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: 3006179
Applicant Name: Joy Jacobson for Seattle University
Address of Proposal: 1218 East Cherry Street

SUMMARY OF PROPOSED ACTION

Land Use Application to change an 8,471 sq. ft. portion of a structure from custom and craft use to administrative offices accessory to an institution (Seattle University). No change in parking. Review includes minor amendment to adopted Major Institution Master Plan.

The following approvals are required:

Request for a Minor Amendment – (Chapter 23.69.035, Seattle Municipal Code.)

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

SEPA DETERMINATION: [ ] Exempt [X] 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 project site is near the easterly portion of the Seattle University (SU) Campus within the boundaries of the Seattle University Major Institution Overlay (MIO) zone. The Seattle University MIO encompasses an area bounded generally by Broadway on the west, East Jefferson Street to the south, East Madison Street to the far north and a variable east boundary line between 12th and 15th Avenues.

This approximately 23,040 square foot (sq. ft) rectangular-shaped site is situated on the northeast corner of East Cherry Street and 13th Avenue. Development on the subject site consists of a one-story building (Tyler Building) with an accessory surface parking area consisting of seven (7) parking stalls accessed via a curb cut situated on 13th Avenue. Interior renovations to change a portion (3,938 sq. ft.) of the building from custom and craft use to offices for Seattle University is currently ongoing on the subject property (#6110997).

East Cherry Street is classified as an arterial, improved with curbs, sidewalks and gutters on both sides of the street. 13th Avenue is a non-arterial street, improved with curbs, sidewalks and gutters on both sides of the street.

The property immediately north of the subject site is owned by the University, accommodating storage and faculty shops associated with Seattle University (SU). Directly to the south is an SU

surface parking area. A gas station with car wash and a commercial/residential building are west of the site. East of the site is a warehouse building owned by Qwest.

The zoning classification of this site is Major Institution Overlay (MIO-50) with underlying split zoning of Neighborhood Commercial 2 (NC2-40) and Lowrise 3 (L-3). The MIO-50/NC2-40 zone occurs on approximately 2/3 of the site; extending approximately 128' along East Cherry Street and 120' along 13th Avenue. The MIO-50/L-3 portion of the site only fronts on 13th Avenue (60'x 128'). The Seattle University Adopted Major Institution Master Plan identifies this site (noted as a privately owned "Non-University Building (Tyler Building)") as an alternative site for the construction of the future "Plant Services Building". The Master Plan explains, if acquired, the Tyler Building would be demolished. The Master Plan did not contemplate the retention and renovation of this building.

Proposal

The applicant (Seattle University) proposes to alter a portion of an existing 21,031 sq. ft. building (Tyler Building) currently used for office and custom craft use to accommodate a 602 sq. ft. portion of building located in MIO-50/NC2-40 zone from workshop to office and the remaining 7,869 sq. ft. of existing building located in MIO-50/L-3 zone from warehouse to office. No change to existing parking is proposed. Minor interior alterations to the existing building are proposed. No changes to the exterior footprint of the building are proposed other than upgrades to the doors, skylights, windows and exterior lighting.

Public Comments

The required public comment period ended on December 19, 2007. DPD received no written comments regarding this proposal.

ANALYSIS - AMENDMENT TO MASTER PLAN

The proposal for this project requires a determination by the Director on compliance with SMC 23.69.035, changes to master plan. Specifically, this code section requires "*a proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.*"

Seattle University adopted a Major Institution Master Plan (MIMP) in September, 1997. This plan outlines the development program for the University; establishes development standards for new buildings; and provides for a transportation management program to reduce the number of single occupancy trips to the school and surrounding areas.

Underlying development approved in MIMP

As part of the overall development program for the University, the proposed development site was envisioned as an alternative site for the Plant Services Building. Two (2) existing SU service buildings located at 1215 East Columbia Street and 713 13th Avenue and a privately-owned commercial building located at 1218 East Cherry Street (subject site) were planned to be demolished in order to construct a two-story 45,000 sq. ft. building. If the subject property could not be acquired by SU, a three-story building with a smaller building footprint would be constructed on the portion of the site currently owned by the university.

SU acquired the Tyler Building property in December 2004. Accordingly, the change from demolishing this building to the current proposal requires a determination as to the nature of the change (noted above) and if the change is subject to an amendment, as required in SMC

23.69.035. A formal request was made to the Director by Seattle University on February 5, 2007.

Review process

As required per the Amendment process, SMC 23.69.035C and rules governing Notices of Interpretation under SMC 23.88.020D, the Citizen's Advisory Committee (CAC) receives both notice of the request and, subsequently, make a recommendation on the type of Amendment as either an Exempt, Minor or Major Amendment. The Citizen Advisory Committee is also given an opportunity to recommend what conditions (if any) should be imposed if the recommendation is that the project is a Minor Amendment. The Director then determines whether the amendment is minor or major according to subsections D and E of this section.

Seattle University made a request on February 5, 2007 to inquire if the development proposal is interpreted as either an Exempted Change or a Minor Amendment. The following analysis is a review of the criteria for both Exempt Changes and Minor Amendments, as reflected in SMC 23.69.035.

Exempt Changes

1. *Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or*
2. *Twenty (20) or fewer parking spaces not approved in the master plan; or*
3. *An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or*
4. *Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or*
5. *Any increase in gross floor area below grade.*

As indicated in the applicant's request for an interpretation, the existing 21,031 sq. ft. building will remain intact: no construction of additional floor area is proposed. The building will host existing employees and programs. Existing on-site parking will remain; no new parking is proposed. As a result, this development proposal is not considered an exempted change.

Minor Amendments

1. *The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or*
2. *The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or*
3. *The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:*

a. *Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and*

b. *Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and*

c. *Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and*

d. *Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.*

The proposal is to undergo tenant improvements to the Tyler Building. The proposed tenant improvement would also entail a change of use from custom and craft to administrative offices to support functions such as offices for SU until a long-term plan is developed. As previously identified, the Site is located on a split zone property – MIO-50-L-3 and MIO-50-NC2-40. Both the existing use and proposed use is allowed outright in the underlying commercial zone (NC2-40) but not allowed outright in the underlying multifamily zone (L-3). Per SMC 23.69.028, this use would be allowed if the property is located in a Major Institution Overlay (MIO) for University use and if the Adopted Major Institution Master Plan (MIMP) has taken this proposal into consideration. Because the MIMP did not contemplate the retention and renovation of this building, the proposal would be considered a change to the master plan. Thus a request for a minor amendment to the MIMP in order to obtain a waiver from a development standard is warranted.

Per the applicant, the building will house existing SU staff and programs. SU anticipates no additional parking will be needed; therefore, no impact on the Transportation Management Plan (TMP) is expected. Per the submitted plans, exterior and interior alterations are proposed with the goal to make the existing building aesthetically pleasing, increase safety lighting and increase visibility into the building. Based on this information, the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located.

<u>CAC recommendation</u>

The Citizen's Advisory Committee (CAC) first received information about changes at the site at their August 15, 2007 meeting. It was during this meeting, the CAC unanimously passed a resolution in support of the tenant improvement to the Tyler Building and the change the use designation to office use for SU to be determined as a Minor Amendment. The resolution from the CAC in support of the project reads:

> *The Seattle University Major Institutions Master Plan Citizens Advisory Committee strongly concurs that the request of Seattle University to amend its current Major Institution Master Plan to change the use designation of the Facilities Building, located at 1218 East Cherry Street, from a temporary to permanent office use should be granted and is clearly a minor amendment to that plan.*

<u>Conclusions</u>

Based upon a review of the proposal; the criteria under SMC 23.69.035; the review and comment by the CAC; and staff review of the proposal, the request for a Minor Amendment to allow the

retention of the Tyler Building and undergo tenant improvements and change of use to allow for offices for SU, in lieu of demolition approved in the 1997 MIMP is hereby **APPROVED as a MINOR AMENDMENT.**

ANALYSIS - SEPA

The original MIMP required the development of an EIS to evaluate the impacts of that Plan. The FEIS, published October 17, 1996, considered the following environmental impacts: Air Quality, Energy, Environmental Health, Land Use, Population and Housing, Height, Bulk and Scale, Light/Glare and Shadows, Historic and Cultural Preservation, Transportation and Parking, Public Services and Utilities as well as short-term related Construction Impacts. Since the FEIS only considered impacts of a building at this location that was a different use than the current project, a SEPA checklist with supporting documentation was required.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 15, 2007. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary construction activities on this site could result in the following adverse impacts: construction dust and stormwater 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 impacts 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. Compliance with these applicable codes and ordinances will reduce or eliminate anticipated short-term impacts.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased ambient noise associated with increased human activity; and increased energy consumption. The

long-term impacts anticipated are minor in scope considering the proposal involves the reuse of an existing structure with no change in onsite parking amounts and very limited construction activity.

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.

Summary

In conclusion, some adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The specific impacts identified in the foregoing analysis can be adequately mitigated or regulated by codes or ordinances, per adopted City policies.

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.

[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 – MINOR AMENDMENT

None.

CONDITIONS - SEPA

None.

Signature: (signature on file) Date: February 28, 2008
Tamara Garrett, Land Use Planner
Department of Planning and Development

TG:rgc
I:\garrett\DOC\Major Institutions\3006179 dec.doc