



City of Seattle

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: 3012378
Applicant Name: Jill Burdeen
Address of Proposal: 500 Belmont Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, six-story multifamily structure for a total of 65 units and parking for 39 vehicles to be provided below and at grade. Existing structures on the site will be demolished. Early Design Guidance was conducted under Project #3006603.

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:

SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05

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

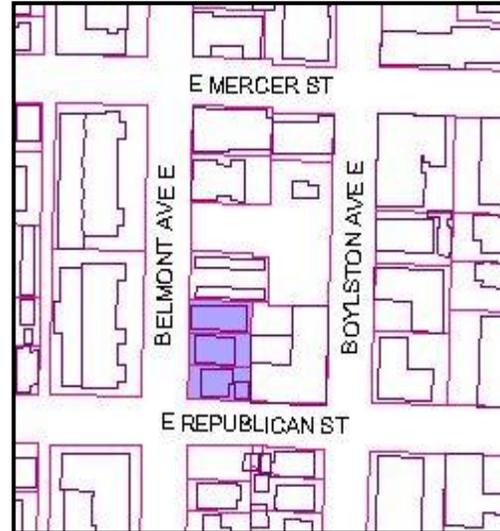
SITE & VICINITY

The 10,026 square foot subject site, zoned Midrise with a 60 foot height limit (MR), is located on the Northeast corner of Belmont Avenue East and East Republican Street in the Capitol Hill neighborhood. The site is made up of three lots and two existing residential structures (a third structure was demolished). There is no alley access to the site. The site slopes downhill from the east. The Midrise zone continues on all sides of the subject site, although it changes to Lowrise 3 (LR3) at the block north of the site. Three blocks to the east is the Broadway East commercial district which is zoned Neighborhood Commercial 3 (NC3).

The area is well served by transit and is developed with mostly higher density multi-family residential structures. Directly to the north of the site is a parcel developed with covered carports owned by the condominium building across the street at 505 Belmont Avenue East. Adjacent to the carports to the north is Tashkent Park, a one-half acre public park.

PROJECT DESCRIPTION

The proposal includes demolition of two existing residential buildings and the construction of a new six-story multifamily building with 65 residential units. Vehicle access to the site is proposed from Belmont Avenue East and parking for 39 vehicles would be provided below grade.



Background

DPD approved the project in 2008 (MUP #3006603). The Master Use Permit remained active due to construction permit activity. In the intervening years, the City Council approved changes to the Midrise chapter (SMC 23.45) of the Land Use Code affecting height, setbacks and introducing floor area ratio (FAR) as a measure of the intensity of site development. The applicant has revised the structure and modified the departure requests.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on May 19, 2011.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on September 7, 2011 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Eleven members of the public affixed their names to the sign-in sheet. The following issues were raised:

North Side setback:

- The previous project was more respectful to the park---it was setback from it even though it did not share a property line with the park.
- Do not place a blank wall on the park.
- Do not grant the departure for the side setback on the north.

- The parking lot to the north is tiny. There shouldn't be a tall, blank wall overlooking the park.
- A blank wall on the north elevation is preferred. Apartment dwellers will throw beer bottles out of the windows onto the parking lot below.

Urban Design:

- This block is unique. The building will block sunlight.
- It just doesn't fit into the neighborhood.

Aesthetics: materials, composition

- The proposal is a cheap, speculative design. It saps the neighborhood rather than promotes good urban design. The previous proposal fit into the neighborhood better.
- Do not approve a building with metal skin. [Several people objected to the alternative with the metal veneer.]
- With so much glass at the ground floor apartments, the residents will feel as if they are in a fish bowl.

Project size:

- The units are tiny and there is too little parking.
- This project has less open space.
- This project is a bigger building than the previous one but the neighborhood is not getting a better building.
- There is too little parking. [Several people objected to the reduction in parking.]
- The proposed project has more apartment units and fewer parking spaces than the MUP approved project.

Landscaping:

- The landscape design should be more creative. Planters are a poor excuse for landscaping. The design should be more interesting.
- Large roof decks are nice. Increase the amount of space on the roof.

Departures:

- The Board should insist that the departures benefit the neighborhood. Don't grant departures if the number of parking spaces remain the same.

Process:

- What is the purpose of having departures? The departures are excessive.
- DPD should have started the process from the beginning with an EDG.
- DPD did not conduct proper notification.

DPD received approximately 15 comment letters. These letters focused on several themes. Many of the letters questioned the appropriateness of the revisions to the approved design. The changes proposed included an increase in units, a taller structure, setbacks closer to the property lines and a reduction in the number of parking spaces and its potential impact on the neighborhood. The proposed displacement of four large, mature trees in the rights of way also concerned several neighbors of the development site. Other issues brought to DPD's attention included proposed changes to exterior materials, open space, the character of the units facing the streets, and the quality of architectural detailing.

Letters also addressed the adequacy of the public review process and the property owner's neglect of the subject properties.

Development Standard Departures

The applicant requested six departures from the following standards of the Land Use Code:

1. Structure Depth. SMC 23.45. 528.
2. Rear Setback. SMC 23.45.518.
3. Interior Side Setback. SMC 23.45.518.
4. Street Side Setback. SMC 23.45.518.
5. Driveway Width. SMC 23.54.030
6. Sight Triangle. SMC 23.54.030G.

Recommendations

A. Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Capitol Hill-specific supplemental guidance:

- **Retain or increase the width of sidewalks.**
- **Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.**
- **Vehicle entrances to buildings should not dominate the streetscape.**
- **For buildings that span a block and "front" on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.**

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The applicant shifted the primary residential entrance from the northern edge of the Belmont Ave. façade toward the center of the elevation. The Board did not comment on this change.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Considerable discussion focused on the merits of the proposed blank wall and minimal setback facing the north and Tashkent Park. The Board disapproved of the extent of the departure and recommended a condition to require windows and similar façade detailing as the other elevations. Reviewing the figure ground drawing, the Board observed that a zero lot line condition was actually not a common occurrence in this part of Capitol Hill.

The departure requests for the side setback from Republican St, on the south side next to the adjacent Viceroy apartment building, and the rear setback departure were acceptable to the Board.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Capitol Hill-specific supplemental guidance:

- **Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.**
- **Create substantial courtyard-style open space that is visually accessible to the public view.**
- **Set back development where appropriate to preserve a view corridor.**
- **Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.**
- **Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.**
- **Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.**
- **Use porous paving materials to minimize stormwater run-off.**

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.

Capitol Hill-specific supplemental guidance:

- **Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.**

No Board comments applied to the location of the garage access.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

Capitol Hill-specific supplemental guidance:

- **Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.**
- **Provide for a prominent retail corner entry.**

Board discussion did not focus on the corner condition.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

Capitol Hill-specific supplemental guidance:

- **Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.**
- **Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.**
- **Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.**

The north elevation's lack of adornment facing Tashkent Park makes the wall appear imposing and disrespectful to the neighboring park. The Board recommended that the proposal maintain a seven foot setback and ensure fenestration and detailing similar to the other elevations.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

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 facade walls.

Capitol Hill-specific supplemental guidance:

- **Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.**

- **Solid canopies or fabric awnings over the sidewalk are preferred.**
- **Avoid using vinyl awnings that also serve as big, illuminated signs.**
- **Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.**

The concept of large piers at the upper levels and a set of smaller piers at the base is applied consistently throughout the building design. The Board did not approve of the blank wall on the north side and the related departure request. The Board conditions the design of the north wall, to be set back seven feet from the property line, to have a pier and spandrel system framing residential unit windows and cedar siding similar to the other facades.

The prior design possessed more weight or substance due to the lower height and the similarity of color in the materials. The lengthened piers emphasize the design's verticality. The Board recommended several techniques to bring the horizontal and the vertical in closer balance by knitting the pier and spandrel system together. The applicant should consider altering the color of the floor lines, differentiating the major planes of the building more significantly, as well as other techniques.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

Capitol Hill-specific supplemental guidance:

- **Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.**
- **Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.**

The application of brick and cedar plank siding on the facades will provide a human scale to the project as well as a richly textured facade.

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.

Capitol Hill-specific supplemental guidance:

- **Use wood shingles or board and batten siding on residential structures.**
- **Avoid wood or metal siding materials on commercial structures.**
- **Provide operable windows, especially on storefronts.**
- **Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.**

- **Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.**
- **The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.**

The Board, in agreement with most of the public comment, recommended the use of the colors and materials in Scheme B (limestone and ebony colored brick on all levels) rather than the alternative of metal panels. In addition for the applicant's compliance with the C-2 guidance, the Board recommended that the amount of brick should not be reduced.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board discussion did not address the garage entrance.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Capitol Hill-specific supplemental guidance:

- **Provide entryways that link the building to the surrounding landscape.**
- **Create open spaces at street level that link to the open space of the sidewalk.**
- **Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.**

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.

The Board rejected the idea of placing a seven-story, blank north wall facing Tashkent Park. Although the development site does not share a property line with the park, the intervening use, a parking lot used by the Lamplighter condominiums across Belmont St., is unlikely to be redeveloped in the near future. Residential units facing the park would likely provide a greater amount of security for the park. Tenants of the units would also enjoy views and northern light. The Board recommended denial of the setback request and conditioned the north façade to be no less than seven feet from the property line. The Board members conditioned the north elevation to have a similar design as the other major facades. See C-2.

- D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.**

The retaining wall, separating the E. Republican St. right of way from the lowest southeast residential unit, leaves a narrow and unusable patio. The unit's residents would peer straight into a blank wall. The Board recommends that the applicant reconfigure this space to widen the terrace or to minimize or eliminate the narrow gap between building and retaining wall. Converting the lower level to parking or storage represents another means of solving the problem.

The door at the second level within the brick pier is inconsistent with the overall design and should be removed or relocated.

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

Capitol Hill-specific supplemental guidance:

- Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.

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

Capitol Hill-specific supplemental guidance:

- Consider: pedestrian-scale lighting, but prevent light spillover onto adjacent properties; architectural lighting to complement the architecture of the structure; transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach’.
- Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.

E. Landscaping

- 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.**

The elevator and stair penthouse will be seen from apartments uphill to the east. The east façade should not appear as a blank wall but possess depth and possibly transparency. The high quality of materials should remain the same.

Recommendations: The recommendations summarized below were based on the plans and models submitted at the September 7, 2011 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the September 7, 2011 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS for the project. (Authority referred in the letter and number in parenthesis):

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Structure Depth. SMC 23.45.528.	Maximum structure depth is 75% of lot depth. 61.5' allowed.	75'8" proposed or 14.2 linear feet additional structure depth.	<ul style="list-style-type: none"> ▪ Provides for deep units. ▪ Structure steps back toward the northeast. 	Approved
2. Rear Setback. SMC 23.45.518	15 feet.	4" (14'8" change) proposed.	<ul style="list-style-type: none"> ▪ Design responds to zero lot line condition at the adjacent Viceroy Apts. ▪ Wall obscures the Viceroy's blank wall from the street. 	Approved
3. Interior Side Setback. SMC 23.45.518.	Below 42': Minimum is 5' Average is 7' Above 42': Minimum is 7' Average is 10'	North Façade below 42': 5" minimum (difference 4'7") 1'6" average (difference 5'6") Above 42': 5" minimum (6'7" difference). 1'6" average (8'6" difference).	<ul style="list-style-type: none"> ▪ Added detail to the north blank wall. 	Denial of applicant request. Approval for a consistent 7' setback below and above 42'.
4. Street Side Setback. SMC 23.45.518.	Minimum is 5' Average is 7'	South Façade: 4'2" minimum (difference 8") 7'7" average.	<ul style="list-style-type: none"> ▪ Continues zero lot line condition established by neighboring building. ▪ Serves to obscure blank wall of building to the east. 	Approved

5. Driveway Width. SMC 23.54.030	Minimum width for 2-way driveway is 20'	18' (two foot differential)	<ul style="list-style-type: none"> ▪ Decreases visual impact of the vehicular entrance. 	Approved
6. Sight Triangle. SMC 23.54.030G.	No obstruction between 32" and 82" in height.	Planter height at 38". Six inch height obstruction on both sides of triangle by planter.	<ul style="list-style-type: none"> ▪ Planters on either side of garage entry mitigates size of garage ▪ Provides additional landscaping along streetscape. 	Approved

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. The design shall maintain a seven foot setback from the north property line and ensure that the façade possesses brick, fenestration and in-fill detailing similar to the other elevations. (B-1, C-2, D-2)
2. At the west façade, provide greater emphasis on the structure's horizontality by using techniques to bring the horizontal and the vertical in closer balance. The applicant should work to knit the pier and spandrel system together by altering the color of the floor lines, differentiating the major planes of the building more significantly, as well as exploring other techniques. (C-2)
3. Use the materials and colors (limestone and ebony colored brick) as illustrated in Scheme B. By complying with C-2 guidance (Condition #2), the applicant, as recommended by the Board, must not reduce the amount of brick as shown in the elevations. (C-4)
4. The retaining wall, separating the E. Republican St. right of way from the lowest southeast residential unit, leaves a narrow and unusable patio. Reconfigure the exterior terrace for the lowest southeast residential unit by either widening the terrace, eliminating the narrow gap between building and retaining wall, or converting the lower level to parking or storage. (D-3)
5. Remove or relocate the door within the brick pier at the second level facing E. Republican St. in order to provide consistency with the overall building design. (D-3)
6. Revise the elevation and stair penthouse to add depth and possibly transparency to the east wall. From uphill, this façade should read as more than a blank, flat wall. The high quality of materials should remain the same. (E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

During the Recommendation meeting, the Board did not clarify whether the interior side setback would be seven feet below and above 42 feet or an average of seven feet below and above 42 feet. The applicant's departure request for a setback less than five feet minimum and less than the seven foot average below 42 did not receive a recommendation by the Board. The Board also did not recommend granting the departure request for less than a seven foot average above

42. As the Board recommended condition # 1 requiring fenestration, brick walls and infill detailing similar to the other elevations, concerns over a blank wall looming over Tashkent Park would be eliminated. The project also does not sit at a transition in zones. The applicant may have an average seven foot setback both below and above 42 feet.

Otherwise the Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by the five Board members and the recommendation to approve the design, as stated above.

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated December 9, 2009) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form 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 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 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Noise

There will be excavation required to prepare the building site and foundation 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 these 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.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Air Quality

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. 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.

Parking

Due to its location in the Capitol Hill Urban Center, this multifamily project is not required to have residential parking per SMC Section 23. 54.015 Table B. For census tracts in this vicinity, the basis for renter occupied units for the number of vehicles owned per unit is .77. Based on 65 mid-rise units and 0.77 cars per unit, the development would have a parking demand for 50

vehicles. The applicant proposes 39 interior parking spaces. Along the development's frontage there is room for a minimum of three vehicles for a total of 42 available parking spaces. This would leave a potential overflow of eight vehicles into the neighborhood based on unconstrained demand.

SMC 25.05675 M (Parking) does not allow the city to use SEPA authority to mitigate the impact of development on parking availability for residential uses located within the Capitol Hill/First Hill Urban Center. Thus, DPD cannot condition the project to provide on-site parking for the overflow of eight vehicles.

Plants and Animals

The health and sustainability of four mature trees in the right of way planting strip (two Bigleaf Maples and two Horse Chestnuts) were evaluated by Greenforest Inc. a consulting arborist. The study recommends removal of three trees due to a combination of branch failure overtime and the need to severely prune these trees due to their proximity to the proposed building. The fourth tree's close proximity to power lines on both adjacent streets would require regular heavy pruning. The Bigleaf Maple does not respond well to repeated topping cuts and should be, according to the arborist, removed. An SDOT arborist concurs with the tree recommendation.

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.

- [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 43.21C.030 2c.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. The design shall maintain a seven foot setback from the north property line and ensure that the façade possesses brick fenestration and in-fill detailing similar to the other elevations.
2. At the west façade, provide greater emphasis on the structure's horizontality by using techniques to bring the horizontal and the vertical in closer balance. The applicant should work to knit the pier and spandrel system together by altering the color of the floor lines, differentiating the major planes of the building more significantly, as well as exploring other techniques.

3. Use the materials and colors (limestone and ebony colored brick) as illustrated in Scheme B. By complying with C-2 guidance (Condition #2), the applicant, as recommended by the Board, must not reduce the amount of brick as shown in the elevations.
4. The retaining wall, separating the E. Republican St. right of way from the lowest southeast residential unit, leaves a narrow and unusable patio. Reconfigure the exterior terrace for the lowest southeast residential unit by either widening the terrace, eliminating the narrow gap between building and retaining wall, or converting the lower level to parking or storage.
5. Remove or relocate the door within the brick pier at the second level facing E. Republican St. in order to provide consistency with the overall building design.
6. Revise the elevation and stair penthouse to add depth and possibly transparency to the east wall. From uphill, this façade should read as more than a blank, flat wall. The high quality of materials should remain the same.

During Construction

7. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of all Construction Permits

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

Prior to Issuance of a Certificate of Occupancy

9. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 206-615-1392). An appointment with the assigned Land Use Planner must be made at least three (3) 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.

For the Life of the Project

10. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

