



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 & DEVELOPMENT**

Application Number: 3013765
Applicant Name: Paul Shema of Hewitt Architects for O&S LLC
Address of Proposal: 721 East Pine Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story building containing 95 residential units above 7,400 sq. ft. of commercial space. Parking for 29 vehicles to be provided below grade. Project includes 5,000 cu. yds. of grading. Existing structure to be demolished, except for the front facing façades on Harvard Ave and on E. Pine St.

The following Master Use Permit components are required:

Design Review Departures (SMC Chapter 23.41)

- Development Standard Departure to allow less than a 15' setback above a character structure (SMC 23.73.010.B.2)
- Development Standard Departure to allow less than 80% of the street frontage to be occupied by specified uses (SMC 23.47A.008.C.1)
- Development Standard Departure to allow more than one curb cut (SMC 23.47A.032.A.1.c)
- Development Standard Departure to allow vehicular access from a pedestrian zoned street (E. Pine St) (SMC 23.47A.032.A.2.a)
- Development Standard Departure to allow a residential curb cut to be wider than 10' (SMC 23.54.030.F.1.b)
- Development Standard Departure to allow a non-residential curb cut to be more less than 22' wide (SMC 23.54.030.F.2.b)

SEPA-Environmental Determination (Chapter 25.05 SMC)

DPD SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site Zone: NC3P-65

Nearby Zones: (North) MIO-105-NC3P-65
(South) NC3P-65
(East) MIO-105-NC3P-65
(West) NC3P-65

Lot: 13,147 square feet

Current Development:

The site is located in the Capitol Hill neighborhood on the southwest corner of East Pine St. and Harvard Ave.



The site is occupied by a one-story building and surface parking. The building (including Bill’s Off Broadway, 15th Avenue Garage, and Red Label Moto) is a character building in the Pike Pine Overlay District. The existing building is used for automotive sales and services and restaurant uses.

Surrounding Development and Neighborhood Character:

Adjacent structures include a one-story mid-20th century building to the east (auto service), the BMW Building Pike Pine character structure to the southeast, and surface parking. Surrounding development includes theaters and Seattle Central Community College offices across the street to the east, Seattle Central Community College to the north, and commercial buildings to the west and south. Nearby areas include a wide range of uses, architectural styles, and age of buildings.

The site is located in the Pike Pine Overlay District, which includes additional regulations for structures older than 75 years old.

Pine Street is a commercial corridor connecting downtown and eastern Capitol Hill. This street includes a high level of transit service. Harvard Avenue has less traffic than Pike or Pine Streets, with theater uses, offices, restaurants, and bars. Broadway Avenue is located one block to the east. The Pike Pine corridor continues past Broadway, with a large variety of retail, restaurant, commercial, and residential uses.

Cal Anderson Park is located two blocks to the east and offers a wide variety of recreational opportunities. The future Capitol Hill Light Rail Station and the First Hill Street Car are under construction and will be located nearby.

EARLY DESIGN GUIDANCE MEETING: October 10, 2012

Design Review Board member Chip Wall noted that he lives one block to the south and was previously involved in the Pike Pine Urban Neighborhood Council, but he feels he can review the project without bias.

The packet includes materials presented at the meeting, and is available online by entering the project number (3013765) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

The applicant noted that departures for curb cuts, driveway widths, and street level uses are requested to allow the existing businesses to be retained in their current location with current vehicular access (Red Label Moto and 15th Avenue Garage).

The applicant noted that they are discussing coordination of this project with the adjacent Wolff Company project (BMW Building), the proposed mid-block connections on that site, and the street facing facades for both developments. The applicant hopes to provide a highly transparent lobby and terrace at the southwest corner of the site, adjacent to the Wolff Company's proposed mid-block connection.

The applicant explained that the design intent of the 'front porch' community room at the second floor is to provide an open and welcoming common area for residents. The curved glass façade or other strategy is intended to playfully design this space to contrast with the strong orthogonal orientation of the area and invite users to interact with both the street level and the interior spaces.

The design concept goal is to relate to the context of the strong corner of the Egyptian Theatre across the street, relate to the adjacent Wolff Company project, and to create a strong composition between the existing character structure and the new addition above. The design intent for the upper levels is to create a clear overall composition, with a 'hinge' above the proposed Harvard Ave garage entry which would visually connect the character structure portion of the building with the new southern portion of the building. The applicant suggested that possible façade treatments could include glazed vertical elements that relate to the rhythmic bays in the character structure, with punched windows and masonry in other areas.

The applicant noted that they will retain the existing height of tenant spaces, or provide higher ceilings if new ceilings are needed with the additional structure above. The existing masonry walls and storefronts will remain unchanged, with below grade garage areas set back from the masonry walls. The floors and points of entry to the existing businesses will be the same or very similar to the existing conditions.

PUBLIC COMMENT

The following comments, issues and concerns were raised during public comment:

- Support for the design of the northeast corner and second floor setback;
- The second floor setback should be further emphasized;
- Support for the potential transparency at southwest corner and the design response to adjacent proposed mid-block connection;
- Support for retention of existing character structure and proposed modulation in the addition;
- Concern about the appearance of the “hinge” portion of the building above the proposed Harvard Ave garage entry;
- Support for retention of existing tenants, including automotive repair and retail, as well as the permitted restaurant/bar use;
- Support for the glazed southwest corner, facing the adjacent mid-block connection;
- Support for low number of parking stalls;
- The design should relate to nearby context, including the Egyptian Theatre; and
- The design of the south (new) portion of the building should be distinct from the north addition over the character structure.

FINAL RECOMMENDATION MEETING: August 21, 2013

The packet includes materials presented at the meeting, and is available online by entering the project number (3013765) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at DPD:

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Board member Dan Foltz noted that he was the lead designer for the project that was previously approved for a MUP adjacent to this site (BMW project, MUP number 3013283). Mr. Foltz noted that while he was involved with that project, he feels that he can review the proposal fairly and without bias.

PUBLIC COMMENT

The following comments, issues and concerns were raised during public comment:

- One of the existing tenants (for Bill's Off Broadway) spoke in support of the proposal and noted that the remodel and expansion will allow the existing businesses to return and thrive at this location.
- Comments were offered in support of the design response to the adjacent mid-block connection, the proposed awnings, and the building and tenant signage.
- PPUNC provided a comment letter supporting the overall design and departures, noting that many of the departures are requested in order to retain the existing businesses on site. The letter noted that the cornice form and material should be designed to reflect the varied facades, the gray cement board should be modified to reflect the visual interest in other areas of the design, and the overall design should represent a unified concept.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (OCTOBER 10, 2012):

1. Context of Nearby Buildings:

- a. The proposed design should respond to the context of visually prominent nearby structures, such as the Broadway Performance Hall and the Egyptian Theatre. Datum lines, similar scaled façade treatments, and other strategies may be used to reference this context in a modern expression. (C-1, C-2)

2. Height, Bulk and Scale, Design Concept:

- a. The Board was supportive of Alternative C. (B-1, C-2)
- b. The Board supported the concept of a visual 'hinge' to emphasize the joint between the northern/character structure portion of the building and the 'new' southern portion of the building. (A-2, B-1, B-3, B-7, C-2)
- c. The upper building mass should be simplified to emphasize the corner, the front porch, the character structure portion, and the 'new' southern portion of the building. (A-10, B-1, B-3, B-7, C-2)
- d. The upper level massing moves should respond to the asymmetry of the street level on E. Pine St. (A-2, B-3, B-7, C-2)
- e. The proposed parking garage and other garage entries should be treated for human scale and visual interest (A-4, C-5)

3. Second Floor Terrace "Front Porch":

- a. The 'front porch' setback and treatment at the second floor should extend further on Harvard Avenue to activate the street frontage. (A-1, A-2, A-4, A-7, B-3)
- b. The detail of the terrace level railings will be important component of the street facing façade. The railing should be composed of a well-detailed material that enhances the overall design concept. (A-2, B-3, B-7, C-2, C-3, C-4)

- c. The corner facing terrace is a positive aspect and should be used to emphasize the design of the upper building mass at the corner. (A-10, B-1, C-2)

At the Recommendation meeting, the applicant should provide the following information:

1. The design of the west wall, the light well, and the southwest corner as they relate to the adjacent development. (A-1, A-5, C-1, C-4, D-1, E-1)
2. A dimensioned site plan showing proposed setbacks at all levels. (A-1, A-2)
3. Graphics demonstrating the proposed residential entry and lobby design, related to the street front and the adjacent proposed mid-block connection. (A-5, D-1, D-7, D-12, E-1)
4. Graphics demonstrating the existing and proposed commercial storefront design of transparency, lighting, and signage. (A-2, B-3, B-7, C-2, C-3, C-4, D-9, D-10, D-11)

FINAL RECOMMENDATIONS (AUGUST 21, 2013):

1. **Response to Context:** The Board discussed the response to the adjacent context, including the adjacent BMW site. The Board noted that both projects are proceeding through the permitting process at approximately the same time, and the Board advised the applicant to continue working with the adjacent development to create finely detailed transitions between the two sites. (C-1, C-2)
2. **Architectural Concept:** The Board expressed support for the proposed design concept, and recommended two conditions to further enhance the design concept.
 - a. The Board discussed the roof/frame element, the response to the design concept, and the character structure.
 - i. The Board was concerned about the transition between materials near the northeast corner of the roof and upper facades, and recommended a condition that the northeast dark gray “box” portion of the facade should be designed to accentuate the expression of the box at the northeast corner. (A-10, C-2, C-4)
 1. The Board clarified that the east façade near the corner is flush with the roof element above, which weakens the ‘box’ expression.
 2. Potential solutions could include a deep reveal between fiber cement and the adjacent material, the soffit could project a few inches beyond the facade, or another clear intentional architectural transition in materials could be employed.
 - b. The Board discussed the northeast corner, the proposed departure to reduce the setback above the character structure on the east façade, and the appearance of this setback from the street level. The Board noted that the setback on the east façade near the corner would occur at Level 2 only, with Levels 3-7 extending back out to the property line, so the upper facades are flush with the character façade below. Some of the Board members felt that this proposal would result in a lack of visual separation between the new development and the character structure as viewed from the street.
 - i. Four Board members therefore recommended a condition to set back levels 3-7 on the east façade above the character structure. This condition also relates to Departure #1, to reduce the required setback above the character structure. (B-3, B-7)

- ii. The Board clarified that an 8”-12” setback between the character structure and Levels 3-7 in this area would be sufficient.
 - c. The Board supported several elements of the proposed design:
 - i. The simple design and large amount of glazing in the northeast corner element, subject to the recommended conditions to enhance this area of the design. (A-10, C-2, C-4)
 - ii. The use of metal in the same plane between the roof element and the vertical ‘tracery’ elements on the south portion of the east facade. (C-2, C-4)
 - iii. The strongly expressed concept of the ‘new’ portion of the building, using scale and materials to enhance the character structure, subject to the recommended conditions. (B-1, B-3, B-7, C-2, C-4)
 - iv. The removal of the ‘hinge’ element on Harvard Ave, compared with images shown EDG. (B-1, B-3, B-7, C-1, C-2, C-4)
3. **Bays:** The Board supported the design resolution on E. Pine Street, with the ‘whimsical’ bay designs and the response to the character structure below. (A-1, A-2, B-1, B-3, C-1, C-2)
 - a. The Board discussed the design of the bays on E. Pine vs. Harvard Ave, and recommended that the different treatment of these facades is an acceptable response to the different context on each street frontage. (A-1, A-2, B-3, B-7, C-2)
 - b. The Board noted that the soffits of the north façade bays are visible from the street frontage, and recommended a condition to enhance the relationship between the bay soffit and the roof/frame soffit: The north facade bay soffits should be designed with the same attention to detail as the rest of the bay, and the soffits on this facade. (A-2, B-3, C-2, C-3, C-4)
 - c. The Board suggested designing the north bays to enhance the ‘whimsical’ design concept of this elevation, but declined to recommend a condition for this item. (C-2)
 - d. The Board expressed some concern that the western bays are blocked by the frame, but declined to recommend a condition for this item. (A-1, C-2)

DESIGN REVIEW GUIDELINES

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities.

Pike/Pine: Characteristics and opportunities to consider in Pike/Pine include both views and other neighborhood features including:

- *A change in street grid alignment causing unique, irregular-shaped lots, including Union and Madison and 10th and Broadway Court*
- *“Bow tie” intersections at 13th/14th between Pike/Pine/Madison*

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

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

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

Pike/Pine: Locating a significant amount of open space on rooftops is discouraged. Open space at street level that is compatible with established development patterns and does not detract from desired, active street frontages is encouraged. While not characteristic of the historic warehouse, commercial, or apartment development in the area, usable balconies may be appropriate on streets where a more residential character is intended, to provide both open space and visual relief on building facades. In other areas, if balconies are provided, it is preferable that they not be located on street-facing facades, but rather on facades facing the side or rear of the lot, or internal courtyards.

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

Pike/Pine: Buildings on corner lots should reinforce the street corner. To help celebrate the corner, pedestrian entrances and other design features that lend to Pike/Pine's character may be incorporated. These features include architectural detailing, cornice work or frieze designs.

The following corner sites are identified as Pike/Pine gateways:

- *Pike/Boren: southeast corner*
- *Melrose/Pine: northeast corner*
- *12th/Pike intersection*
- *12th/Pine intersection*
- *Madison: between 11th/12th*
- *Madison entries onto Pike and Pine*

- 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 nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

- B-3 **Pike/Pine: Integration of Character Structures in New Development** (Supplemental guidance especially for properties located within the Pike / Pine Conservation Overlay District.)

- a. *Develop a design Concept.*
- b. *Do not overpower the character structure.*
- c. *Express the relationship between the character structure and new portions of the project.*
- d. *Emphasize the streetscape.*
- e. *Align features of the character structure with features of new portions of the project*
- f. *Consider design treatments that anchor the new structure to the streetscape.*

- B-7. **Conservation of Character Structures** (Supplemental guidance especially for properties located in the Pike/Pine Conservation Overlay District.)

- a. *Maintain the architectural integrity of the character structure.*
- b. *Maintain Character-Defining Elements.*

- c. *Recognize the priority for maintaining the original floor-to-ceiling heights in character structures, especially for the ground floor and for features visible from the exterior.*
- d. *Sensitively locate additions so they do not dominate the appearance of the character structure.*

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.

Pike/Pine: The Pike/Pine vernacular architecture is characterized by the historic auto-row and warehouse industrial features of high ground floor ceilings and display windows, detailed cornice and frieze work, and trim detailing. Architectural styles and materials that reflect the light-industrial history of the neighborhood are encouraged.

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.

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

Pike/Pine: In order to achieve good human scale, the existing neighborhood context encourages building entrances in proportion with neighboring storefront developments.

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.

Pike/Pine: New developments should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit is discouraged) with wood and metal as secondary, or accent materials.

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.

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.

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

Pike/Pine: Lighting installed for pedestrians should be hooded or directed to pathways leading towards buildings.

D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

Pike/Pine:

- a. Promote the pedestrian environment.*
 - b. Reflect the special neighborhood character.*
- D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**
- D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**
- D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.**
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

- 1. Setbacks Above Character Structures (23.71.010.B.2.c.2):** The Code requires a minimum of 15' setbacks for new development above character structures, measured from the property line. The applicant proposes to vary the setback above the character structure, as shown in the Recommendation packet.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-4, B-3, B-7, and C-2 by designing the new construction to enhance the character structure.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report. Four of the Board members recommended a condition to setback of the northeast 'glass box' 8-12" from the plane of the Bill's Off Broadway building, in order to better meet the intent of Design Review Guidelines B-3, B-7, and C-2.

2. **Street Level Street Facing Uses (E. Pine St) (23.47A.008.C.1):** The Code requires a minimum of 80% of the street frontage on principal pedestrian streets to be occupied by specific uses listed in 23.47A.005.D.1. E. Pine St is a principal pedestrian street. Auto retail sales and service is not one of the required specific uses. The applicant proposes to retain the existing 15th Avenue Garage (auto retail sales and service) on E. Pine St.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-2, B-7, and C-1 by designing the project to retain the existing auto row use and context on E. Pine Street.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report.

3. **Vehicular Access – Number of Curb Cuts (23.47A.032.A.1.c):** The Code requires vehicular access only from the non-pedestrian zoned street, when there is no adjacent alley. The applicant proposes a total of two 2-way curb cuts. One is to retain the existing curb cut for the 15th Avenue Garage, located on the pedestrian zoned E. Pine Street. The other is to provide a new curb cut at Harvard Ave for the underground parking garage for the proposed new development.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-2, B-7, C-1, C-5, and D-7 by designing the project to retain the existing auto row use and context on E. Pine Street, relating the garage entry design to the overall design concept, and designing the garage entries to maximize pedestrian safety.

The Board unanimously recommended that DPD grant the departure.

4. **Vehicular Access - Location (23.47A.032.A.2.a):** The Code requires vehicular access only from the non-pedestrian zoned street, when there is no adjacent alley. The applicant proposes to retain the existing curb cut for the 15th Avenue Garage, located on the pedestrian zoned E. Pine Street.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-2, B-7, C-1, C-5, and D-7 by designing the project to retain the existing auto row use and context on E. Pine Street, relating the garage entry design to the overall design concept, and designing the garage entries to maximize pedestrian safety.

The Board unanimously recommended that DPD grant the departure.

5. **Residential Curb Cut Widths (23.54.030.F.1.b):** The Code allows a maximum residential curb cut width of 10'. The applicant proposes to provide a 20' wide curb cut to the below grade residential parking garage on Harvard Ave.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines C-5, and D-7 by designing the garage entry to be consistent with the architectural concept, minimize visual impacts from the entry, and maximize pedestrian safety.

The Board unanimously recommended that DPD grant the departure.

6. **Non-Residential Curb Cut Widths (23.54.030.F.2.b):** The Code requires minimum 22' wide curb cut width for 2-way traffic. The applicant proposes to retain the existing 11'4" wide curb cut on E. Pine St for the 15th Avenue Garage.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-2, B-7, C-1, C-5, and D-7 by designing the project to retain the existing auto row use and context on E. Pine Street, relating the garage entry design to the overall design concept, and designing the garage entries to maximize pedestrian safety.

The Board unanimously recommended that DPD grant the departure.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated August 21, 2013, and the materials shown and verbally described by the applicant at the August 21, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended **APPROVAL** of the subject design and departures, with the following conditions:

1. **Modify the design of the northeast dark gray “box” portion of the upper east facade to accentuate the expression of the box design concept at this corner. (A-10, C-2, C-4)**
2. **Setback levels 3-7 of the east façade 8” to 12” from the character structure. (B-3, B-7)**
3. **The north facade bay soffits should be designed with the same attention to detail as the rest of the bay, and the soffits on this facade. (A-2, B-3, C-2, C-3, C-4)**

Applicant response to Recommended Design Review Conditions:

1. The design of the northeast dark gray ‘box’ has been modified to set this area back 8” from the existing character structure, creating a change in plane between this area and the parapet and adjacent east façade materials. The updated design is shown in the MUP plan set. The response satisfies recommended conditions #1 and #2.
2. The soffits at the north façade bays would be clad in white fiber cement board, in contrast with the light gray fiber cement board on the vertical faces of the bays. This information is shown in the MUP plan set, and the proposal satisfies recommended condition #3.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 8, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short and long term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

PUBLIC COMMENT:

The public comment period ended on February 13, 2013. Comments were received in response to the design review aspects of the proposal.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air

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 greenhouse 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. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a demolition, grading, or building permit, whichever is issued first.

Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The immediate area is subject to traffic congestion during the PM peak hours on nearby arterials, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic. The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of the approved plan shall be provided to DPD prior to the issuance of demolition, grading, and building permits.

To mitigate construction parking impacts, the applicant shall submit a Construction Parking Plan for approval by DPD. This plan shall demonstrate the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified as potential parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving alone to the site. This plan shall be reviewed by DPD. Approval of the plan is required prior to the issuance of demolition, grading, and building permits.

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; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Historic Preservation

The existing structure on site is more than 75 years old, in the Pike Pine Overlay District, and therefore qualifies as a Character Structure. Character Structures are regulated by SMC 23.73 and Director's Rule 3-2012. The existing Character Structure on site is specifically listed in Director's Rule 3-2012, which means that the structure cannot be demolished if the proposal takes advantage of height and floor size incentives in the Pike/Pine Conservation Overlay District. The proposed development includes retention and remodel of the facades of the character structure, and takes advantage of the height and floor size incentives in this overlay. The extent of the changes to the character structure is described in the Design Review section and in the Design Review packets available online and in the MUP file.

The Design Review process included consideration of the existing structure. The Design Review Board recommended that the proposed development met the Design Review Guidelines and Pike Pine design review considerations, subject to the conditions described in the Design Review section of this decision.

The character structure is more than 50 years old, and was additionally reviewed for potential eligibility for historic landmark status. The applicant provided a report on the structures ("Appendix A," received January 8, 2013). The Department of Neighborhoods reviewed the information and required a historic landmark nomination for the existing building. The nomination for historic landmark designation was denied on July 17, 2013 and a letter of denial was issued on July 18, 2013 (LPB 441/13).

Therefore, no mitigation is warranted for historic preservation.

Parking and Traffic

As part of the environmental checklist, the project submitted a transportation analysis ("Transportation Impact Analysis 721 E Pine Street Mixed-Use Project," by Heffron transportation, Inc., dated May 3, 2013).

The project is expected to generate a net total of 200 daily vehicle trips, with 18 net new AM Peak Hour trips and 21 net new PM Peak Hour trips. The distribution of these trips showed that there will be minimal impacts at nearby intersections. Concurrency analysis also showed minimal impacts from the proposed development.

DPD's Transportation Planner has reviewed the Traffic Impact Analysis and determined that the additional peak hour trips do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

The analysis noted that the residential peak parking demand for this development is expected to be for 33 spaces (28 of those from the residential uses). The proposed number of parking spaces (29) is expected to reasonably accommodate most of the anticipated peak parking demand.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Capitol Hill Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand from the residential components of this project, even if impacts were identified.

The existing parking demand for the commercial uses is not expected to change, since the existing businesses on site will relocate back to the site after construction.

Therefore no mitigation is required for parking impacts, either residential or commercial.

DETERMINATION OF NON-SIGNIFICANCE

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 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision 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 on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Building Permit

1. The applicant shall provide a copy of a Construction Haul Route, approved by Seattle Department of Transportation.
2. A Construction Parking Plan, approved by the Land Use Planner (Shelley.bolser@seattle.gov), shall be required.
3. If the applicant intends to work outside of the limits of the hours of construction described in condition #4, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

During Construction

4. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #3.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

5. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
6. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

7. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Signature: _____ (signature on file) Date: January 13, 2014
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

SB:drm

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