



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3009764
Applicant Name: Jon O'Hare for Hard Rock Cafe
Address of Proposal: 114 Pike Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 14,000 sq. ft. of alterations and a 2,000 sq. ft. addition to an existing two-story building for proposed restaurant (Hard Rock Café). Project includes 599 sq. ft. of retail at ground level, 15,186 sq. ft. of enclosed restaurant space, and 1,863 sq. ft. of exterior restaurant space (roof terrace). No change in parking.

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 another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 7,000 square foot property is located mid-block on Pike Street between 1st Avenue and 2nd Avenue. The street is improved with concrete curb, gutter, and sidewalk. The site is occupied by an existing 14,000 square foot currently vacant building. There is no parking associated with the existing building. The existing structure was built in 1924 (the Liberty Building).

The subject property is located in a Downtown Mixed Commercial Zone (DMC 240/290-400). This type of zoning (DMC) continues to the north, south, east, and west. Surrounding uses consist of commercial, residential, and office. The structure adjacent to the east property line of the subject property is an historic Landmark (The Eitel Building).

Proposal

The applicant proposes to partially demolish, remodel and expand the existing structure for a new restaurant and retail establishment (Hard Rock Café). The proposal includes 14,000 square feet of alteration, 2,000 square feet of additional building area, and a 2,000 square foot roof deck. The total areas of use include 599 sq. ft. of retail at ground level, 15,186 sq. ft. of enclosed restaurant space, and 1,863 sq. ft. of exterior restaurant space (roof terrace). No excavation or soil disturbance is proposed with the project.

Public Comments

Public notice of the proposal was issued on November 27, 2008. One public comment was received, listing concern about potential noise.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (November 17, 2008), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) 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 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities 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 and do not warrant mitigation under SEPA.

Noise

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring 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. The hours of construction activity shall be limited, subject to the conditions listed below.

Traffic

In consultation with DPD's Transportation Planner it was determined that the anticipated number of construction vehicle trips would not significantly exacerbate traffic congestion in this area during peak hours of travel. Seattle Department of Transportation will review any sidewalk or street closures and will review construction vehicle staging and travel. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no additional conditioning is warranted.

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; increased traffic in the area; increased demand for parking; increased noise; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; 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; the City Noise Control Ordinance which will regulate hours and level of noise. 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, except as noted below.

Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and 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 and do not warrant mitigation under SEPA.

Historic Preservation

The existing structure was constructed in 1924 ("The Liberty Building"), but was previously examined by the Department of Neighborhoods in 2006 for potential landmark status and denied nomination as a City of Seattle Landmark (Dept of Neighborhoods File number LPB 343/06).

The adjacent building to the east (The Eitel Building) is a City of Seattle Historic Landmark. The Department of Neighborhoods has reviewed the proposed development for potential impacts to the existing Landmark, and noted that no additional mitigation is warranted pursuant to SEPA (Dept of Neighborhoods File number LPB 71/09).

Parking

There will be increased parking demand created by the project. The site has no existing or proposed parking and is located in the center of the downtown core.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that the proposed mix of uses would generate peak demand for approximately 96.3 vehicle parking spaces:

- 2.75 spaces per 1,000 sq. ft. retail use x 599sq. ft. = 1.65
- 5.55 spaces per 1,000 sq. ft. restaurant use x 17,049 sq. ft. = 94.6

The site is located in a very dense urban core, close to several modes of transit, pedestrian and bicycle opportunities. The ITE Parking Manual is based on suburban assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle facilities, or mass transportation. For the remaining spillover parking demand of people driving to the site for these uses, there are on-street and pay parking lots in the immediate vicinity.

Additionally, per SMC 25.05.675.M.2.b.i, no SEPA authority is provided to mitigate for parking impacts in downtown zones. No further conditioning is warranted by SEPA policies.

Traffic

The applicant has provided a traffic study (“Technical Memorandum, Hard Rock Café Seattle Project, Trip Generation and Distribution Analysis, February 19, 2009” prepared by Heffron Transportation, Inc.). The study discusses the ITE Parking Manual report on peak demand, and note that the proposed mix of uses replaces the recent retail use. The change and expansion results in a net increase of 380 vehicle trips per day and 34 pm-Peak hour trips.

In consultation with DPD’s Transportation Planner it was determined that the anticipated number of vehicle trips has been determined not to have a significant adverse impact on the existing traffic patterns in this area. However, the potential for increased pedestrian-vehicle conflicts at the alley entrance could increase, due to increased loading vehicles at the alley. To reduce these potential conflicts and allow drivers to see approaching pedestrians, a mirror will be required at the southwest corner of the building adjacent to the alley, as conditioned below.

Summary

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

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2C.
- 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 2C.

