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: 3008584

Applicant Name: Juli Suver, Miller Hayashi Architects

Address: 9245 Rainier Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 2-story 26,000 square foot medical clinic in an Environmentally Critical Area. Surface parking for 67 vehicles to be provided. Project includes 1,800 cubic yards of grading. Existing structures to be demolished.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). A Design Departure is requested from the following Code sections:

SMC 23.47A.008.B.2 (Street Level Development Standards, Transparency)
SMC 23.47A.008.A.2 (Street Level Development Standards, Blank Facades)
SMC 23.47A.032.B.1.c (Parking Location, Width of Parking along Street Frontage)

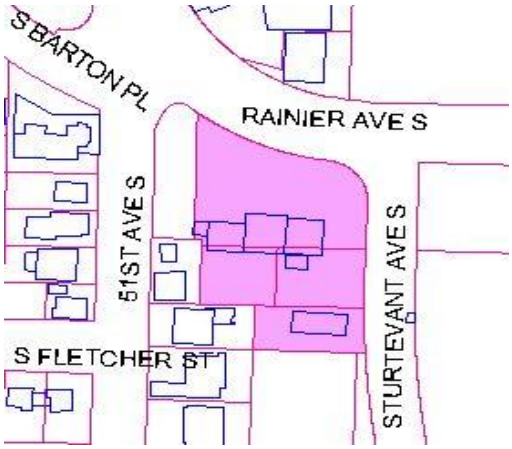
SEPA - Environmental Determination - Chapter 25.05 SMC.

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

[X] DNS with conditions

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

PROJECT AND SITE DESCRIPTION



The proposed project is to construct a two-story approximately 26,000 square foot medical and dental clinic. Surface parking for 67 vehicles is sought. All existing structures will be demolished.

The project site fronts two streets: Rainier Avenue South (Rainier Avenue) to the north and Sturtevant Avenue South (Sturtevant Avenue) to the east. The site slopes downhill gradually from the south to the

north and has a steep grade change along its southwest property boundary. The southeast corner of the project site contains a small portion of a wetland that is otherwise in Sturtevant Ravine to the south.

The site is zoned Neighborhood Commercial 3, with a 40-foot height limit (NC 3-40). The zoning and general uses surrounding the project site are as follows: to the north and east along Rainier Avenue the zoning is also NC 3-40 and contains a mix of uses (to the north and east: restaurants, bank, supermarket, and to the northwest: the Seattle Housing Authority's Barton Place apartment building and the Rainier Beach Public Library). The NC 3-40 zoned parcel directly to the west and fronting principally on 51st Avenue is vacant and not included in this proposal. To the southwest and southeast of the site the zoning is L 2 and contains principally older single and multi-family residential structures. Abutting the project site to the south is City of Seattle Parks Department property, Sturtevant Ravine, containing Mepps Creek. The creek is in a natural "day-lighted" condition for most of the Parks Department property, but enters a culvert a short distance south of the project site. Mepps Creek runs below the project site and north under Rainier Avenue in a culvert. The Parks property contains a wetland (*Environmentally Critical Area- ECA*) that is directly abutting the project site with a small portion of the wetland on the project site. To the south beyond the L 2 zone the zoning changes to L 1 and contains a use and structure mix similar to the L 2 zone. The site and surroundings are within the Rainier Beach Residential Urban Village.

Public Comment

The two week Master Use Permit public comment period began January 28, 2009. No comments were received during that time. Public comment was also received at the Early Design Guidance meeting (held September 9, 2008) and Recommendation meeting (held February 24, 2009). Public comments received at both Design Guidance meetings are documented in the respective meeting reports and available in the MUP project file at DPD.

ANALYSIS - DESIGN REVIEW

At the February 24, 2009 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and discussed the three requested *Design Departures*. Following clarifying questions and deliberation the Board provided the following additional guidance and recommendations. The Board's comments and recommendations follow EDG Guidance in *Italics*.

A. Site Planning

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

EDG Meeting: *The site has a number of important characteristics: a prominent visual frontage as seen when approaching from the north on southbound Rainier Avenue; a corner at Rainier and Sturtevant Avenues; a elevation change at its southwest boundary with the adjacent L2 zone; and frontage on an ECA wetland and Sturtevant Ravine, an undeveloped City Park. Consequently, the project design should:*

- *Include an "event" that responds to the small triangle shaped "Welcome to Rainier Beach" area. Although the building's main entry is proposed for the corner of Rainier and Sturtevant Avenues, which the Board supports, there could be a possible secondary pedestrian entrance, modulation in the building massing, and / or unique architectural treatment at the northwest "corner".*
- *Provide a visually vibrant west facade. This façade will be highly visible from the 51st Avenue and Barton Place intersection. The design should include modulation or stepping of the massing to allow human scaled fenestration in this area.*
- *Minimize negative visual impacts to the adjacent and uphill L2 zone to the west from back of building functions and the parking lot design (use of materials, amount of landscaping / trees). This applies whether or not any residential development / second structure is not a part of the expected MUP (Master Use Permit) for this proposal.*
- *Use the site's adjacency to the wetland and buffer as an asset to the site and its users. For example, by creating opportunities and places for viewing the park from other than parking spaces.*

Recommendation Meeting: The presented design proposes the following features: A secondary entrance with a walkway and landscaping has been added to the west end of the Rainier Avenue façade: The retention of the "Welcome to Rainier Beach" sign and relocation to a visually attractive location in the proposed landscaping, with possible lighting; A cable stayed green screen for the 51st Avenue facing façade; and a well designed south building façade and parking lot landscaping. Based on these the Board finds the design presented at the Recommendation meeting meets the Early Design Guidance given and ***Recommends Approval*** with the inclusion of lighting for the "Welcome" sign.

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.

A-9 Location of Parking on Commercial Street Fronts. Parking on a commercial street front should be minimized and where possible should be located behind a building.

EDG Meeting: *The Board was not comfortable the Design Departure request for a substantial increase in the lineal street frontage of parking. Although the goal of eventually maximizing the site's development potential with the addition of a residential structure is good, a Design Departure to allow parking well above the Code requirement does not better respond to any Design Guideline. Additionally, this plan has not fully addressed the wetland buffer issue (per Code a minimum of 40 feet) that conflicts with a portion of the expected parking and the conceptual residential development plan seems to "design in" the need for its own Design Departures, such as a reduction in ground level floor to floor height and separation street level parking separation from a street level façade by an allowed use.*

If greater certainty regarding these issues is presented with this proposal, the Board would consider a small increase in the parking lot street frontage if it accompanied an exceptional screening plan and included parking parallel to the street, not perpendicular.

Recommendation Meeting: The Board finds that the submitted parking configuration, which requires a Design Departure to exceed the maximum parking frontage of 60 feet by 37.5 feet, has been substantially landscaped to screen the additional parking frontage along Sturtevant Avenue. Additionally, the visual width of the parking lot from Sturtevant Avenue is reduced by the central landscaped / and tree island. Parking spaces along this street frontage are parallel to the street. Consequently, the Board finds the design presented meets the Early Design Guidance given and ***Recommends Approval*** of the *Design Departure* requested.

C. Architectural Elements and Materials

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

EDG Meeting: The building design concept and use of quality materials should extend to all facades, not just the three street facing facades (the west façade essentially faces 51st and Barton Place) since these will be visible from the south and Sturtevant Ravine either across a surface parking lot or will be a highly visible façade for residents of a future residential structure. Also, see A-1 and A-10 above regarding the structure's west façade.

The Board is confident that the proposed design will be of a high quality if based on Miller Hiyashi's previous projects.

Recommendation Meeting: The building's "street face" design has been continued to the south "interior" façade. An attractive green screen on the west façade is proposed. Quality materials and attractive colors are also proposed. Consequently, the Board finds the design presented at the Recommendation meeting responds to the Early Design Guidance given and ***Recommends Approval***.

D. Pedestrian Environment

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.
D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce the impact on pedestrian comfort and to increase the visual interest along the streetscape.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

EDG Meeting: See Bullet #2 under A-1 and A-10 above. A retaining wall along the site's southwest property boundary will be visible from the street and proposed parking lot. The wall should include design elements (reveals, stepping, green wall) to reduce its visual impact.

The entire site and all building frontages should be designed to maximize visibility for surveillance and pedestrian and tenant safety.

Recommendation Meeting: The Early Design Guidance given did not anticipate blank facades on walls other than the west façade. The design proposes blank façade segments that exceed the allowed maximum length of 20 feet for each segment on the two street frontages, which requires a *Design Departure*. The proposed design does include substantial landscape screening for the southwest property boundary retaining wall. Extensive glazing on the two street frontages and parking lot façade is proposed.

The Board finds the design presented for the retaining wall and opportunities for surveillance and safety meets the Early Design Guidance given. The Board also finds that the blank façade segments that exceed the maximum length (by 8 and 10 feet on Rainier and Sturtevant Avenues respectively) are clad with a high quality of materials and by their position create a balanced massing for each façade. Consequently, the Board ***Recommends Approval*** of the *Design Departure* requested.

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 evening hours.

EDG Meeting: Lighting should be designed with the above safety concerns in mind. However, it should not spill over onto the adjacent residential lots or the Park and wetland areas.

Recommendation Meeting: The Board questioned why no lighting plan was presented. After discussion of the architects intent to meet the Early Design Guidance given, the Board ***Recommends Approval*** of the project subject to the following ***Conditions:***

- Submit a conceptual lighting plan to the project planner for review and approval. The plan should address the following:
    - Explore the use of down lighting on the north and south side second level overhangs,
    - Lighting of the ADA ramp,
    - Better illumination of the landscaping, possibly from the building.
    - Parking lot security that does not cast light onto the wetland and Park property or the surrounding residential properties.

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.

EDG Meeting: The clinic internal program and proposed design may include a Design Departure request for reduced street facing transparency. At the same time, maximizing transparency is important for activating the street and personal safety. Any proposed reduction in transparency must still accomplish these goals.

Recommendation Meeting: The site topography, required power line set back in the SCL easement, and practical limitation on pursuing underground parking determine the building's proposed elevation above the sidewalk. These conditions then make the provision of the required street level transparency difficult. Additionally, the Rainier Avenue character of higher traffic speeds at this curved road section would not be strongly conducive to a building location very close to the street.

However, the setback from and height above the sidewalk are successfully addressed by the extensive and quality landscaping along the Rainier Avenue frontage and extensive glazing proposed for this facade. Along Sturtevant Avenue, extensive glazing is also provided this shorter façade. Consequently the ***Recommends Approval*** of the *Design Departure* requested.

E. Landscaping

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

EDG Meeting: The "Welcome to Rainier Beach" triangle should continue to be a "gateway" for the commercial area but also relate to the proposed structure and its street frontage.

Recommendation Meeting: The "Welcome" sign will be placed in the landscaped frontage to be visible from the street. The Board finds this meets the Early Design Guidance given and ***Recommends Approval*** with the ***Condition*** that lighting is included for sign illumination.

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

EDG Meeting: The proposed surface parking area should include treatments to soften its heavily impervious character as seen from the adjacent residential zone and the street. Also see A-9 regarding screening of the parking lot frontage with or without a Design Departure.

Recommendation Meeting: Based on the Board comments under *A-9* above, the Board finds the design presented at the Recommendation meeting responds to the Early Design Guidance given and ***Recommends Approval***.

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

EDG Meeting: See A-1 above regarding responding to the wetland and expected buffer restoration.

Recommendation Meeting: The proposed site design includes an extensively landscaped 40 foot wetland buffer (proposed plantings will be approved by DPD's wetland ecologist) and the provision of a wetland viewing / seating area between the buffer and parking lot.

Consequently, the Board finds the design presented at the Recommendation meeting responds to the Early Design Guidance given and ***Recommends Approval***.

BOARD RECOMMENDATION

The Board found that the project design successfully responds to the design guidance given, with the ***Condition*** outlined above. The Board unanimously ***Recommended Approval*** of the requested *Design Departures*.

DEPARTURES FROM CODE STANDARDS

Land Use Code Standard	Proposed	Rationale for Request	Board Comments
Transparency. 60% of a structure's street level façade between 2' and 8'above sidewalk grade shall be designed and maintained to allow unobstructed views from the outside into the structure. Applies to both street frontages. (SMC 23.47A.008.B.2)	Sturtevant Ave: provide approximately 31%, Rainier Ave: provide approximately 40%, both in roughly the upper 2-3 feet of the required 6-foot band of transparency.	Because of the site's downward slope from south to north the optimal elevation for the first floor is above sidewalk grade. The result is a 2'-6' transparency band being mostly below the proposed first floor level with the upper area as previous stated. The design proposes transparency of 47% and 65% respectively from the proposed first floor level. *D-11*	The Board recommends approval of this request based on the submitted MUP design.
Blank Facades. Blank street facing façade portions between 2' and 8' above sidewalk grade may not exceed 20' in length. (SMC 23.47A.008.A.2)	Sturtevant Ave: A 30' length of brick wall separates two extensively glazed wall sections, Rainier Ave: A 28' brick wall will at the end of another extensively glazed wall section.	Behind the blank wall sections are mechanical and storage uses that are best concentrated and not disbursed along the street facing facades. This allows the otherwise extensive glazing provided. *D-2*	The Board recommends approval of this request based on the submitted MUP design. Planner Note: Departure for Rainier Ave no longer needed due to proposed set-back.
Width of Street Facing of Parking. Street facing parking located to the side of a building shall not exceed 60' of lineal street frontage. 23.47A.032.B.1.c).	Allow up to 98 lineal feet of parking fronting Sturtevant Avenue.	The clinic's parking demand requires a number of parking spaces above what could fit in a 60' wide area and cost prohibits structured parking. However, Sturtevant Ave is not a commercial street in character and the extra 38' area will be setback 17' from the street and extensively landscaped. *A-9, E-2*	The Board recommends approval of this request based on the submitted MUP design.

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the ***Unanimous Recommendation*** of the four Design Board members present at the Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings*.

The project planner received the applicant's response to the Board's Recommendation Meeting ***Condition*** concerning site lighting (Guideline *D-10*). Following review of this submittal, the conceptual lighting plan is found to respond to the four items listed in *D-10*. Based on this determination, the Director ***APPROVES*** the proposed design and related departures (subject to the ***Condition*** found at the end of this decision).

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated December 12, 2008 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms 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 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 certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials,
- Construction traffic impacts.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and

amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Therefore no conditioning for these short term impacts is required. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as noise, the greenhouse gas affects on air quality and construction traffic impacts, and therefore warrants further analysis.

Noise

The project is estimated to take approximately 18 months from the start of demolition / excavation activities through the issuance of a Certificate of Occupancy. Residential and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction, such as but not limited to demolition, shoring, and excavation. Compliance with the Noise Ordinance (SMC 22.08) is required and limits the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the lengthy construction schedule and the nearby residential uses, primarily across 50th Avenue South to the west and abutting the site to the south, additional measures to mitigate the anticipated noise impacts are necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance are necessary. However, it is also recognized that some construction-related activities (e.g., surveying and layout, stocking the building, testing and tensioning of post-tension cables, etc.) will generate little or no noise, and could substantially shorten the construction schedule, hence can be allowed under limited conditions. Consequently, as a ***Condition of Approval*** in addition to the Noise Ordinance requirements, construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) and shall be limited to non-holiday weekdays from 7AM to 6 PM. Interior work that involves noise generating 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 and the mechanical equipment is enclosed within the structure or within a noise attenuating structure. Low noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition. No further conditioning for potential noise impacts is necessary.

Air Quality

On-site construction activities themselves will generate minimal direct impacts. However the indirect impact of 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 that 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. No potential short term adverse impact to air is anticipated and therefore no air quality mitigation is necessary.

Traffic and Circulation

Site preparation will involve removal of the existing structures, pavement, and excavation for the foundation of the proposed building and at-grade parking area. Approximately 1,800 cubic yards of material will be excavated and removed from the site. Existing City Code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62), designates major truck streets that must be used for hauling and otherwise regulates truck traffic in the city. The proposal site fronts on Rainier Avenue South, a Class 1 arterial, which leads to other arterials and access to State and Federal Highways. Because the quantity of truck trips associated with this amount of grading material and also with the amount of anticipated delivered building materials will not be significant, the traffic impacts will be minimal and of a short duration and will be mitigated by enforcement of SMC 11.62.

Traffic control will be regulated through the City's street use permit system. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruption to pedestrians.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips; increased demand for public services and utilities; increased height, bulk, and scale on the site; impacts to the Category III Wetland, and increased area traffic. 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, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development, and the Seattle Critical Areas Ordinance SMC 25.09.

However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality, increased height, bulk, and scale, impacts on the Category III wetland, and traffic impacts, and therefore warrants further analysis.

Air Quality

The number of employee and patient vehicular trips associated with the project is expected to increase from the amount currently generated by the site's current users, a church and business office with parking storage for the businesses' trucks, and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes will 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.

Height, Bulk, and Scale

The City's 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."* The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there is no significant height, bulk and scale impacts with the approved design as contemplated within this SEPA policy. The Director agrees with the Design Review Board's recommended approval of this project without specific guidance or conditions relating to Height, Bulk, and Scale, hence no mitigation of Height, Bulk and Scale impacts is warranted pursuant to this SEPA policy.

Earth

The wetland partially on the project site but substantially on the abutting Sturtevant Ravine Parks Department property has been categorized in the submitted Critical Areas Report by Hart Crowser (dated June 2, 2008) as a Category III wetland per SMC 25.09.160.E, Regulations for Environmentally Critical Areas, Wetlands. A Category III wetland with the characteristics described in the report requires a 60 foot wide buffer. However, wetland buffer width may be modified by the Director if it will not reduce the wetland functions and values, the total area of the buffer is not reduced, and, with Category III buffers with this level of function, the buffer is not reduced below 40 feet in width at any point.

Due to site constraints and the currently poor condition of the required buffer on the project site, the applicants requested to reduce the on-site buffer to 40-feet but to maintain that reduced buffer area (2,700 square feet) on the adjacent Park's property. The Parks Department has agreed to allow the shift of area to the Sturtevant Ravine site by increasing its 60-foot wide buffer by 2,700 square feet. A letter of commitment between Neighborcare Health, owners of the project site, and Parks has been submitted to assure this. This letter commits Neighborcare Health to "do clean up or other agreed upon compensation, such as on-going clean up and restoration of a portion of the Sturtevant Ravine equal to the restoration 2,700 square feet of wetland buffer" (March 12, 2009 Letter of Intent for Wetland Buffer Reduction at 9245 Rainier Avenue South, in MUP project file). In addition, as a part of the requested buffer reduction the applicants have proposed an extensive buffer re-vegetation plan on their site (see MUP Plans Sheet L 2.2 dated April 3, 2009).

The proposed buffer averaging, shift of area to the abutting site and re-vegetation plan on site has been reviewed by DPD's wetland ecologist and ***Approved***. To assure a record of the shifted wetland buffer area is maintained, as a ***Condition*** of this MUP the applicants are required to have their wetland consultant submit an updated Wetland Delineation Plan (Figure 2 in Critical Areas Report) showing and labeling the expanded 2,700 square feet of buffer on the Parks site. The updated delineation figure must then be embedded into the MUP plan sets prior to MUP Permit issuance. Based on the above information, no mitigation of *Earth* impacts is warranted pursuant to this SEPA policy.

Transportation

A *Traffic Impact Analysis*, dated December, 2008 and updated March, 2009, by Transpo Group Traffic Consultants, was submitted for review by the project planner and DPD's transportation planner. The report evaluated existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project, evaluated the impact of these new trips on the level-of-service of the area's main intersections, performed an collision analysis of these various intersections, and conducted a screen-line traffic concurrency analysis. A copy of the report is in the project file at DPD.

The report estimated that: all study intersections currently operate at acceptable LOS's (Levels of Service) will continue to do so after project construction and operation (less than a 5 second increase in intersection delays); no safety hazard or significant increase in the number of reported collisions would occur; and vehicle / capacity ratios (v/c ratio) would remain below the v/c and LOS standards in effect. The report was reviewed by DPD's transportation planner, who concurs with the updated report's findings; therefore no mitigation for transportation impacts is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

This decision was made after review by the responsible official on behalf of the lead agency of 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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.030.2C.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030 2C.

DESIGN REVIEW STANDARD REQUIREMENTS AND CONDITIONS

STANDARD REQUIREMENTS

For the Life of the Project

1. Any proposed changes to the building exterior or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).

2. The building constructed shall comply with all images and text on the final MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping).

Prior to Issuance of the Master Use Permit

3. Update the MUP plan sets to reflect the updated sidewalk location along Sturtevant Avenue and street improvement plans for the associated Construction Permit.

4. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

5. Call out all departures with amounts of departure per the Design Departure matrix in this document on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Building Permit

6. The design shown in the building permit plans shall conform to all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping), subject to any DPD approved post MUP design revisions.

DESIGN REVIEW CONDITIONS

Prior to Issuance of the Master Use Permit

7. Embed the conceptual "site lighting plan" dated 3/4/2009 in the project plan sets.

Prior to Issuance of the Certificate of Occupancy

8. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three 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.

CONDITIONS – SEPA

Prior to MUP Issuance

9. Submit an updated Wetland Delineation Plan (Figure 2 in Critical Areas Report) showing and labeling the expanded 2,700 square feet of buffer on the Parks site. Embed this into the MUP plan sets.

During Construction

(The following condition shall be posted on the property line of each site street frontage in a location 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 waterproofing material and shall remain posted on-site for the duration of the construction.)

10. 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) and shall be limited to non-holiday weekdays from 7 a.m. to 6 p.m. Interior work that involves noise generating mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed and the mechanical equipment is enclosed within the structure or within a noise attenuating structure. Low noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Signature: (signature on file) Date: May 21, 2009
Art Pederson, Land Use Planner
Department of Planning and Development

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