Spring Streets). Madrona Public Library and Elementary School are located nearby to the west, while community parks bound the commercial area-- Alvin Arkins park on the north, and Madrona Playfield on the south.

ANALYSIS – DESIGN REVIEW

Early Design Guidance

An early design guidance (EDG) meeting was held on 7/18/07 where ideas for the design were discussed and design priorities identified by the Board. A brief summary of the meeting outcome follows. The full meeting report can be obtained from the project file, or on-line from the Design Review website.

Summary of Board Guidance

The Board summarized their priorities for the project as follows:

- Given the nature of the Madrona area, the Board thinks that the live-work concept can be successful and produce well-used commercial spaces.
- Regarding the preferred alternative, the developer needs to decide whether the proposed court would be a residential courtyard with a community function or a parking court. If a parking court, one of the other options, such as Option 2, might do a better job of providing for access to the commercial as well as the residential space.
- The Board thought that the second story walkway in Alternative 1, providing rear entry to the residential units, was less effective at providing a balance of community space, private space, and a functional entry, than would ground floor access with private balconies. The Board also suggested that the second floor access could create building code issues.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, 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 Multi-family and Commercial Development"* of highest priority to this project.

A-3 Entrances Visible from the Street
A-4 Human Activity
A-5 Respect for Adjacent Sites
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-3 Human Scale
D-1 Pedestrian Open Spaces and Entrances
D-6 Screening of Dumpster, Utilities and Service Areas
D-7 Personal Safety and Security
D-9 Commercial Signage
D-10 Commercial Lighting
D-11 Commercial Transparency
E-1 Landscaping to Reinforce Continuity with Adjacent Sites

MASTER USE PERMIT APPLICATION

An application for a Master Use Permit and SEPA review for the proposed project was submitted on December 3, 2007. After initial zoning and land use review, and some changes to address potential code issues, a recommendation meeting was scheduled.

RECOMMENDATION MEETING

A recommendation meeting was held May 21, 2008. Susan Jones presented the project as follows:

> *The project team's goal is to create a socially sustainable community where the project proponent, an artist and middle school welding instructor can live and do art in a community of other artists or persons who will appreciate a sustainable live-work environment.*
>
> *The project is proposing 4 live-work units on 34th Avenue, and 2 live-work units plus one residential unit on Pike street. The two buildings will be joined by an external walkway system providing access to the residential entries on the 2nd level. The stairs to the external walkways will be provided facing Pike street, one near each end of the building fronting Pike Street.*
>
> *A permeable surfaced courtyard is provided with parking spaces for 5 vehicles, including one van/accessible space. Vehicular access to the courtyard is provided at the west end of the building on Pike street, via a driveway that goes under the building. A portion of the courtyard is set aside as community space; the portion demarcated for vehicle is covered; however, the design envisions that on occasion the whole area may be used as community space.*
>
> *The project is designed to fit in with the community:*
> - *The height in the NC1-30 zone is similar to the height in the adjacent residential zone to the west;*

- *The live-work units are built up to the street, matching the commercial on 34th Avenue;*
- *The small-scale nature of the live-work fits with both the residential and small-scale commercial in Madrona.*

Green design features of the project include:

- *Permeable paving in the courtyard with Cisterns underneath to collect storm drainage, with will be pumped up to the roof and used to flush toilets;*
- *A planted retaining wall that will help to filter runoff on its way to the cisterns;*
- *Garden space on the roofs, along with a Green roof system;*
- *Hookups for solar panels on the rooftops;*
- *Sunshades on exterior windows.*

Materials for the project include

- *A concrete base with projecting glass bays;*
- *Steel walkways and a steel entry gate to the residential;*
- *Composite panel siding with rainscreen application.*

Landscaping is provided at the entrance to each live-work unit.

Public Comments

Several neighbors were present at the meeting and offered the following comments:

- Low E glazing is very reflective and should not be used on a commercial store front. If this is planned, it should be replaced with regular glazing to increase transparency for the live-work units.
- 5 parking spaces for 7 units are not enough. The price of these units will require 2 wage earners, and each is likely to have a car. The concept for this project is unrealistic – artists will not be able to afford it.
- How can live-work units be created without an internal stair connection? It will be too easy to lease the commercial space separately, and in effect allow creation of residential over regular commercial, while avoiding the normally required parking for the residential of 1 space per unit.

Board Discussion:

Questions & Clarifications

- What material will the soffits be under the entry stairs and walkway?
  - *The stairs currently are proposed to be steel and concrete.*

  The quality of the material will greatly influence the pedestrian experience. The material should be a warm texture such as natural wood or prodema.

- The transition area from the street to the project needs more consideration. Ability to individualize landscaping, as well as soffit material can enhance this experience.
- What material is proposed for the canopy over the parking area?

- *The material is proposed to be translucent, but a final material has not been chosen.*

This should be a high quality material, not something like corrugated fiberglass. A trellis structure covered with vines or a system that can open for times when the space will be used for community activities could enhance the aesthetics and usability of this area.

- How will assignment of the parking spaces work?
  - *The parking will be assigned to the residential unit and the 4 live-work units facing 34th Avenue. The project proponent is planning on occupying the 2 live-work units facing Pike Street, parking is not planned for those units.*

- What landscaping is proposed?
  - *Sugar Maple Street trees; Vine Maples, and Orange Honeysuckle (native and drought tolerant) for the plantings adjacent to the live-work entries. Wire mesh will be used at the back of the planters to allow the Honeysuckle to grow up.*

- How will the storm water retention work?
  - *4' of excavation under the permeable courtyard will allow for culverts to hold the water. Water from roof runoff will be channeled through a filtration system of grasses in the top of the site wall along the west property line. Water will be routed into the detention areas under the courtyard and then pumped to the roofs into 50 gallon tanks. This will be used to flush toilets and for irrigation of the green roof. The rain water coming through the permeable courtyard will be infiltrated into the ground, with an overflow into the City's storm system.*

- The environmental sustainability goals of the project may be difficult to achieve. The Board is supportive and hopes the project will be built and be successful.

Initial Feedback and Discussion

The Board is supportive of the overall design and agrees that it has responded adequately to the EDG guidance, with the exception of certain areas outlined at the end of this section.

Board Recommendation: 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:

Site Planning

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street. The entries to the commercial portion of the live work units are located on each street front, with landscaping and an awning defining each. The entrance to the courtyard area is defined with a steel gate.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

- The design of the live/work store fronts incorporate substantial glazing, making them clearly commercial in nature.
- The existing sidewalk is 6' – 4'' from the property line, allowing for landscaping and bay window projection into the right-of-way to engage the pedestrian, while keeping the building face at the property line.

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 building massing toward the street front allows for a substantial open area in the rear, adjacent to the rear yard of the single family. This, plus the topographic change between the two zones creates privacy for the adjacent single family.
- The design's frontage on 34th avenue matches the nature of other commercial development there. The design is proposed to extend to the south property line; a zero side setback in not uncommon in this neighborhood commercial area.

A-7 Residential Open Space

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

- Open space is provided in a south-facing courtyard for community activities.
- Roof-top open space for each unit will provide solar access year-round
- The connecting walkway system at the 2nd level provides for informal community interaction between neighbors at the main residential level.

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.

- Space for vehicles has been minimized to the extent feasible. Vehicular access is proposed via a residentially-sized curb cut and driveway rather than a commercially sized one that would take up more street frontage than necessary given the size of the project. Parking for 5 vehicles has been created in the courtyard. The size of the spaces are proposed to be small (7.5 x 15) rather than large or medium and one van stall at 8 x 16 plus an 8' aisle is proposed. A departure for a 21' drive aisle adjacent to the 16' van space, rather than a 22' drive aisle has been requested; the turning movement diagrams provided show that while this is tight, it is feasible.

- The entry drive will have a glass garage door at the street. Since a departure has been requested to reduce the size of the sight distance triangle, the garage door can help to serve as a warning that a car is exiting.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

- Corner windows and a 2nd story corner bay accentuate the design at the intersection of 34th and Pike Streets.

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 the anticipated development potential of the adjacent zones.

- The topographic change at the west property line decreases the concern of height and bulk compatibility. The project is proposing an 8' setback at the west property line from the ground floor to the top of the project, which has a height of 31.5 feet to the top of wall and 35.5' feet to the top of the parapet. Due to the topographic change of between 10 and 13', this makes the project seem similar in scale to the adjacent two-story single family home. The proximity of the nonconforming garage on the adjacent residential property line also helps to reduce any impact of bulk.

Architectural Elements

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.

- The small scale of the development is similar to other uses in the area. While the modern aesthetic and materials do not mimic the historic character of some of the older buildings, there are a variety of building types in the area; the massing, transparency, and scale fit within the context.

C-3 Human Scale

The design of new buildings should incorporate architectural features, element and details to achieve a good human scale.

- Landscaping at each entry, signage, entry canopies, and bays that project toward the street create an environment conducive to pedestrian interest and activity.

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.

- The main pedestrian entry to the residential between the buildings and in the courtyard is gated and lighted for safety and accessibility. The Board wants the entry experience to be enhanced by using a high quality of warm material on the undersides of the stairs and exterior walkway system.

D-6 Screening of Dumpster, 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.

- A shared garbage and recycling space area is provided for the project underneath the building adjacent to the vehicular driveway. The dumpster will be wheeled out to the curb through the garage door on garbage pick-up day.

D-7 Personal Safety and Security

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

- An entry gate is provided at the pedestrian access between buildings to reinforce a sense of ownership and place.

D-9 Commercial Signage

Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

- Signs are proposed to be hung from the underside of the projecting canopies at the live work entries. This will create a unified and coherent signage system.

D-10 Commercial Lighting

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 draft lighting plan has been submitted, consisting of:
  - Cutoff wall sconces in the courtyard and walkway area between buildings;
  - Strip down lighting under the bays along the street fronts, and at the canopy edge in the courtyard;
  - Strip lighting at grade at the back of the landscaped near the west and the back portion of the south property line (interior to the site retaining wall).

D-11 Commercial Transparency

Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

- Ample transparency is provided on the 34th Avenue façade and the Pike Street façade, with the exception of the north wall of the corner unit, and the west wall of the end unit adjacent to the single family zone, where transparency needs to be increased.

Landscaping

E-1 Landscaping to Reinforce Continuity with Adjacent Sites

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

- A 3.5' landscape buffer consisting of Red Twig Dogwood, Evergreen Huckleberry and Orange Honeysuckle is provided at the west of the project. Additionally, a vegetated site wall is provided at this edge that incorporates mixed grasses for rainwater filtration.

- Vegetated roofs are provided on the tops of the units; the vegetated roof area for the western-most unit is provided at its western edge, creating separation from the adjacent residential zone.

DEPARTURE REQUESTS

Departures from the following zoning code requirements were requested by the applicant, as shown in the Recommendation packet:

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	BOARD DIRECTION
Corner Setback Adjacent to Residential (23.47A.014B1)	15' x 15' corner setback at the ground level	8' side setback at the ground level.	The building massing at the street front allows open space toward the rear, adjacent to the residential yard.	The Board unanimously recommends this departure.
Upper story setback Adjacent to Residential (23.47A.014B2a)	10' setback for 2nd level and above.	8' setback for 2nd level and above.	The existing nonconforming garage at the west property line and higher topography of the residential to the west reduces the impact of the adjacency.	The Board unanimously recommends this departure.
Curb Cut width (23.54.030F2b2) & Driveway Width (23.54.030D2a)	22' – 25' for commercial	10' – 12' (as required for residential)	The live-work nature of the project and small number of spaces makes the smaller access appropriate; it also reserves commercial frontage for interface with the live-work units.	The Board unanimously recommends this departure.
Site Distance Triangle (SMC 23.54.030G.1.)	Clear visibility in a triangular area 10' along the sidewalk and 10' along the driveway.	A clear area that is 6' 2" deep by 8'-8" wide on the west and 6'3" deep by 10' wide on the east of the driveway.	The proposed location of the design at the property line and proximity of the existing non-conforming garage on the west reduces the available sight distance. The garage door will help to notify pedestrians and entering vehicles of an exiting vehicle.	The Board unanimously recommends this departure.
Parking Stall Size (SMC 54.030 D.2.a.)	For commercial (including live/work) 75% of spaces are required to be large spaces – 9' x 19' and 25% small spaces 7.5' x 15'.	4 of 5 spaces proposed to be small spaces (7.5' x 15')	The parking for most live-work units functions like residential spaces (8' x 16'); the project's green emphasis appeals to a market that may also favor smaller, more fuel-efficient vehicles.	The Board unanimously recommends this departure.
Parking Stall Size	8' x 19' for a van/accessible space	8' x 16' for the van/ accessible space	ADA regulations do not specify a 19' depth.	The Board unanimously recommends this departure.
Parking Aisle Width (SMC 23.54.030 E.1.)	24' for the aisle adjacent to a 19' deep space.	21' for the aisle adjacent to the proposed van space	Turning movement diagrams show feasibility.	The board unanimously recommends this departure.

Maximum length of a Bay Window (SMC 23.53.035 A.4.c)	15' at the property line, decreasing to 9' at a distance 3' from the property line.	Where the north and west facades meet, an 11' bay is proposed along each façade.	The bay accents the corner; the overall amount of bay is similar to what is allowed.	The Board unanimously recommends this departure.

BOARD RECOMMENDATIONS:

At the recommendation meeting on May 21, 2008, the 4 members of the Capital Hill Design Review Board present unanimously recommended Approval of the project with the following recommended condition to be worked out administratively by the DPD prior to approval of the final MUP plans:

1. Create openings on the west wall of the live-work unit adjacent to the residential zone.
2. Refine the north façade of the corner unit to create greater transparency.
3. Ensure that the canopies over the front entries are solid to provide for weather protection.
4. Specify the material for the soffits as a warm material of high quality, such as wood or Prodema.
5. Work on the design of the canopy over the parking to ensure a high quality material that at a minimum allows light translucency and potentially opens to allow sun.
6. Explore a stair connection to the upper levels of the units that are interior to the courtyard.
7. Look for opportunities to individualize the landscaping at each live-work entry.

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 the approval of this design. 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.

Revised plans were submitted by the applicant on 7/28/08 that respond to the items identified by the Board as follows:

1. New openings have been created on the west wall of the live-work unit adjacent to the residential zone
2. The north façade has been refined to create greater transparency and a more dynamic design.
3. Solid canopies are shown for weather protection over the front entries.
4. A high-quality, warm material has been specified for the main residential entry soffit, and the soffits of the live-work canopies. The undersides of the residential stairway near the main residential entrance will either be treated with a high-quality warm material, or will be enclosed.
5. The canopy structure is indicated as being constructed of high-quality steel with translucent weather protection.

6. While a stair connection to the upper levels of the units from the courtyard has been explored, it would not able to be incorporated due to limited space in the courtyard.
7. A note has been provided in the landscape drawing that all landscaping at the live-work entries may be individualized by the prospective owners. This landscaping was not counted in the green factor calculation to ensure that any changes will not affect code requirements.

It should also be noted that the design has been revised to include an internal stairway connecting the commercial ground floor space of each unit with the upper residential spaces in order to meet building and zoning code requirements regarding live-work. To meet building code requirements regarding firewalls less than 10' from property lines, the external stairway leading from the 2nd floor to the ground level on the west had to be augmented with a 7' fire-wall. The fire-wall will be finished with prodema.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**, subject to the previously stated Board recommendations above. The conditions of Design Review approval are summarized at the end of the document for reference.

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 12/3/07) and annotated by the Land Use Planner, and by the Parking Utilization Study (most recent version dated 5/20/08). 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 small neighborhood commercial uses and both single family residential uses to the west and multi-family residential to the east. 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.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

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). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

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. However, the proposed project will involve nominal filling and grading using materials on site.

Underground storage tanks from the previous gas station were decommissioned and removed from the site in 1993 and the State Department of Ecology does not consider it to be a contaminated site (Site ID #102180, documentation in file).

The site was used for minor repair (Rudy's DeVaul Auto Body Shop in the rear of the site) from the early 1970's to 1985. The soils testing done at the time of the tank decommissioning was after the auto body shop closed, so any significant contamination would have been reflected in those reports. Since the site is not considered contaminated by DOE, it must be assumed that the previous uses on the site do not constitute a contamination concern.

The soils report, construction plans, and shoring of excavations if 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.

The amount of impervious surface on this site is reduced by use of a green roof system. Permeable paving reduced the volume of detention that might otherwise be required. However, the project would still constitute a "large project" under the terms of the SGDCC (SMC 22.802.016) if it creates 5000 sq. ft. or more of new or impervious surface. If this threshold is reached, 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 would be required, 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.

Construction Traffic and Parking

Construction of the project is proposed to last approximately one year. Since on site grading will be minimal, truck traffic will primarily involve delivery of construction materials to the site. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible.

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 some increase to 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 to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the location of this proposal, traffic impacts warrant further analysis.

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.

Traffic and Transportation

Due to the small nature of the project, the amount of traffic generated is anticipated to be minimal and the streets able to accommodate this.

There was initially concern that the proposed 10' driveway under a building for 2-way traffic would require a warning device to ensure that cars entering and leaving could see each other prior to entering the covered driveway. However, given that there is an entry door, this will serve as sufficient warning that a car is entering or exiting.

Parking

The amount of potential parking overspill from the new project was analyzed in a parking utilization study by Transportation Engineering NorthWest.

Evening Utilization. The existing capacity during the evenings within an 800 ft. radius of the project was found to be 511 stalls of which 308 or 60% were in use. The residential component of the live-work development is projected to have a demand of 1.4 vehicles per unit for a total of 10 vehicles. At the time of the study, only one parking space was proposed, leaving an overspill of 9. Half of the projected overspill from the project at 1126 34th Avenue – 6 vehicles -- was also counted. The projected utilization with the overspill from both projects is 63%. In actuality, due to the additional 4 parking spaces that have been added, the overspill would be 5 for the project, and the utilization rate less than 63%.

Daytime Utilization. The existing capacity during the daytime of generally available public parking within an 800 ft. radius of the project was measured at 492 stalls of which 226 or 46%

were in use on the school days measured. This excluded the spaces that are set aside specifically for school use. The project parking demand for the commercial portion of the live-work is estimated at 2.4 spaces per 1000 sq. ft., or 7 spaces. Half of the projected parking overspill from the project at 1126 34th Avenue (8 spaces) would result in demand for 15 spaces, putting the daytime utilization at 49%.

On-street parking is judged to be at capacity only when it reaches 85% utilization within the measured radius. As such, the current utilization rates are determined to require no mitigation.

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. 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 a Demolition, Grading, or Building Permit

1. Ensure that the design features identified on the approved MUP plans, including the items specifically outlined by the Board in their recommendation, are incorporated into the construction drawings.

2. Submit the proposed soffit material to the DPD land use planner or supervisor for review and approval.

During Construction

3. Ensure that all materials and design elements presented in the Recommendation packet and on the material boards are included on the building.

Non-Appealable Conditions

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the DPD Land Use Planner (Holly Anderson, 233-7909) or Design Review Program Manager. 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.

5. 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 Land Use Planner (Holly Anderson, 233-7909), or by the Design Review Program 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.

6. 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 a Demolition, Grading, or Building Permit

7. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

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.

8. 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.

9. 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.

10. On-going construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Signature: (signature on file) Date: August 21, 2008
Holly E. Anderson, Land Use Planner
Department of Planning and Development

HEA:lc

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