



City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3005778
Council File Number: 309848
Applicant Name: Robert Burkheimer
Address of Proposal: 100 Republican Street

SUMMARY OF PROPOSED ACTION

Council Land Use Action to Rezone three pieces of property from NC3-40 to NC3-65 and NC3P-40 to NC3P-65 and allow a six story building containing retail (17,725 sq. ft.) and 10 units at ground level with 265 apartments above. Properties are bounded by 1st Avenue North, Republican Street and Warren Avenue North. Parking for 291 vehicles to be provided at and below grade. Proposal includes an alley vacation and the demolition of existing structures.

The following Master Use Permit components are required:

Contract Rezone – To rezone from NC3-40 to NC3-65 and from NC3P-40 to NC3P-65 –
Seattle Municipal Code Section 23.34

SEPA Environmental Review - Seattle Municipal Code Section 25.05

Design Review – Seattle Municipal Code Section 23.41 with Development Standard Departures:

1. Street Level Standards - (SMC 23.47A.008B)
2. Access to parking – (SMC 23.47A.032A)
3. Driveway width – (SMC 23.54.030F)
4. Parking space standards – (SMC 23.54.030B)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

SITE AND VICINITY

The site is located in Queen Anne's Uptown neighborhood, on Republican Street between 1st Avenue North and Warren Avenue North. The site consists of three parcels separated by an alley that runs north-south from Republican Street to Mercer Street. The alley is unimproved for the north 1/3. The three parcels together comprise approximately 2/3 of the block bounded by Mercer Street and Republican Street on the north and south and Warren Avenue North and 1st Avenue North on the east and west. The site slopes up slightly to the northwest with a change in grade of approximately eight feet.

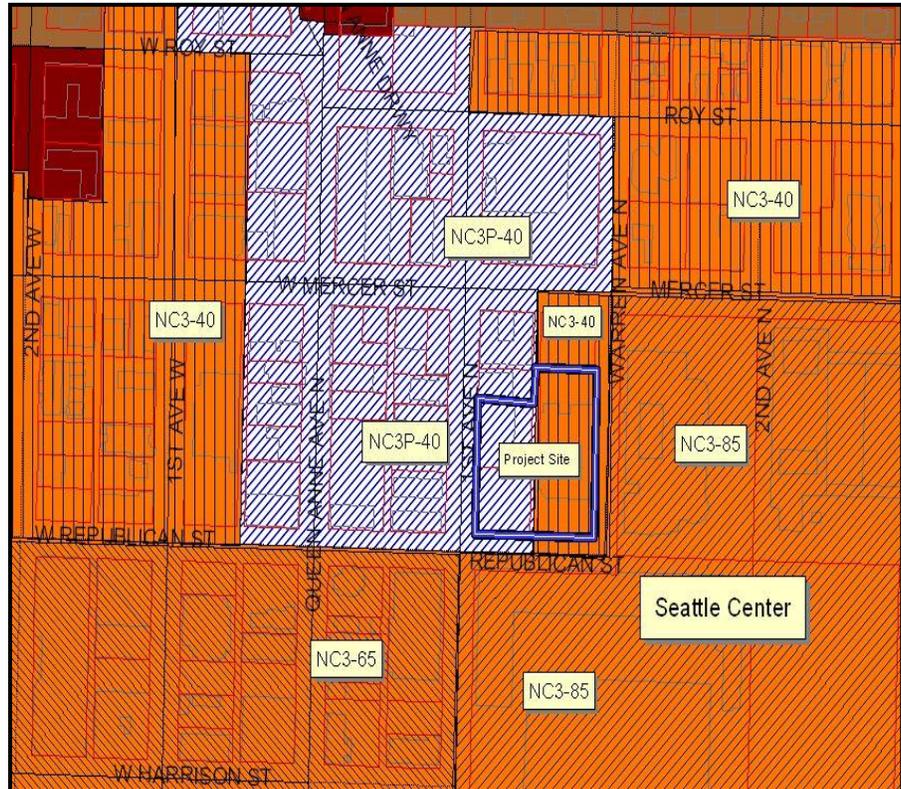
The site is zoned Neighborhood Commercial 3 with a 40-foot base height limit (NC3-40). Properties along Republican Street and to the north are also zoned NC3-40. Properties along 1st Avenue North are NC3P-40 (Pedestrian designated zone). The site is bounded on the east and south by Seattle Center which is zoned NC3 with an 85-foot height limit (NC3-85). The zoning changes to NC3 with a 65-foot height limit (NC3-65) to the southwest.

No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently occupied by a paved

surface parking lot and a commercial building on the west portion of the site and the vacated QFC grocery on the east parcel. There are existing mature street trees along all three frontages. There are existing curbs and sidewalk, and sufficient width to accommodate full sidewalk improvements.

Development on most sites in the vicinity does not approach full zoning potential, suggesting that the area could experience substantial future redevelopment. Mercer Street defines Seattle Center's northern edge and the district's performing arts venues, including Seattle Repertory Theatre, Intiman Theatre, Pacific Northwest Ballet, McCaw Hall, the Mercer Arts Arena. Immediately to the north of the west parcel on 1st Avenue North is a small two-story commercial building with parking located off the alley to the rear of the building. On the northwest corner of the subject block at 1st Avenue North and Mercer Street is a four-story, 41-unit brick apartment building built in 1929 and recently renovated. Adjacent to the apartment building to the east is a surface pay parking lot. On the northeast corner at Mercer Street and Warren Avenue North is a two-story retail/office building.

The site is located directly across Republican from Seattle Center's Northwest Rooms. In August 2008, the Seattle City Council adopted the Seattle Center Century 21 Master Plan. The Plan proposes that the



blank outer wall of the current Northwest meeting rooms be replaced with a five-story, glass-clad, open building on the corner of 1st Avenue North and Republican Street. A lower level meeting room facing a new campus plaza facing south with the ground floor above developed as retail space facing Republican Street compatible with the Uptown Urban Center.

PROPOSAL

The applicant proposes a six-story mixed use building with 17,725 square feet of retail space at ground level fronting on 1st Avenue North and Republican Street and 275 residential units both at ground level on Warren Avenue North and on upper levels. Parking for 291 vehicles will be provided on one level below grade, one level at grade and another level above that. The proposal includes a request for a contract rezone to increase the height limit from 40 feet to 65 feet. There is also a proposal to vacate approximately 3,840 square feet of the platted alley (about ½ the length of the alley) and rededicate 2,880 square feet in another location.

PUBLIC COMMENTS

Ten members of the public attended the Early Design Guidance meeting held on March 14, 2009, and the following comments were noted:

- Extra curb cut on Warren Avenue North is unnecessary when there is access at the alley 20 feet away.
- Warren Avenue North is usually quiet except for rush hour when it is busy and traffic is fast.
- Prefers chamfered corners on the buildings especially at ground level.
- Wanted to know if the commercial parking would be available for Seattle Center events. (No).
- Concern about safety and security on Warren Avenue North after dark.
- Concern that the alley area is secluded with low visibility and could harbor illicit activities.
- Does not support alley vacation as it would compromise parking and commercial deliveries to the building just north of the site on 1st Avenue North. Suggested improvement of the alley through to Mercer Street.
- (Received by email after the EDG meeting) concern about congestion and maneuvering ability of large trucks and Fire Department apparatus in proposed new alley; lack of safety and security in alley; general parking concerns; concern about height, bulk and scale of building Warren Avenue North; likes the “older” architectural styles and finishes; suggest an additional residential entry on 1st Avenue North.

The applicant applied for a Master Use Permit on April 28, 2009. Notice of Application was published on May 14, 2009. Notice was again published on May 21, 2009 because of a mapping error with the comment period ending June 3, 2009. No comments were received by DPD during this period.

Four members of the public attended the Design Review Recommendation meeting, held on July 15, 2009 and two people commented as follows:

- Concern about shadowing effect on buildings to the north (shadow studies provided by applicant showed minimal effect on adjacent buildings); concern about future redevelopment of adjacent building to the north on 1st Avenue North and constrained access from rededicated alley
- Liked overall massing and how building relates to Seattle Center; suggested opening courtyard more to allow views from inside upper level private courtyard; suggested a better “knitting” together of materials.

REZONE ANALYSIS

SMC 23.34.004 Contract rezones.

A. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

The proposal is for a contract rezone in which development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structure approved through the Design Review process which the analysis is included below. The approved design includes, but is not limited to, the structure design, structure height, building materials, landscaping, street improvements, parking design and layout, public benefit features, signage and site lighting and is documented in the approved plans dated December 20, 2009.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

No waivers are being requested as part of the contract rezone.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060.B3.

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

The proposal is located within the Uptown Urban Center in the Queen Anne neighborhood.

E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.

The proposal is not located within any shoreline area.

F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

SMC 23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

The proposal is for a height increase in the Neighborhood Commercial 3 zone from a 40-foot height limit to 65-foot height limit. This increase in height would allow an additional 2 floors and, as proposed, an additional 119 residential units. The additional residential units would contribute to achieving the 125% of the growth targets for the Uptown Urban Center.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The proposal is not located within a hub urban village or residential urban village.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The area is zoned Neighborhood Commercial 3 and the project site currently has a 40 foot height limit. The discussion and analysis at SMC 23.34.078 below (page 17) shows that the site meets all of the functional and locational criteria for Neighborhood Commercial 3 and is, therefore, appropriately zoned Neighborhood Commercial 3.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

The project site lies within the planning area of the Queen Anne Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan by City Council, March 15, 1999, by Ordinance 119403.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

The following goals and polices in the adopted Queen Anne Neighborhood Plan apply to the proposed rezone (Goal/Policy in italics followed by response/analysis)

QA-G3: The Urban Center is a vital residential community as well as a viable and attractive commercial/employment center and mixed use neighborhood which enjoys a strong relationship to Seattle Center. The project, as proposed, will enhance the mixed use character of the neighborhood with 275 new residential units and 17,725 square feet of small to medium sized retail spaces. The design of the project with the large public plaza near the entrance to Seattle Center emphasizes the relationship to the center.

QA-P1. Seek to create and maintain attractive pedestrian-oriented streetscapes and enhance Queen Anne's community character with open space, street trees, and other vegetation. The proposed project includes additional setbacks for wider than required sidewalks, extensive streetscape landscaping and a large public plaza. The 17,725 square feet of retail space at street level on 1st Avenue North and on Republican Street will contribute to a vibrant pedestrian-oriented streetscape.

QA-P3. Seek to maintain and establish quality design in the Queen Anne area. Through neighborhood design guidelines and design review, consider unique or particular local design characteristics, and include consideration of signage, adjacent public ROWs, and historic boulevards. The proposed project design has undergone the city's Design Review process and was approved by the Queen Anne/Magnolia Design Review Board on July 15, 2009. Design aspects considered during Design Review architectural context, commercial signage, commercial and residential lighting, and right-of-way improvements including landscaping consistent with the City's *Design Review: Guidelines for Multifamily and Commercial Buildings.*

QA-P9. Enhance the unique character of each business district. This area of the Uptown Urban Center is characterized by small to medium sized retail establishments and restaurants. The proposed project includes 17,725 square feet of small retail spaces long 1st Avenue North and Republican Street.

QA-P31. Promote a human-scale and character within the heart of the Urban Center and strive to reduce industrial through traffic. The proposed project will enhance the human scale through improvements to the pedestrian environment, including the large public plaza, wider sidewalks, ground level retail, overhead weather protection, landscaping and public art.

QA-P40. Strive to provide urban character-enhancing improvements to Queen Anne's streets such as sidewalk improvements, transit facilities, landscaping, and appropriate lighting. The project includes urban character enhancing improvements to the streets, including the pedestrian plaza, increased setbacks, ground level retail, overhead weather protection, landscaping and public art.

QA-P41. Seek to alleviate parking problems in the Queen Anne planning area. Because of its location on the Uptown Urban Center, no parking is required by the Land Use Code for the proposed project. However, the project includes 42 parking spaces for the commercial establishments and 229 spaces for the residential units.

QA-P42. Strive to ensure adequate facilities, such as lighting, for safety in pedestrian and parking areas in Queen Anne's business districts. The project design, as proposed, includes extensive use of commercial and pedestrian lighting to ensure safe pedestrian travel through the area.

QA-P43. Strive to ensure that Queen Anne's commercial areas and business districts are safe from crime. The proposed project is a six-story, mixed use building with 17,725 square feet of commercial space at the street-level intended to create a vibrant, "eyes on the street" environment in an area that has suffered from lack of activity in recent years.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

The adopted Queen Anne Neighborhood Plan contains no policies for guiding future rezones.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

There are no particular sites or areas identified for rezoning in the Queen Anne Neighborhood Plan.

Conclusion: The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Queen Anne Neighborhood Plan.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

The project site, currently zoned NC3-40, is bounded on the south and east sides by Seattle Center which is zoned NC3-85. The area south of Republican Street west of 1st Avenue North is zoned NC3P-65. As proposed, the building design includes a stepping down in height from 65 feet to 40 feet on the north side of the structure to respect the adjacent properties that are zoned NC3-40. A rezone to NC3-65 and NC3P-65 for the site, subject to a Property Use and Development Agreement that limits the height on the north side of the structure, is consistent with preferred zoning principles of gradual transitions between zoning categories, including height limits.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces.*

There are no physical buffers of any kind separating different uses and intensity of development. All surrounding properties are zoned Neighborhood Commercial 3 with varying height limits and are allowed the same uses and intensities of development.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

- (1) Physical buffers as described in subsection E2 above;*
- (2) Platted lot lines.*

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

The proposed rezone from NC3-40 to NC3-65 and NC3P-40 to NC3P-65 will be along platted lot lines.

The project is surrounded by Neighborhood Commercial zoning for several blocks in each direction. There are no residential-only areas nearby.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major

institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

The proposal to increase the height limit from 40 feet to 65 feet is located within the Uptown Urban Center.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above: the design incorporates a gradual transition in height from the 85-foot height at the adjacent Seattle Center on the south to the lower 40-foot limit of the adjacent properties to the north; there are no physical buffers present – all surrounding properties are zoned NC3; the proposal for the 65-foot height is located within the Uptown Urban Center.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The proposal includes 275 new housing units on a site where no housing currently exists. There are no housing units being displaced by the proposal. There is no low-income housing included in the proposal.

b. Public services;

There will be an increase in demand on public services from the proposed 275 residential units and 17,725 square feet of retail, and parking for 291 vehicles.

Development Component	Development Potential at NC3-40	Development Proposal at NC3-65	Difference
# residential units	156	275	+119
# parking (auto/bike)	190/41	288/71	+98/30
Sq. ft. retail	17,725	17,725	0
Amenity area	15,013	15,013	0
Solid waste area	537 sq ft	769 sq ft	+232 sq ft

Fire and police service needs will likely increase related to the 275 residential units not previously existing. Service needs related to the commercial space will likely remain unchanged as the proposed commercial space is equal to, or less than that which existed.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

There is little increase in *noise, air and water quality* impacts expected with the proposed increase in height. *Terrestrial and aquatic flora and fauna* would likely not be affected by landscaping requirements are based on lot area and not gross floor area. *Glare and odor* impacts would likely not change and these are mostly

associated with street level uses which would be the same regardless of structure height.

Shadowing on adjacent streets and buildings would increase with increasing height. The proposal includes a stepping down in height on the north façade adjacent to properties that will remain at the 40-foot height limit to minimize shadowing effects.

Energy consumption would be increased with the expected additional 119 residential units. A study performed by Rushing Engineering, dated August 27, 2009, estimates that though the unit increase with added height is approximately 44%, the energy consumption increase is approximately 25%. The applicants propose a number of energy conservation strategies including Built Green certification.

d. Pedestrian safety;

Pedestrian safety will be positively impacted by the proposed wider sidewalks on 1st Avenue North, Republican Street and Warren Avenue North. In addition, the proposed “bulb-out” at the intersection of Republican Street and Warren Avenue North will decrease the crossing distance at this location making it safer for pedestrians entering Seattle Center.

e. Manufacturing activity;

There is no manufacturing activity existing or proposed at this location.

f. Employment activity;

The proposal includes 17,725 sq. ft. of retail space which will take the place of the previously existing 17,596 sq. ft. retail grocery plus 12,045 specialty retail, both of which are now closed. Therefore, employment opportunities are expected to be somewhat less than with the previous retail establishments.

g. Character of areas recognized for architectural or historic value;

There are no designated landmark areas or structures close to the proposal. However, the design, as proposed, will reflect the materials and scale of the older buildings in the area with extensive use of brick but in a modern context.

h. Shoreline view, public access and recreation.

The proposal is not located within or near any shoreline area.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

The site was the location of a former 17,596 square foot QFC grocery store, a surface parking lot and a 12,045 specialty retail building. The structures are currently vacant. A traffic study, dated April 27, 2009 and performed by Gibson Traffic Consultants has taken these uses into account in their analysis of the impact of the proposed development. The study concluded that the proposed development, including the vacation of a portion of the existing north-south alley, would represent an overall improvement in conditions at the study intersections of Mercer Street at 1st Avenue North, Mercer Street at Warren Avenue North, and 1st Avenue North at Republican Street. In all cases the PM peak delays were improved from 0.1 seconds to 36.9 seconds.

b. Street capacity in the area;

The above traffic study also performed a concurrency or capacity analysis. Utilizing the city's screenline concurrency methodology, the study concluded that the proposed development presents no measurable change in volume to capacity ratios compared to the previous development consisting of a grocery store and specialty retail establishment.

c. Transit service;

The site is served by six transit routes along 1st Avenue North (1, 2, 8, 13, 15, and 18) and two routes along Mercer Street. Depending upon destination, ridership on some or all of these routes is likely to increase with the addition of 275 residential units. Though parking is proposed for most of the units (229 spaces), the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership.

d. Parking capacity;

Because the site is located within an urban center, no parking is required by the Land Use Code (SMC 23.54.015B2). However, as indicated above, there are 229 parking spaces proposed for the 275 proposed residential units and 59 spaces proposed for the proposed commercial uses. According to the parking analysis study within the Traffic Study performed by Gibson Traffic Consultants, residential parking demand for 275 units would be 229 spaces. Demand for 18,000 square feet of commercial would be 42 spaces. Coupled with the location adjacent to excellent transit service, there is adequate on-site parking being provided.

e. Utility and sewer capacity;

Sewer Capacity:

The applicants submitted a Sewer Capacity Analysis performed by KPFF Consulting Engineers, December 2009 which analyzes the existing conditions in comparison to the rezone conditions.

The existing combined sewer adjacent to the site in Warren Avenue North consists of an 8-inch pipe beginning at Roy Street to the north and flowing south and east through Seattle Center and connects to the King County Metro Trunk line at Mercer Street and Broad Street. Portions of this network have been upgraded to a 42-inch pipe in conjunction with the Gates Foundation project at 5th Avenue North and Mercer Street. The existing combined sewer adjacent to the site in 1st Avenue North consists of an 8-inch pipe beginning at Aloha Street to the north flowing south and west where it connects to the King County Metro Trunk line in Elliott Avenue.

Stormwater discharge from the existing site is directed into three distinct areas – two flowing to Warren Avenue North and one to 1st Avenue North. The total of the existing discharge is estimated at 0.60 cubic feet per second (CFS) which is the maximum allowed for the site.

Proposed drainage control strategies consist of 1) bioretention planters directly flow flow from roof drains to planters located in the plaza; 2) bioswales located on Warren Avenue North to provide detention of discharge from the new alley at the north edge of the site; 3) a detention vault will provide flow control for the remainder of the site that is not discharging to bioretention planters. The projected peak flow of stormwater with the above strategies is 0.58 CFS.

Based on Seattle Public Utilities' capacity performance methodology, the total sewer (wastewater) flow for the site based on existing zoning would be 0.04 CFS. Total flow for the proposed rezone would be 0.06 CFS. The project proposes five 6-inch connections from the site – three connections to 1st Avenue North and two connections to Warren Avenue North. To account for the increase in sewer flow due to the rezone, the stormwater discharge will be over-detained.

As designed the proposed project with the rezone will not increase discharges into the public combined sewer as shown in the table below:

	Stormwater discharge	Sewer discharge	Combined discharge
Existing Discharge	0.60 CFS	0.04 CFS	0.64 CFS
Discharge with Rezone	0.58 CFS	0.04 CFS	0.64 CFS

Electrical Service:

An electrical load analysis was performed by Rushing Engineering, August 27, 2009, comparing service loads for 156 units (existing zoning) to the proposed 275 units for the rezone. The analysis concluded that the project 44% increase in the number of units would require only 25% increase in service load. According to Seattle City Light Engineering Division, there is adequate capacity in the area to accommodate the increase in service load.

f. Shoreline navigation.

The project site is not located within or near any shoreline area.

Conclusion: There is anticipated an increased need for police and fire services related to the 275 residential units while other environmental impacts related to height increase would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would not be increased due to the rezone based on proposed detention strategies for stormwater. There would an estimated increase in energy consumption mitigated in part by the applicant's intention to incorporate energy saving building features. Adequate parking will be provided and transit service is excellent.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

There is no evidence of changed circumstances related to the zoning designation, the rezone criteria, or the Uptown Center district that would have any bearing on this rezone application.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The site is not located in an overlay district.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The project site is not located within or near any Environmentally Critical Area.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008 the following shall apply:

- A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

The proposal for a mixed use structure with 17,725 square feet of retail and 275 residential units is consistent with the type of development intended for this zone. The proposal to increase the height of the NC3 designation for this site from 40 feet to 65 feet is consistent with type and scale of development intended for this zoning designation at this location. The site lies in a "knuckle" bounded on two sides by Seattle Center, which is zoned NC3-85. Diagonally across 1st Avenue North to the southwest the zoning is NC3-65 (See Figure 1 Zoning Map). As proposed, the structure is stepped down on the north façade to respect the sites that will remain at the 40 foot height limit. At the 65 foot height limit, the

structure will transition smoothly from the 40 foot height limit to the north to the 85 foot height limit to the east and south.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

The topography of the site is generally flat changing only eight feet north to south over 300 feet (2.6% slope). The proposed step-down to 40 feet on the north façade in on the high side of the site. The area surrounding the site is also generally flat until it reaches Roy Street two blocks to the north where the topography begins to rise up Queen Anne Hill. The only residential structure in the near vicinity is the four-story apartment building on the subject block at the corner of 1st Avenue North and Republican Street. There is little view, if any, from this building. As the remaining sites on the block redevelop, view blockage may be an issue. However, from this location in Uptown, view opportunities are limited.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

The current zoning, NC3-40 and NC3P-40 establishes the 40-foot height limit for subject block. To the east across Warren Avenue North and to the south across Republican Street is Seattle Center which is zoned NC3-85. Directly to the west of Seattle Center the zoning is NC3-65. To the west of the subject block across 1st Avenue South the zoning is NC3-40. Consideration should be given to the location of the subject property in “knuckle” bounded on two sides by Seattle Center with the 85-foot height limit.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

Existing development in the surrounding area ranges from one and two-story older buildings to the Key Arena and Bagley Wright Theatre at Seattle Center which, though zoned at a 85-foot height limit, exceed that height. There is some limited re-development in the area that conforms to the underlying zoning heights (40 feet and 65 feet). The proposed rezone to a 65-foot height limit with a scaling down to 40 feet on the north side would fit well with existing development and provide the desired height transition from the 85 feet at the adjacent Seattle Center to the 40-foot limit on the north.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

The proposal is not located in a Major Institution designation. The proposed increase in height limit from 40 feet to 65 feet would be compatible with zoned and actual heights in the area. Seattle Center is zoned NC3-85 and Key Arena and Repertory Theatre are both more than 85 feet in height. Across 1st Avenue North to the southwest the US Postal Service building is Zoned

NC3P-65 and the building is 65 feet in height. Located as it is, with 85 foot height zoning on two sides, the structure at 65 would be compatible with surrounding structures. (See Figure 3 West Elevation Study).

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008D2, are present.

The proposed structure will provide for a gradual transition from the 40 foot height limit on the north, the proposed 65 foot height, to the 85 foot height limit at Seattle Center. Both the Key Arena structure to the south and the Repertory Theatre to the east are taller than 85 feet.



Figure 3: West Elevation Study

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

There are no height recommendations found in the Queen Anne Neighborhood Plan adopted by City Council as part of the Comprehensive Plan.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

There are no height limit requirements in the Queen Anne Neighborhood Plan adopted or amended by City Council as part of the Comprehensive Plan.

Conclusion: The proposed rezone from the 40-foot height limit to a 65-foot height limit fit with the function, topography and the height and scale of the area. The proposed height is compatible with development in the surrounding area. The Neighborhood Plan contains no height recommendations for the area.

SMC 23.34.072 Designation of commercial zones.

A. The encroachment of commercial development into residential areas shall be discouraged.

The entire area for many blocks in each directions is zoned Neighborhood Commercial.

B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.

The area is not zoned Single Family and is already zoned Neighborhood Commercial. The proposal is to increase the permitted height limit.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

The proposal is not located near any residential zones.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

The proposal is located in the Uptown Urban Center where higher densities and intensities of uses are preferred. Though there are some areas at the edges of the Urban Center that are zoned Multifamily residential, the vast majority of the Urban Center is zoned Neighborhood Commercial with a variety of height limits from 40 feet to 85 feet (Seattle Center).

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The proposal does not involve a new business district. The proposal seeks to improve the existing Uptown business community.

Conclusion: The subject property is appropriately zoned Neighborhood Commercial.

SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

1. A variety of sizes and types of retail and other commercial businesses at street level;

The proposal includes approximately 17,725 square feet of retail space at street level located primarily on 1st Avenue North and on Republican Street. The applicant is proposing small to medium retail establishments and restaurants with varied storefront designs which echo the existing pattern of commercial business in the neighborhood. There is a large variety of businesses in the immediate area including restaurants, bookstores, galleries, theatre, drug store and grocery store.

2. Continuous storefronts or residences built to the front lot line;

The proposed design includes continuous storefronts built to the sidewalk along 1st Avenue North and along Republican Street. Residential entrances along Warren Ave N are located ten feet back from the sidewalk in accordance with development regulations.

3. Intense pedestrian activity;

By virtue of its location at one of the main entrances to Seattle Center, this area will experience intense pedestrian activity. The proposal includes wide sidewalks on Republican Street, a large public plaza and an extended curb bulb at Republican Street and Warren Avenue North to accommodate pedestrians.

4. Shoppers can drive to the area, but walk around from store to store;

Because the proposal is located in the Uptown Urban Center and on a pedestrian designated street (1st Avenue North), no parking is required. However, because of the large amount of retail proposed, the design includes 59 commercial-only parking stalls accessible from Warren Avenue North just north of the intersection with Republican Street.

5. Transit is an important means of access.

Currently there are six transit routes located at 1st Avenue North (at the west side of the project), and two transit routes on Mercer Street to the north. Republican Street, directly in front of the project, is the proposed location for the future street car line that will link to the International District.

Conclusion: The proposal for the subject property meets all of the above function criteria and is appropriately zoned Neighborhood Commercial 3.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. The primary business district in an urban center or hub urban village;

The proposed rezone is located in the Uptown Urban Center.

2. Served by principal arterial;

Mercer Street on the north side of the subject block is a major arterial linking all of Queen Anne and the west side with downtown and Interstate 5.

3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

The proposal is located in the heart of the Uptown Urban Center which is primarily zoned Neighborhood Commercial. Lower density residential zones are located several blocks away.

4. Excellent transit service.

Currently there are six transit routes located at 1st Avenue North (at the west side of the project), and two transit routes on Mercer Street to the north. Republican Street, directly in front of the project, is the proposed location for the future street car line that will link to the International District.

Conclusion: The proposal for the subject property meets all of the above locational criteria and is appropriately zoned Neighborhood Commercial 3.

Summary

The proposal for the subject property meets all of the function and locational criteria of the zone and is, therefore, appropriately zoned Neighborhood Commercial 3. The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Queen Anne Neighborhood Plan. While there may be some potential for requests to change the height designation for at least two of the remaining three properties on the subject block, it is questionable whether such a request would be successful as the proposal for the subject property includes stepping the height down on the north side of the building to the 40-foot height limit of the adjacent properties.

The proposal, as designed, is consistent with zoning principles that incorporates a gradual transition in height from the 85-foot height at the adjacent Seattle Center on the south to the lower 40-foot limit of the adjacent properties to the north. There are no physical buffers present – all surrounding properties are zoned NC3 and the proposal for the 65-foot height is located within the Uptown Urban Center.

Impacts of the proposed height increase to surrounding area appear to minimal. There is anticipated an increased need for police and fire services while other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would not be increased due to the rezone based on proposed detention strategies for stormwater. There would an estimated increase in energy consumption mitigated in part by the applicant's intention to incorporate energy saving building features. Adequate parking will be provided and transit service is excellent.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed contract rezone to NC3-65 and NC3-P-65 be **CONDITIONALLY APPROVED** subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans dated December 17, 2009.

ANALYSIS - DESIGN REVIEW

Design Guidance

Three alternative design schemes were presented at the Early Design Guidance meeting on March 4, 2009. Common to all options are retail uses the full length of 1st Avenue North and Republican Street; residential units accessed from street level on Warren Avenue North; large courtyard/open space on Republican Street; stepping down to the 40-foot level on the north, and; strong corners at the intersections.

Concept 1 features a large plaza located roughly at the center of Republican Street with a portion of the upper massing set back to enhance the openness of the plaza. Ground to roof modulation along 1st Avenue North breaks the vertical massing to reflect surrounding development. Vehicle access to parking is via the proposed new alley on Warren Avenue North and from a curb cut on Republican Street through the plaza. Two residential entries are proposed: one on Warren Avenue North and one on 1st Avenue North.

Concept 2 is similar to Concept 1 but more of pronounced “H” shape. The Republican plaza is located closer to 1st Avenue North and also has two residential entries as in Concept 1. This concept features a separate private deck facing north.

Concept 3 (the preferred scheme) locates the public plaza almost to Warren Avenue North to relate directly to the northwest entry to Seattle Center. Residential vehicle access is from the proposed new alley at the north property on Warren Avenue North; access to parking for the commercial uses is from a curb cut approximately 30 feet south of the alley entry. All residential entry is from two lobbies on either side of the plaza on Republican Street. The east lobby does have an exit onto Warren Avenue North.

Two departures are requested: One to allow two curb cuts from Warren Avenue North and one to allow a reduction in the residential setback on Warren Avenue North.

After visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the siting and design guidance described below. The Board identified by letter and number those siting and design guidelines found in the City of Seattle’s *“Design Review: Guidelines for Multifamily and Commercial Buildings”* of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the priorities addressed below.

At the Recommendation Meeting held on July 15, 2009, the architect presented a refined design with facades that vary in design approach on each of the three street frontages. The 1st Avenue North façade reflects that traditional brick buildings familiar in the Uptown neighborhood; the Republican façade takes its cue from the close proximity to Seattle Center and its major entrance at August Wilson Way; the Warren Avenue façade is quieter with extensive landscaping and residential entries to townhouse like units at grade. Retail uses are located along 1st Avenue North and wrap around to Republican Street. Retail storefronts will be varied in design, fenestration and color. A large plaza and new curb bulb are located at the southeast corner and are part of the public benefits package offered for the proposed alley vacation. The building is stepped down on portions of the north façade to respect adjacent properties still zoned at a 40’ height limit.

On May 21, 2009, the Seattle Design Commission approved the proposed design of the public benefits including the large public plaza and curb bulb as part of the alley vacation. The applicants proposed to vacate 3,840 square feet of the north-south alley and rededicate an equal amount at the north edge of the site in an east-west configuration.

DESIGN GUIDELINES

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-2 Streetscape Compatibility

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A-6 Transition between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for the residents and encourage social interaction among residents and neighbors.

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.

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.

- The Board generally agreed that preferred Concept 3 was preferable to the others as it respects the sites to the north by stepping down and the large plaza relates well to Seattle Center.
- The Board appreciated the focus on the provision of continuous retail on 1st Avenue North around to Republican Street providing a clear organization of the program. A retail entrance at the corner of 1st Avenue North and Republican Street would provide a visual anchor to that corner.

- The Board expressed concern about the relatively narrow opening at the proposed plaza design and some questioned locating all residential entries here. The applicant was asked to provide sun/shadowing studies for the plaza and courtyard areas for the next meeting.
- Most Board members agreed with the approach of a plaza being the focal point of activity. Though most agreed that the proposed entry locations on 1st Avenue North compromised the continuous retail design, the applicant was asked to consider another residential entry point.
- The applicant was directed to provide sections drawings in two or three areas showing the relationship of the building to adjacent properties to determine the impact of the increased height on neighboring sites. The Board declined to set a prescriptive setback (e.g., 25 feet) preferring to see section studies with various setbacks.
- The Board expressed general discomfort with the location of the second curb cut (in addition to the alley access) on Warren Avenue North citing potential excessive disruption of pedestrian traffic, isolation of three proposed townhouse units between two curb cuts and lack of distance between the vehicle access points. The design should be refined to either combine the access points on Warren Avenue North or consolidate the access from the alley.
- The Board also expressed concern that alley access, loading dock and turnaround space may be somewhat limited and asked to have maneuvering diagrams submitted to demonstrate the adequacy of the area to serve both the project and the neighbors needs.
- The Board felt that the proposed eight foot setback for the ground-level residential entries on Warren Avenue North is inadequate to provide security and privacy for the residents. The Board generally agreed that they preferred entries above grade to provide greater privacy. The Board is disinclined at this time to grant this departure request (4-2).

The Board was pleased with refined design that addressed most of the Board's design guidance. While the residential entries are not changed, there is an exit on 1st Avenue North. Vehicle access for the retail uses has been relocated closer to the corner of Warren Ave and Republican allowing for a continuous row of residential entries on Warren Avenue North. These entries have been setback an additional two feet for more privacy. Residential vehicle access is now entirely from the alley. The rear of the building has been redesigned to provide more area for delivery truck and trash pickup maneuvering. Maneuvering diagrams were provided that demonstrated the adequacy of the space.

The Board is still uncomfortable with the at-grade townhouse entrances commenting that they still lack privacy and security. The previously requested departure for setback was withdrawn but even at the required 10 foot setback the Board still preferred entries above grade. The Board directed the applicant to work with the Department to refine the design of the landscaping and the proposed low walls to make the entries more defensible.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

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.

- The Board agreed that since this is a contract rezone, the design of the structure should not maximize the massing. The Board appreciated the proposed stepping down of the building massing on the north and looks forward to seeing section drawings to help depict the impact of the mass in relation to the neighbors. In a presentation of sample perspective drawings the Board

preferred detailing that echoed the 40-foot height limit to the north. They especially liked the three dimensional massing model that illustrated the buildings forms at each height and how it informs the eventual refined design.

As proposed, there will be a 22 foot step back of the upper two floors on the north side of the building echoing the 40 foot height limit to the north. Additionally the brick façade ends at 40 feet with the upper two floors slightly recessed until there is a break in the façade and then the brick extends up another floor. Together it gives the appearance of two separate but related buildings.

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.*

C-3 Human Scale

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

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.

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 agreed that the design should relate to nearby buildings but not be too nostalgic. They also cautioned against designing excessively busy elevations. They referred back to the desirable image presented in simple massing model and its relative building elements.
- See discussion above regarding residential and commercial vehicle access.

The Board was pleased with how the design relates to the many existing brick buildings in the neighborhood but in a contemporary way. The Republican Street façade acknowledges Seattle Center and the new Century 21 Master Plan for the center with more contemporary materials and design. The overall effect is of three different buildings as each façade changes (but are related) as one turns each corner.

The Board recommended approval of the semi-transparent metal mesh garage door proposed for the commercial entrance, commenting that it is important to retain visibility and lighting even when the garage is closed after hours.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-8 Treatment of alleys

The design of alley entrances should enhance the pedestrians’ street front.

- The Board expressed concern that the proposed location of the trash and recycling receptacles at the rear of the building is adequate to serve all the retail and residential uses and include loading facilities.

Additional trash collections areas have been added. Adequacy of trash and recycling areas will be addressed at building permit stage.

E Landscaping

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

- The Board is looking forward to a detailed landscape design that incorporates the Green Factor into the design.

The proposed landscape design includes extensive street level plantings including a bioswale on Warren Avenue North, green walls and new street trees. Required Green Factor has been met.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT’S JUSTIFICATION	BOARD RECOMMENDATION
Access to parking (SMC23.47A.032A1a) Access to parking must be from the alley when the site abuts a platted alley improved to SDOT standards.	Request access to at-grade retail parking from second curb cut on Warren Avenue N	Accessing all parking from alley will require additional square footage for maneuvering reducing the amount of retail space. A-1	Access to commercial parking was relocated to closer to Republican and all residential vehicle access is proposed from the alley. The Board unanimously approved the new design and agreed to grant this departure.
Driveway width (SMC23.54.030F2) Minimum width for driveway serving residential parking is 22’ for 2-way traffic.	Request 18’ driveway width to access mezzanine level parking	In response to Board’s direction to locate all access at the alley. Building frontage is limited along alley. A-3	The Board unanimously approved this departure.

Street Level Standards (SMC 23.47A.008) Minimum floor to floor height for non-residential uses is 13’	Request reduction in floor to floor height from 13’ to 11’ 10” in commercial units at the NW corner of the site.	Site grade changes approximately 8’ north to south. The lower height would not be noticeable in the small scale of the commercial units at this location. A-1	The Board unanimously approved this departure.
Parking Space Standards (SMC 23.54.030B) Commercial parking must consist of 35% small stalls and 35% large stalls	Request to waive mix requirements for small and large vehicles.	The proposed stall size mix proposes fewer large stalls as the required mix would result in reducing retail space. A-8	The Board agreed that the parking mix requirement could be waived to provide larger retail space. The Board unanimously approved this departure.

The three Board member in attendance unanimously recommended approval of the project and the four requested departures with the following condition:

Condition #1: . The Board directed the applicant to work with the Department to refine the design of the landscaping and the proposed low walls to make the residential entries on Warren Ave N more defensible.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD 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.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director’s Analysis

Three members of the Queen Anne/Magnolia 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, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed

the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. 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. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, 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.

ANALYSIS - SEPA

The proposal is for 17,725 square feet of commercial space and 275 residential units, thus the application is not exempt from SEPA review. 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) because the proposed project is located in a commercial zone and an urban center and exceeds the 12,000 square foot threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 27, 2009 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

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. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

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.

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 adjacent 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.

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 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.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the PM peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

On-street parking in the Uptown neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction whenever possible.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-Term Impacts – Use-Related Impacts

Noise

Because excessive noise can be harmful to the health and well-being of citizens, the City of Seattle prohibits excessive and annoying noise within the City limits. The City's Noise Ordinance defines noise and regulates it by type, land-use zone, and time of day. Stationary delivery trucks on private property can be a particularly troublesome and annoying source of unwanted noise. In order to reduce the effects of environmental noise on people, one must consider the following aspects: the sources of noise, the transmission path of the noise, and the types of construction in residential units in which the people live. When one is unable to control conditions at the reception point, for instance by manipulating the sound insulation of buildings as a barrier to the intrusion and effects of environmental noise, control of the noise at its source is imperative.

Outdoor noise levels usually decrease with increasing distance from the source because of geometrical spreading of the noise energy over a bigger surface and absorption of the noise by the atmosphere and by the ground. Thus increasing the distance between source and receiver is an effective noise reduction tool. This is the common means of noise impact reduction anticipated in SMC 23.47A.011 E4. Barriers can also achieve additional reduction of noise levels; hence the difference in regulating loading berths as "outdoor activities" and when the berths and attendant activities are entirely contained within the structure.

Noise from delivery trucks and loading dock operations

Residents close to the loading dock facilities are less sensitive to noise from trucks crossing the site, particularly during daytime hours, when the ambient noise level is fairly high and truck noise is masked by the ambient noise. On the other hand, these same residents tend to be very sensitive to the high level of impulsive noises generated by the banging of the loading dock plates, air brake noise, etc. The sensitivity increases during the late night and early morning hours when the ambient noise levels are lower. The City of Seattle currently restricts garbage pick-up hours to 7 a.m. to 10 p.m. for any use adjacent to, or across the street from, a residential use.

Land Use

The proposed project includes a Council Action to rezone the subject site from NC3-40 to NC3-65 on the east portion and from NC3P-40 to NC3P-65 on the west portion. See the rezone analysis at the beginning of this report.

Traffic and Transportation

A *Traffic Report* for the proposed project was prepared by Gibson Traffic Consultants (GTC), dated April 27, 2009 and supplemented July 23, 2009. The report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project and evaluates the impact of these new trips on the level-of-service of three intersections in the study area: 1st Avenue North at Republican Street; Mercer Street at 1st Avenue North; and, Mercer Street at Warren Avenue North.

According to the traffic report, and as projected for the project year 2012 with the proposed development completed, the project will actually remove trips at the three study intersections during the PM peak hour. The study compared trip generation data for the previous 17,596 square foot QFC grocery store plus the 12,045 square foot specialty retail building to the proposed development. The intersection of 1st Avenue North at Mercer Street would operate at Level of Service (LOS) C. The northbound approach of Mercer Street at Warren Avenue North would operate at LOS D, an improvement of one service level or better; the southbound approach here would operate at LOS F as before but with an improvement of 36.9 seconds of delay. The intersection of 1st Avenue North at Republican Street would operate at LOS B as before but with an improvement of 0.2 seconds delay.

The development proposes two site access points from Warren Avenue North: a north alley access that will serve the residential portion of the project, and a south access to serve the proposed specialty retail. The two proposed site access driveways are projected to operate at LOS B.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. Based on the PM peak-hour trip distribution analysis (above), the proposed development would not impact any of the City's screenlines, (a summary of vehicle and people movements across a specified region by vehicle classes and by time periods). The nearest screenline to the east, just south of Lake Union operates at 0.97 volume-to-capacity (v/c) ratio with an allowable v/c ratio of 1.2. The small number of trips added by the redevelopment at 100 Republican Street would have minimal effect on the screenline that operates well below the threshold capacity level.

Parking

The proposed development is located in the Uptown Urban Center where parking is not required per SMC 23.54.015B2. However, the proposal includes 291 parking spaces: 232 residential spaces and 59 commercial spaces. A parking generation study performed by GTC in 2007 showed that the parking demand for the proposed 275 residential units would be 247 spaces subject to a 7% transit reduction based on its location along a major transit corridor, 1st Avenue North. The average peak parking demand for the specialty retail would be 59 spaces.

Scenic Routes

It is the City's policy to protect views of significant natural and human-made features such as Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, the Space Needle, and major bodies of water from public space consisting of viewpoints, parks, *scenic routes* and view corridors. Republican Street and Warren Avenue North in this location are designated scenic routes per SMC25.05.675P. However, none of the above listed significant features are visible from these streets. As views of these features would not be blocked by the proposed structure, mitigating measures are unnecessary.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' 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.

DECISION – STATE ENVIRONMENTAL POLICY ACT (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. 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 of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS – REZONE

1. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, dated December 17, 2009, including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

RECOMMENDED CONDITIONS – SEPA

Prior to issuance of any Construction, Shoring or Grading Permits

2. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

During Construction

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 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.
4. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

For the life of the project

5. The hours of the operation of the loading dock for both delivery and trash and recycling pick-up will be restricted to the hours between 7:00AM and 10:00 PM.

CONDITIONS-DESIGN REVIEW

Prior to issuance of any Certificate of Occupancy

6. The applicants shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved plans dated December 17, 2009.

Signature: _____ (signature on file) Date: December 17, 2009
Marti Stave, Land Use Planner
Department of Planning and Development