



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: 3009619
Applicant Name: Eric Koch
Address of Proposal: 1621 12th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the change of use of 16,000 sq. ft. of automotive sales and service to restaurant and performance arts assembly at ground level. Project also includes change of use of the below grade vacated parking area to light manufacturing.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject property is located within the Pike/Pine Urban Center Village between 11th Avenue on the west; 12th Avenue on the east; East Olive Street on the north and East Pine Street on the south. The site comprises 9,680 square feet of land zoned Neighborhood Commercial 3 with a 65’ height limit (NC3-65). Properties adjacent to the north, south and west are also zoned NC3-65. Zoning across 12th Avenue is also zoned NC3-65.



The site is not a mapped Environmentally Critical Area (ECA). It does slope from east to west with about a 12 foot drop (per city GIS layer) across the property.

The surrounding uses are residential, commercial and industrial in nature. Adjacent to the north is a mixed use building containing 62 dwelling units and 3,200 sq. ft. of commercial space, a printing operation adjacent to the south and west and a movie theater to the northwest. Across 12th Avenue to the east is a principal use parking lot owned by the City of Seattle and residential uses.

Proposal

The applicant is proposing to establish uses to legalize activities that have not been formally established by permit and to establish new uses to the existing building. Permit history does show that there have been past applications approving some of the existing uses but the permits have never received approved final inspections prior to the permit's expiration. The original use of the structure was an automotive sales and service use (approved and constructed in 1917, Permit #160796). The proposal is to establish 5,621 sq. ft. dance studio, 2,169 sq. ft. of restaurant, 900 sq. ft. prop making business (light manufacturing) and an additional 5,245 sq. ft. for a tee-shirt printing company (light manufacturing). There is currently no off-street parking and none is proposed. The restaurant and the dance studio will occupy the first floor and the light manufacturing uses will be located in the basement. Current off-street parking requirements (SMC 23.54.015.B.2) do not require off-street parking when located within a commercial zone and a designated Urban Center.

The building is also over 25 years old and DPD has contacted the Seattle Department of Neighborhoods (DON) Landmarks Preservation Board (LPB) staff to discuss the potential of this project to be reviewed as a potential historic landmark. DON staff has requested that the applicant submit an "Appendix A" referral request for review. DON has reviewed the referral and responded that since there is no exterior work being proposed, a Certificate of Approval is not required at this time.

The site is also being reviewed under construction application #6189335 to undertake voluntary seismic upgrades. During the review of this construction application it was discovered that the current uses within the building have not been established by permit and lead to this application. Further tenant improvement permit applications will be submitted for the improvements needed to accommodate the new tenants' spaces.

Public Comments

Public notice of the project application was published on November 20, 2008. The required public comment period ended on December 3, 2008. DPD received no comments regarding this proposal.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of the proposed project was made in the environmental checklist dated October 15, 2008.

The SEPA Overview Policy (SMC 25.05.665) 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. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-Term Impacts

There are no direct construction related impacts due to the establishment of the proposed uses. However, it is anticipated that future tenant improvement permits will be issued for the established uses as well as construction impacts related to the voluntary seismic upgrade. Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. Continued greenhouse gas emissions can be anticipated from the continued operation of the building.

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from tenant improvements and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Traffic

Construction activities will be the largest short term traffic impact. Mitigation measures have been incorporated as conditions of approval at the end of this report and decision.

Air Quality

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing 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 specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

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.

Noise

In addition to the Noise Ordinance requirements, to reduce the noise impact of associated construction truck trips on nearby properties, activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby neighborhood commercial and residential establishments, only low noise impact work shall be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increases in carbon dioxide and other greenhouse gas emissions and increased light and glare.

Traffic and Parking

It is anticipated that traffic will be generated as a result of the proposed uses. The impacts related to parking are considered to be more adverse than the amount of traffic generated. Historically, parking was provided in the building's basement but is proposed to be removed with this application. Prior code amendments to the Seattle Municipal Code no longer require off-street parking to be provided within this area of the city. Based on a limited parking supply study provided by the applicant, it was shown that the existing on-street parking supply is estimated to be used at 86% capacity after 6 pm. This capacity is limited and beyond our standard of 85% utilization. Building tenants and their employees as well as customers may not be able to find available on-street parking close to the facility. More than likely, they may have to utilize neighboring principal use parking lots or find available on-street parking farther away (if before 6 pm Monday through Saturday, it is not legal to continually park in the same space in the time limited on-street parking spaces).

The long term impacts related to employee parking may be the most adverse. Bus routes stop along East Pine Street, Broadway and 15th Avenue which are located a short distance from the facility (from 1 to 5 blocks away). Buses do not run along 12th Avenue. This would require the tenants and their clients (mainly the performing arts studio and the restaurant) to search for available on-street parking or utilize the available paid parking lots within the immediate vicinity to attend intermittent performances, dance classes and/or visit the restaurant. Follow-up inspections performed by DPD staff have shown the utilization rate may be higher at differing times than those reported in the parking supply study.

We find that there is an environmental impact to the on-street parking supply from the proposed uses since the existing on-street parking utilization rates are high. Mitigation is required to offset this impact since available off-street parking is not required or proposed and the available on-street parking supply is limited. It is required that the building owner mitigate this environmental impact through a covenant agreement that provides ten (10) - 100% subsidized, 1 fare transit passes to the building tenants. A covenant agreement is required to be signed and recorded with King County's Department of Records and Elections and a copy of the recorded document provided to DPD prior to issuance of this permit.

Greenhouse Gas Emissions and Other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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.

- 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).

