
**NOTICE OF REVISED ADMINISTRATIVE DECISION and
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

The City of Bainbridge Island issued a decision of denial on July 26, 2017, in which the applicants filed a timely appeal. Following an appeal hearing and a Remand Order from the Hearing Examiner, the denial is Vacated, the appeal is Dismissed without prejudice and the proceeding was remanded to staff for administrative approval consistent with the terms of the Order and the conditions proposed.

Date of Issuance: February 2, 2018
Project Name & Number: CREATIVE SPACE PLN50177 SPR
Project Type: Site Plan Review
Owner: TSENG PROPERTIES LLC
Project Site & Tax Parcel: Manzanita Park Boulevard, TA# 04250240322005

Project Description: Construction of 10 buildings on a currently undeveloped 4.55 acre parcel. The proposed uses are workshops, storage spaces and display spaces to be leased by artists, artisans and trades persons.

Permit Decision: The application is **approved**. The decision becomes effective after 14 days from the date of issuance, or after **Friday, February 16, 2018**.

SEPA Determination: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if mitigation measures are properly implemented. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Responsible Official: Gary R. Christensen, AICP
City of Bainbridge Island
Address: Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110 (206) 842 - 2552

Signature: 

Date: 2/2/18

Appeal Procedure: This administrative decision and/or SEPA determination may be

appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020P and/or 16.04.170. An appeal must be filed **no later than 4:00 p.m., Friday, February 16, 2018**. You should be prepared to make specific factual objections.

**Mitigation Measures for
CREATIVE SPACE SEPA
Determination:**

This threshold determination is for file number PLN50177 SPR. A threshold determination under the State Environmental Policy Act in no way allows construction work to commence without appropriate construction permits, such as a building or grading permit. Mitigation measures become conditions of approval for the permit.

If you have any questions, contact:

Heather Wright

City of Bainbridge Island
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
206-780-3754 or hwright@bainbridgewa.gov

SEPA CONDITIONS

1. To avoid impacts to vegetation, no construction activity shall occur in landscape buffers or within the critical root zone of significant trees within the forested wetland buffer, landscape buffers, including staging, storage, materials laydown, parking, construction vehicle turnaround, or equipment unless otherwise approved by Planning Staff.
2. Prior to clearing permit or construction permit issuance, fencing shall be erected and posted with signage to protect areas of prohibited disturbance to include a chain link fence around the dripline or critical root zone, whichever is greater. Signs shall be affixed to the fence every 50 feet indicating the protected area. Fencing shall be inspected and remain in place until construction is complete, and removal shall be subject to approval of the Planning and Community Development Department. No construction activities, including grading and/or vegetation removal, shall occur prior 'area of disturbance' plan approval, and inspection and approval of the fencing installation, by the Planning and Community Development Department.
3. Prior to commencing any construction activity, the applicant shall have the wetland buffer temporarily fenced between the areas of construction activity. The location of the fence shall be indicated on the building permit application documents. The fence shall be made of durable material and shall be highly visible. The fence shall be inspected as part of the building permit. The temporary fencing shall be removed once the construction activity is complete and replaced with permanent fencing.

4. A split-rail type fence shall be installed along the edge of the wetland buffer area. The rails shall be high enough to allow small mammals and wildlife to pass through. The fence shall be indicated on the building permit application and in place prior to final inspection of the building permit.
5. Prior to issuing a final on a building permit, signs indicating the presence of a protected wetland buffer shall be placed on the fence. Signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.
6. Pursuant to BIMC 16.20.160 and to reduce the impacts on the wetland, the applicant shall limit the amount of lighting on the exterior of the buildings that abut the wetland along the northern and eastern edge of the site, shall only have motion sensor lights to the rear of those buildings and shall record a covenant to limit the use of pesticides.
7. The proposed infiltration trenches shall be setback a minimum of three feet from the edge of the wetland buffer to ensure that encroachment into the wetland is avoided when the trenches are installed. Any intrusion into the wetland is not permitted with this land use approval.
8. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities).
9. If any historical or archaeological artifacts are uncovered during excavation or construction, the contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Department of Archaeology and Historic Preservation.
10. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
11. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.
12. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.
13. On site mobile fueling from temporary tanks are prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 2001, see

14. To mitigate impacts on air quality during earth moving activities, contractors should conform to Puget Sound Air Pollution Control Agency Regulations which insure that reasonable precautions are taken to avoid dust emissions.
15. To mitigate potential impacts on air quality, cleared vegetation shall be removed from the site, processed by chipper or processed using other methods of disposal that does not require burning.

NON-SEPA CONDITIONS

16. Prior to the issuance of a building permit, a complete application to vacate the 50' access and utility easement on the southern edge of the property shall be submitted.
17. Prior to the issuance of a building permit, the location of the proposed fire hydrant shall be approved by the fire marshal and the Planning and Community Development Department. The Planning and Community Development Department shall review the location of the hydrant in coordination with the fire marshal to ensure that it meets fire requirements as well as its impact to existing trees and vegetation within the perimeter buffer. The proposed location shall minimize impacts on existing vegetation.
18. Prior to the issuance of a building permit, the applicant shall submit a landscape plan that identifies the species of trees and tree stands that are proposed for retention in the 50' full screen, perimeter buffer. The plan shall identify the critical root zone of those trees to be retained that may be impacted by clearing, grading, construction, development or maintenance. Those trees required for retention within the 50' roadside buffer located on the edge of the "post development" area, defined as that portion of the development capable of adversely impacting the trees to be retained, shall be analyzed by a certified arborist about their long-term health and/or viability. This analysis shall also address protection during construction.
19. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that meets the 50' full screen requirements and the parking lot landscaping requirements. The trees and tree stands within the 50' buffer are to be retained and protected unless the applicant has demonstrated the existing trees and vegetation will be compromised and likely become hazardous post construction. In the event that the number of trees and shrubs required for removal result in the buffer providing less than the full screen minimum requirements, the applicant shall indicate on the landscape plan all additional necessary plantings. The plan shall include a minimum of five trees and a landscaped area at the end of the parking aisles.
20. All landscaping shall be installed, or a performance assurance device shall be submitted and approved, prior to final inspection of the final building within the phase being constructed. The installation of landscaping shall be verified by the Landscape Professional or owner and a landscaping declaration shall be signed.

21. Landscape buffers shall be maintained with a maintenance assurance device for a period of three years. No vegetation within the buffers shall be disturbed without approval of the Planning and Community Development Department through an approved clearing, grading or civil plan.

22. The applicant shall provide their contractor a sheet with the trees proposed for retention and removal clearly marked. The following regulations shall be included on that sheet:

Unauthorized removal of trees shall result in at least one-and-one-half times (150 percent) of the number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a clearing permit with a replanting plan. Trees will be approved for removal only if they meet the hazard tree requirements.

Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. The city has the authority to administer the following; stop work orders, injunction or abatement or any other appropriate action in courts and/or a civil infraction, subject to enforcement and fines.

Exception to discretion statement above: Any tree identified on a development project's required landscaping plan as retained and given a monetary value per subsection BIMC 18.15.010.G.3.a.iii of this section that is removed, or dies during the surety period due to improper protection during construction, shall be subject to an automatic fine of three times the tree's stated value. All of the project's active permits shall also be suspended until the fine is paid and all restoration work completed.

23. Application for a building permit shall require binding approval from the Health District for the septic locations and water availability.

24. Except for modifications reflecting compliance with these conditions of approval, building plans shall substantially conform to plans with the revision date of December 14, 2017.

25. Prior to any construction activities, the applicant shall obtain the appropriate building and grading permits from the City of Bainbridge Island.

26. The site and buildings shall meet all accessibility standards of the International Building Code.

27. Each proposed tenant shall receive a business license from the City of Bainbridge Island prior to occupying the space.

28. All tenants shall demonstrate compliance with the performance standards contained in BIMC 18.06.050 B prior to occupancy.

29. Subsequent tenant improvements are subject to additional TIFs where the use intensifies the traffic generation (i.e. retail uses, etc.).
30. All tenant improvements shall be required to retrofit or install additional stormwater pollutant controls as deemed necessary by the City for pollutant-generating activities associated with that use that occur in uncovered areas subject to precipitation, or, where they discharge into the storm system/wetlands (i.e. not permitted to drain to the septic system such as outside equipment washdown areas, process wastes, etc.).
31. Parking requirements are one space per employee. With 18 units, and 40 proposed parking spaces, each unit may have a range of one to six employees, with each unit dedicated a minimum of two spaces. Prior to occupancy, each tenant shall demonstrate that they have acquired the rights to any parking spaces above two spaces and shall indicate the number of spaces required and their location within the lot.
32. Parking area shall be paved, all stalls shall be striped to their full dimensions and appropriate signage shall be placed at each handicap stall(s).
33. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates. The screening enclosures shall be architecturally consistent with the adjacent structures.
34. All mechanical equipment shall either be located underground, incorporated into landscaping or integrated within the building or roof form of the building. No roof mounted mechanical equipment shall be allowed except vents and chimney stacks.
35. Parking space and aisle dimensions shall meet the design standards in BIMC 18.15.020.J. Spaces for compact cars shall not exceed 30% of the amount of spaces.
36. Pursuant to BIMC 2.16.020.M.1, a land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless (a) the applicant has received an extension for the permit; or (b) the permit provides for an extended time period.
37. Pursuant to BIMC 2.16.040.G.1, minor adjustments to an approved site plan review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.
38. Pursuant to BIMC 2.16.040.G.2, adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use.
39. Civil improvement plans ready for construction shall be submitted with an application for a building permit to the City of Bainbridge Island for review and approval to construct all necessary infrastructure.
40. Issuance of building permits will be subject to islandwide Transportation Impact Fees (TIFs) pursuant

to BIMC 15.30. The fee will be based on the cost of additional trips set at the time of building permit application. The net additional trips for all buildings proposed by the project is estimated at 27 in the PM peak hour per the final traffic impact analysis. Credits towards the TIFs will be given only for land, improvements, and/or facility construction for system improvements listed in the TIF rate study.

41. The private access road from NE Day Road to the project entrance shall be paved to provide a local access road consistent with the City's standards that provides either 1) a 12-foot paved lane with 3-foot gravel shoulder on either side (18-foot wide all-weather surface) with paved turnouts spaced every 300 feet per the Standards drawings DWG. 7-065, 7-066, and 7-067, or 2) a 18-foot paved surface with 3-foot gravel shoulders per DWG. 7-060.
42. Notwithstanding any other element of this approval, a 50-foot full screen buffer shall be provided from the eastern edge of the road development as it will exist within the adjacent private easement after project construction has been completed, or in other words, after compliance with the requirements of Condition no. 41.
43. A Stormwater Pollution Prevention Plan (SWPPP) prepared by a civil engineer licensed in the State of Washington is required prior to construction activities including clearing or grading or civil improvements for all phases of the project that complies with BIMC 15.20.
44. A final stormwater report shall be submitted detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil engineer licensed in the State of Washington.
45. The soil underlying the permeable pavement to be used for water quality treatment purposes shall be tested to confirm it meets Soil Suitability Criteria 6 (SSC-6) outlined in volume III of the City's adopted stormwater manual to provide adequate organic content and sorption capacity to remove pollutants and safeguard groundwater quality. If the SSC are not met, the base layer may be amended to provide the correct soil characteristics to mitigate pollutants.
46. The applicant shall submit an operation and maintenance (O+M) plan for the on-going maintenance of the on-site storm drainage system based on the as-built storm drainage system. As-built drawings shall be provided with the O+M plan.
47. All on-site stormwater facilities shall remain privately owned and maintained. The owner(s) shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A Declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before final building occupancy pursuant to BIMC 15.21.
48. A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.
49. A separate grade and fill permit shall be submitted for all sitework not associated with a permissible structure.
50. The proposed action(s), phased or concurrent, in their totality would result in more than one (1) acre of earth disturbance on the site and drain to waters of the State. A Construction Stormwater General Permit shall be obtained from the Washington State Department of Ecology and the site shall be monitored for discharge of pollutants and sediment to the wetlands and stream for the duration of the project. No land clearing or construction permits shall be issued prior to obtaining the State permit.