



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

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

Application Number: 3018402
Applicant Name: Jon O'Hare
Address of Proposal: 101 Broadway East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story structure containing 44 residential units above of retail. Surface parking for 4 vehicles to be provided. Existing structure to be demolished.

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41

- Development Standard Departure** to allow a portion of the structure to be in a required residential setback. (SMC 23.47A.014.B.3)
- Development Standard Departure** to waive landscaping and screening requirements for parking (SMC 23.47A.016.D.1.c.2)
- Development Standard Departure** from parking standards for parking stall size. (SMC 23.54.030.B.2.a)
- Development Standard Departure** from parking standards for parking aisles. (SMC 23.54.030.E)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

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

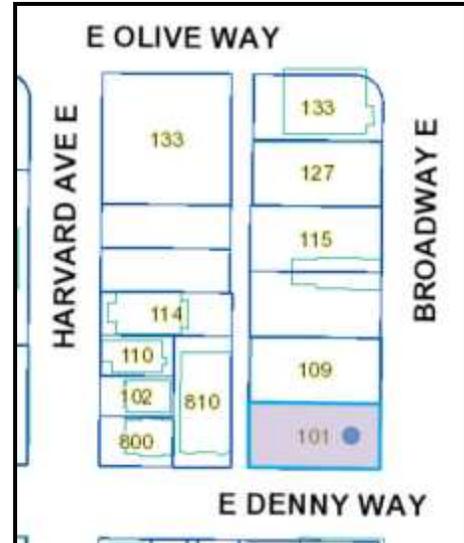
Site Zone: Neighborhood Commercial 3P-40 (NC3P-40)

Nearby Zones: Directly to the north, south and to the east across Broadway E. the zoning is NC3P-40. To the west across the alley the zoning is MR-RC. Further to the east the zoning is LR3 and further to the west are MR and NC3-65 zones. To the south are MIO-105-NC3-40 and MIO-105-NC3-65 zones for Seattle Central Community College.

Lot Area: 7,200 square feet.

Environmentally Critical Areas: None

Access: The site has access from Broadway E, E Denny Way and an improved alley.



Current Development: The site is occupied by a single-story building constructed in 1951.

Surrounding Development: Directly to the north is a single-story building constructed in 1927. North of that is the original Dick's restaurant which is a Seattle icon, in a single-story 1950's structure surrounded by surface parking. Across the alley is a three-story apartment building originally constructed in 1918. To the south across E Denny Way is a three-story mixed use building constructed in 1905. The site is located across Broadway E from the Capitol Hill Light Rail Station which is under construction. In the same block, one project is under construction and another has been recently completed.

Neighborhood Character: Broadway E is a major commercial, pedestrian and transit corridor for the Capitol Hill neighborhood. Structures in the neighborhood range from 2 to 6 stories, built over the past hundred plus years. Cal Anderson Park is one block away, Seattle Central Community College is two blocks to the south. Further south is the Pike/Pine neighborhood. The area has heavy pedestrian traffic and frequent transit service.

DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: December 3, 2014

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number (3018402) at this website:

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

The EDG packet is also available to view in the project file (project number 3016195), by contacting the Public Resource Center at Seattle DCI.

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

Email: PRC@seattle.gov

DESIGN DEVELOPMENT AND PRESENTATION

The applicant presented three Options.

Option 1 showed 45 residential units and 3,000 sq. ft. of retail space divided by the residential lobby at the corner. The massing showed a chamfered corner at Broadway E and E Denny Way.

Option 2 showed 45 residential units and 3,000 sq. ft. of retail space. The residential lobby was located off of Broadway E at the north property line. The massing showed subtle modulation at the building corners facing the right-of-ways.

Option 3 was the preferred option and a code compliant option, with 44 residential units and 3,000 sq. ft. of retail space. The residential lobby was located off of E Denny Way. The massing held the corner except at grade and showed minimal modulation on the three elevations facing the right-of-ways. The upper level is set back at the west elevation and there is a partial setback from the north property line.

The applicant noted that they intend to use brick, corten steel and glass as the major exterior materials. Landscaping on the roof will be done with tray systems. Balconies off the units are proposed to be 3' by 6' in size.

PUBLIC COMMENT

Member of the public attended the Early Design Guidance meeting and offered the following comments:

- Supported the development.
- Encouraged more height and density on the site.

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: December 3, 2014

- 1. Massing: The Board supported the preferred Option 3 and encouraged the applicant to design a very urban and contemporary structure. (CS2.A, CS3.A, DC2)**
 - a. Develop the project to the maximize height that is allowed. (CS2.A, DC.2)
- 2. Materials: The Board expressed support for the material choices of brick and corten steel, presented by the applicant. (DC4.A.1)**
 - a. Use clean, simple materials such as brick; do not use cement fiberboard. (DC4.A.1)
 - b. The north elevation will be a blank wall due to its proximity to the north property line. The Board encouraged the applicant to investigate incorporating public art on the wall. (DC2.B.1, DC4.A.1)

3. **Corner Treatment: The Board noted the corner massing is not resolved. There was disagreement about the aesthetics of the street level column at the corner. (CS2.C.1, CS2.II.ii,**
 - a. Design a strong, pronounced corner. (CS2.C.1, CS2.II.ii)
 - b. Consider wrapping the corner with the retail space at the ground level. (PL3.C)

4. **Relationship to the Street: The Board encouraged a strong retail presence and a design that takes advantage of the generous sidewalk on E Denny Way. (CS2.B.2, PL3.C, PL3.I.i, PL3.I.ii)**
 - a. Encouraged retail wrapping the corner to activate this this critical intersection. (PL3.C, CS2.B.2)
 - b. Design a stronger pedestrian entry. (PL3.A.1)
 - c. Design commercial space that will attract a retail use that will want to engage the 18' sidewalk on E Denny Way. (PL3.I.i, PL3.I.ii)
 - d. Design the leasing office as an extension of the lobby, not as a separate office that takes up street frontage. (DC1.A.1, PL2.3.B)
 - e. The Board supported the proposed landscaping in the alley. (DC1.C.1)

RECOMMENDATION MEETING August 26, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number 3018402 at this website:

<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

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

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

Email: PRC@seattle.gov

PUBLIC COMMENT

Member of the public attended the Early Design Guidance meeting and offered the following comments:

- Supported the parking spaces being provided off the alley.
- Encouraged a stronger corner design.
- Expressed surprise that the applicant did not mention a relationship to the Festival Street or farmers market.
- Concerned about over lighting of the building.
- Supported the dark materials at the storefront.
- Encouraged additional biked parking be provided.

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.

RECOMMENDATION MEETING: August 26, 2015

- 1. Massing: The Board debated the composition of the Broadway E facade with the majority of the Board members pleased with the design. The Board expressed support for the ‘false front’ whimsy of the upper level building corner treatment at the alley and E Denny Way. The Board did remark consideration should be taken as to how graffiti will be removed from the street-level corner column clad in corten steel. (DC2.B.1, DC4.A.1)**

- 2. Street Frontage: The Board was concerned about the street-level treatment of the most westerly ‘storefront’ section along E Denny Way which the applicant described as being either spandrel glass or a “playbill poster board”. The following conditions were recommended:**
 - a. This section of the street frontage shall not be designed for poster displays. (DC2.B.2, DC2.D.2)
 - b. Design a simple, non-colorful facade treatment that will integrate into the overall design. Consider a brick wall. [The Board stated they would support a departure to allow a blank wall in this area if needed.] (DC2.B.2, DC2.D.2)

- 3. Bike Storage: The Board recommended the following conditions for bike storage;**
 - a. Provide some of the required bike parking as an integrated part of the lobby design. (PL4.B.2)
 - b. Provide the remaining bike storage area in a secure storage area. (PL4.B.2)

- 4. Materials: The Board questioned the applicant about the proposed building materials as there was some discrepancy within the packet and the presentation. The applicant clarified the materials will be the following:**
 - The roof penthouse will be fiber cement board.
 - The cornice, upper level facing the alley and the vertical breaks between the brick will be green painted metal.
 - The window frames will be a warm gray vinyl.
 - The balconies are perforated aluminum, with a powder coated silver gray matt finish to match the galvanized steel.
 - The column at the street-level retail entry will be corten steel.
 - The underside of the soffit at the parking will be a faux wood grain.
 - The metal panel between the windows on the street facing facades will be the green color.

DESIGN REVIEW GUIDELINES

The priority Citywide and Capitol Hill guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

Capitol Hill Supplemental Guidance:

CS2-I Streetscape Compatibility

CS2-I-i. Sidewalk Width: Retain or increase the width of sidewalks

CS2-I-ii. Street Trees: Provide street trees with tree grates or in planter strips

CS2-I-iii. Entrances: Vehicles entrances to buildings should not dominate the streetscape

CS2-II Corner Lots

CS2-II-i. Residential Entries: Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.

CS2-II-ii. Retail Corner Entry: Provide for a prominent retail corner entry.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

Capitol Hill Supplemental Guidance:

CS3-I Architectural Concept and Consistency

CS3-I-i. Signage: Incorporate signage that is consistent with the existing or intended character of the building and neighborhood

CS3-I-ii. Canopies: Solid canopies or fabric awnings over the sidewalk are preferred.

CS3-I-iii. Illuminated Signs: Avoid using vinyl awnings that also serve as big, illuminated signs.

CS3-I-iv. Materials: Use materials and design that are compatible with the structures in the vicinity if those represent the neighborhood character.

PUBLIC LIFE

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

Capitol Hill Supplemental Guidance:

PL3-I Human Activity

PL3-I-i. Open Storefronts: Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods.

PL3-I-ii. Outdoor Seating: Provide for outdoor eating and drinking opportunities on the sidewalk by allowing restaurant or café windows to open to the sidewalk and installing outdoor seating while maintaining pedestrian flow.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. 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.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night

DEVELOPMENT STANDARD DEPARTURE

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

At the Final Recommendation Meeting four departures were requested:

1. **Residential Setbacks (SMC 23.47A.014.B.3):** The Code requires residential structures along a rear lot line that is across the alley from a residential zoned lot to be setback 15' for portions of the structure above 13' in height up to 40', and an addition 2' for every ten feet of height above 40'. The applicant proposed a triangular section of the upper level of the south elevation 'false front' that is 22' high, 2'-4" wide and 4' long at the roof line to project into the required setback.

This departure would provide an overall design that would better meet the intent of Design Guideline **DC2-B-1 Facade Composition** by allowing for architectural consistency and interest of the proposed south elevation composition, especially as the projection is architectural and does not contain a use.

The Board voted unanimously to recommend this departure.

2. **Landscaping and Screening Standards (SMC 23.47A.016.D.1.c.2)** The Land Use Code requires surface parking abutting or across an alley from a lot in a residential zone must have 6-foot-high screening along the abutting lot line and a 5-foot-deep landscaped area inside the screening. The applicant proposed waiving these requirements.

This departure would provide an overall design that would better meet the intent of Design Guidelines **CS2-B-2. Connection to the Street and DC2-A-1. Site Characteristics and Uses** by allowing for more area for the retail use along Broadway E and E Denny Way, by limiting the depth of the parking area to a minimum.

The Board voted unanimously to recommend this departure.

3. **Parking Standards (SMC23.54.030.B.2.a):** The Code states that for parking is provided for non-residential uses and when 10 or fewer parking spaces are provided a minimum of 75% of the spaces shall be striped for large vehicles (8.5' x 19') and 25% for small vehicles (7.5' x 15'). The applicant is proposing 3 medium sized stalls (8' x 16') and one van sized stall (8' x 19' with an adjacent access aisle 8').

This departure would provide an overall design that would better meet the intent of Design Review Guidelines **CS2-B-2. Connection to the Street and DC2-A-1. Site Characteristics and Uses** by allowing for more area for the retail use and **DC1.C.1 Visual Impacts of Parking and Service Uses** by providing more width for landscaped areas at the north and south sides of the parking/service area.

The Board voted unanimously to grant this departure.

4. **Parking Space Standards (SMC 23.54.030.E)** The Land Use Code requires a 22' parking aisle width for parking spaces 8' wide. The applicant is asking for an 18' wide aisle.

This departure would provide an overall design that would better meet the intent of Design Guidelines **CS2-B-2. Connection to the Street and DC2-A-1. Site Characteristics and Uses** by allowing for more area for the retail use along Broadway E and E Denny Way, by limiting the depth of the parking area to a minimum.

The Board unanimously recommended that Seattle DCI grant the departure.

BOARD RECOMMENDATIONS

The recommendation summarized below was based on the design review packet dated August 26th, 2015, and the materials shown and verbally described by the applicant at the August 26th, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, five Design Review Board members recommended **APPROVAL** of the subject design with the following conditions:

1. Design the street-level treatment of the most westerly 'storefront' section along E Denny Way with a simple, non-colorful facade treatment that will integrate into the overall design. Consider a brick wall. [The Board stated they would support a departure to allow a blank wall in this area if needed.] (DC2.B.2, DC2.D.2)
2. The street-level treatment of the most westerly 'storefront' section along E Denny Way shall not be designed for poster displays. (DC2.B.2, DC2.D.2)
3. Provide some of the required bike parking as an integrated part of the lobby design. (PL4.B.2)
4. Provide the remaining bike storage area in a secure storage area. (PL4.B.2)

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the Seattle DCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Director's Analysis

Five members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting who approved the design and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Applicant response to Recommended Design Review Conditions:

- 1. The applicant responded on the plans with a design of the most westerly 'storefront' section along E Denny Way elevation that replaced the display window with a brick facade treatment, therefore satisfying recommendation #1.*
- 2. The applicant responded on the plans with a design of the most westerly 'storefront' section along E Denny Way elevation that replaced the display window with a brick facade treatment, therefore satisfying recommendation #2.*
- 3. This condition has not been met as the Boards guidance to, provide some of the required bike parking as an integrated part of the lobby design is not allowed by the building code. Bike parking is considered a storage use by the building code and would require a one hour separation wall between the area of the bikes and the lobby, therefore this recommendation cannot be met.*
- 4. The applicant responded on the plans, showing the bike parking on the basement level in a secured space, therefore satisfying recommendation #4.*

The Director is satisfied that conditions 1, 2 and 4 of the recommendations imposed by the Design Review Board have been met. The Director accepts the Design Review Board's recommendations. Condition 3 cannot be satisfied as it would violate Building Code requirements and would exceed the authority of the Design Review Board per 23.41.014.F and has therefore been waived.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision Board that further augment the selected Guidelines.

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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 2/4/2015 and updated checklist submitted 7/8/2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or its agents; and any pertinent comments which may have been received regarding this proposed action have been considered. 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, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts in appropriate.

Public Comment:

The two week public comment period ended on April 15, 2015. In addition to the comment(s) received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. The topics of public comments related to issues outside the scope of this review.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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. The following analyzes construction-related noise, greenhouse gas, air quality, construction traffic and parking impacts, as well as mitigation.

Construction Impacts – Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development 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 and legal holidays in Neighborhood Commercial zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Greenhouse gas emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials 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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F

Construction Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. 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. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation and Seattle DCI. The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information for a

Construction Management Plan and review process for Construction Management Plans are described here: <http://www.seattle.gov/transportation/cmp.htm>.

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 is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions; height, bulk and scale; traffic and transportation; and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to 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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

Historic Preservation

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 596/15). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "the Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project." Additional SEPA Mitigation of height, bulk and scale is not warranted under SMC 25.05.675.G.

Traffic and Parking

The applicant submitted a Traffic Impact Analysis by Gibson Traffic Consultants dated January, 2014. The numbers used in the report were 45 residents units and 4,000 sq. ft. of retail use which is greater than the proposed 44 units and 2,700 sq. ft. of retail space.

The study analyzed the proposed uses to determine the new daily trip generation. The project is anticipated to generate 361 *fewer* daily trip than what occurred with the previous post office use. No mitigation is warranted for traffic impacts per SMC 25.05.675.R.

The project is providing 4 parking spaces; no parking is required for this project. The Traffic Report noted that the parking demand for this development is anticipated to be 15 parking spaces for the residential uses and 10 spaces for the retail use. There are public parking garages located within 1,320 feet of the site which could be used to supplement the parking needs of the development. It is anticipated that with the additional public transit options of the Link Light Rail Station across Broadway E and the Broadway streetcar service, fewer residents will own cars.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in Urban Centers. This site is located in the Capitol Hill Urban Center. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

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 Demolition, Grading, or Building Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

DESIGN REVIEW - CONDITIONS OF APPROVAL.

Prior to Certificate of Occupancy

2. 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

For the Life of the Project

- 3 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov) or a Seattle DCI assigned Land Use Planner.)

Beth Hartwick, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: February 8, 2016

BH:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.