



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

Project Number: 3007044 (formerly 2406656)
Council File Number: 309451
Applicant: Neal Thompson, Project Architect, Roger H. Newell
Architects for Ezra Teshome, Property Owner
Address: 1222 East Pine Street

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone 15,400 sq. ft. of property from NC3P-40' to NC3P-65' (Contract Rezone) located between East Pine St. to the south, 13th Ave. to the east, 1210 East Pine St. to the west and 1615 13th Ave. to the north. Project includes a Land Use Application to allow a six-story building containing 6,798 square feet of general retail sales and service (office use) at ground level with 75 residential units above, and below-grade parking for 70 vehicles. Project also includes 7,803 cubic yards of grading and demolition of the existing structures.¹

The following approvals are required:

Contract Rezone - To rezone from NC3P-40 to NC3P-65 (Seattle Municipal Code 23.34)

Design Review - Section 23.41, Seattle Municipal Code (SMC)

1. *Nonresidential Street-level Requirement 23.47A.008.B.3*
2. *Setback Requirement 23.47A.014.B.2.a*
3. *Driveway Width 23.54.030.D*
4. *Site Triangle 23.54.030.G*

SEPA- Environmental Determination (Chapter 25.05 SMC).

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

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

¹ Project was originally published as: Council Land Use Action to rezone 15,400 sq. ft. of property from NC3-40' to NC3-65' (Contract Rezone) located between East Pine St. to the south, 13th Ave. to the east, 1210 East Pine St. to the west and 1615 13th Ave. to the north. Project includes a Land Use Application to allow a six-story building containing 3,515 sq. ft. office, 405 sq. ft. general retail, and 2,157 sq. ft. restaurant use at ground level with 75 residential units above, below-grade parking for 122 vehicles, 12,800 cubic yards of grading and demolition of the existing structures.

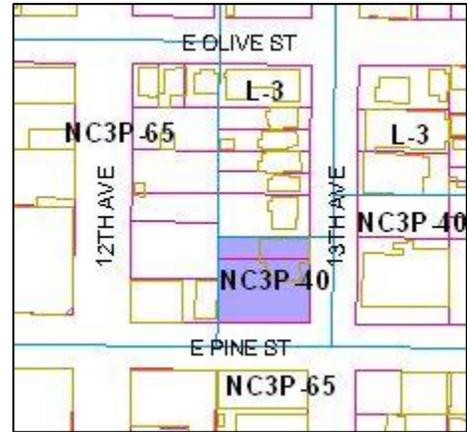
**Early Notice DNS published December 4, 2008.

BACKGROUND INFORMATION

Site and Vicinity:

The subject site is a corner lot located at the northwest corner of East Pine Street and 13th Avenue, in the Capitol Hill neighborhood. The development site occupies an area of approximately 15,360 square feet in a Neighborhood Commercial Three Pedestrian zone with a forty foot height limit (NC3P-40). The site is also located within the Pike/Pine Urban Center Village, and the Pike/Pine Conservation Overlay District.

The site is currently occupied by a two-story building containing an administrative office on the upper level and retail use on the lower level. The site also supports a principal use surface parking lot for 35 cars. The lot is paved to provide a hard surface for the parking lot with landscaping berms to soften the development site's edges. The subject lot slopes moderately downward approximately 10 feet from its northeast corner to the southwest corner. Based on the review of information submitted by the applicant the City of Seattle Landmarks Preservation Board found that due to loss of integrity, the building would not meet the standard for designation as an individual landmark.



The abutting property to the west, and adjacent properties across East Pine Street to the south are zoned NC3P-65. Commercial uses include restaurants, manufacturing, retail, and surface parking lots. The abutting lot to the north is zoned residential Multifamily Lowrise Three (L3), with a maximum density limit of one unit per 800 square feet of lot area. The L3 zone currently supports single family and multifamily uses. Across 13th Avenue to the east, a narrow NC3P-40 zoning band extends along East Pine Street for approximately one block and a half. A City of Seattle Fire Station is located directly across the street, fronting both on 13th Avenue and East Pine Street.

Development in the vicinity is predominantly commercial uses to the west and south of the subject site. To the east along East Pine Street, a main arterial, there is a mix of multifamily and commercial uses. The older structures in the area range in height from one to three stories, with brick facades dominating the streetscape. Mature street trees are interspersed along both street frontages, providing a lush green canopy during the summer months.

Summary of Proposal

The owner is requesting City Council approval to rezone 15,400 square foot of property from NC3P-40 to NC3P-65 (Contract Rezone) located between East Pine Street to the south, 13th Avenue to the east, 1210 East Pine Street to the east and 1615 13th Avenue to the north. An approved rezone will allow a 6-story building containing five floors in residential use containing a total of 75 units above ground floor commercial uses. The building's front setback will be oriented off 13th Avenue where the primary residential entry is proposed. Underground parking for 70 vehicles is proposed to be accessed off 13th Avenue near the site's northeast corner. The project includes 7,803 cubic yards of grading and demolition of the existing structure.

Public Comment:

Date of Notice of Application:	July 3, 2008
Date End of Comment Period:	July 16, 2008
# Comment Letters Received	5

The comment period for this proposal ended on July 16, 2008. The Department received five comment (form) letters after the conclusion of the public comment period. All correspondents expressed support to redevelop the site with the requested increase in height to 65 feet.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.004 (contract rezone), 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.072 (designation of commercial zones), and 23.34.078 (NC3 zone, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

Applicable portions of the rezone criteria are shown in italics, followed by analysis in regular typeface.

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.

This 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 property proposed for rezone to the structure approved by the Director through the Design Review process for 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 access and design, signage and site lighting and is documented in the DPD approved plans dated August 28, 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.



Figure 2: Representation of approved design.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter shall 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.

The designation of the Neighborhood Commercial Three Pedestrian (NC3P) zone will remain the same and will function as intended. The applicant is requesting an increase in the zoned height from 40 feet to 65 feet. (On June 29, 2009, City Council passed Council Bill number 116508 (Ordinance number 123020) which modified the previous zoning designation from NC3- 40 to NC3P-40 and removed the Capitol Hill Station Area Overlay District.)

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.

There is no provision among the applicable criterion that constitutes an absolute requirement or test of appropriateness of a zone designation.

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 re-designations as provided in SMC Subsection 23.60.060 B3.

The site meets the functional criteria SMC 23.34.086 for Pedestrian designation areas which constitute consistency with the Comprehensive Plan of parcels zoned Neighborhood Commercial. The site is not in a shoreline environment.

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. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

The site is in the Urban Center Village of Pike/Pine Conservation Overlay district (Ordinance 123020).²

E. The procedures and locational criteria for shoreline environment re-designations 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.

No mapping error has occurred.

SMC 23.34.008 General rezone criteria.

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

² The adoption of ordinance #123020 / Council Bill 116508 signed by the Mayor on July 8th, 2009 removed the site from the Transit Overlay Zone and added the "P" pedestrian to the zoning. The Pike/Pine Neighborhood plan changed to be called the Pike / Pine Conservation Overlay District.

- 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 rezone request is to increase the height of the underlying zone from 40 to 65 feet, which would allow construction of 30 additional residential units on two additional floors as proposed. Three types of units are proposed (studio, one and two-bedroom). The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and the resultant increase in allowable gross square footage on the same area of land. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target.

- 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 be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.*

The proposal site and surrounding neighborhood are within the Pike/Pine Urban Center Village. The Urban Village Element Appendix to the Seattle Comprehensive Plan set a 600 household increase as the growth target for this Urban Center Village by the year 2024. This target sets a density increase to 26 households per acre (or 1,675 sq. ft. per household) from the existing 21 households per acre (or 2,074 sq. ft. per household). The subject site's land area is 15,374 sq. ft. which would represent development of nine households on this site. The applicant would exceed the residential density goals of this UCV; therefore, the proposed 75 residential units far exceed this density growth target. This rezone is also consistent with SMC 23.34.008.A.2 because the increased density contributes to the attainment of densities established in the Comprehensive Plan.

According to the latest available progress report on growth, under Seattle's comprehensive plan, this residential urban village has achieved 63% of the targeted growth (Monitoring Our Progress: Seattle's Comprehensive Plan (2003)). The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and the resultant increase in allowable gross square footage on the same area of land. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target. This rezone is also consistent with SMC 23.34.008.A.2 because the increased density contributes to the attainment of densities established in the Comprehensive Plan.

- 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 zone remains the same (NC3P) with area characteristics remaining unchanged. The requested height increase is compatible to the abutting zoned area (NC3P-65) to the west and south. The subject block is split between three zoning designations; NC3P-65 occupies the west half block, L-3 the east half block north of the subject lot; a pattern that is reflective of other areas in the city.

The NC3 function and locational criteria do not distinguish between pedestrian overlays or height designations. The difference is the requested height increase along the East Pine block front. The abrupt zoning height designation splits the block in two along the east west axis along common property lines. This is true of the block and half block to the east of the site; and adjacent property to the west of the site – this is not the case across the street to the south. This is a common occurrence in commercial nodes throughout the city. Physical impacts of the proposed building upon the adjacent L-3 zone property, associated with height, bulk and scale have been evaluated and mitigated including modulation and terracing, to fit within existing area characteristics. When the limitations on development as set out in the PUDA are considered, a rezone of the subject property to NC3P-65, would be consistent with the west half of the block with frontage along East Pine, an active commercial corridor.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The zoning history indicates a trend toward moderating the intensity of uses in the immediate vicinity along East Pine between 12th and 15th Avenues. Prior to 1986 the entire area that is now zoned NC3P-40 was zoned Commercial General (CG) with a height limit of 60 feet. Blocks on the north side of East Pine Street from 12th (excluding the west half of the block) to 14th Avenues (excluding the east half of the block) were down-zoned by virtue of the decreased height to NC3-40 in 1986. The west half block of 12th Avenue and the south fronting blocks along East Pine which had been CG went to NC3-65. The east half block of 14th on either side of East Pine went from Business Commercial (BC) to NC3-65. The extended area south of East Pine that is now NC3P-65 was zoned CG and BC prior to 1986. The L-3 area that is just north and east of the NC3P-40 zone was RM prior to 1982.

Leading up to the adoption of the 1986 Ordinance (#112777), the Capitol Hill Community Council made recommendations to the Seattle City Council supporting the higher height limit along the Pike/Pine corridor and Olive Way strip, but this particular area within the Pike/Pine corridor was omitted from the 65 foot height designation.

In anticipation of the establishment of light rail, the City Council adopted Ordinance 112777 in 1986, the Capitol Hill Station Overlay District (Council Bill #113747). It was then amended by Council Bill #116508, Location Criteria for the Neighborhood Commercial zone and approved on July 8, 2009. The boundary of the Pike/Pine Overlay District was expanded and renamed Pike/Pine Conservation Overlay District in 2009, under Council Bill #116507 (Ordinance 123020). Commercial properties within the expanded area were given a Pedestrian zoning designation (suffix P) within the District boundaries. In addition, all properties within the boundary District have recently been removed from the Capitol Hill Station Overlay District.

As a result of this contract rezone, it is likely that there could be further requests for similar rezones for properties to the east of the subject site, which fronts on East Pine in the commercial zone. Excluding the aforementioned properties, an examination of the zoning within the Pike/Pine Conservation Overlay District shows that there are no other blocks that could replicate an increase in height to 65 feet that contain neighborhood commercial zoned parcels.

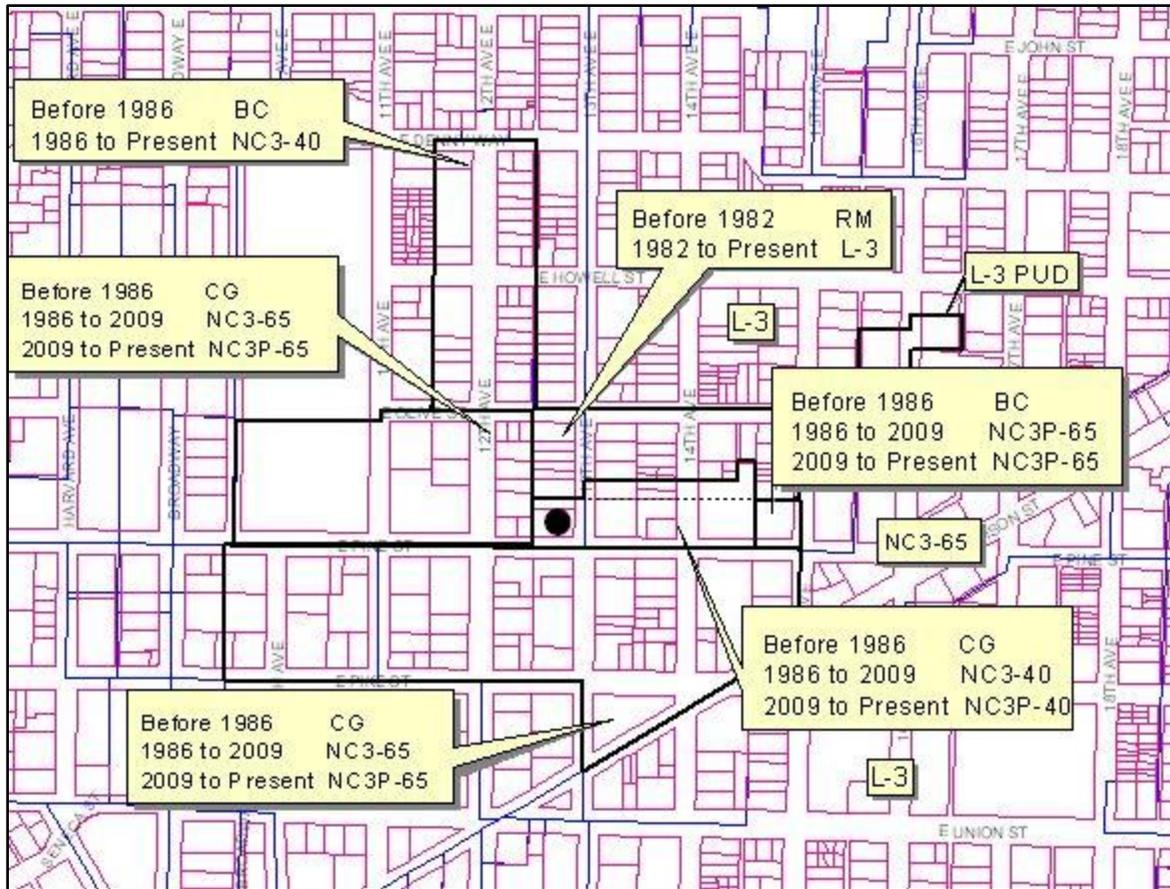


Figure 3: Zoning History

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

The project site lies within the planning area of the Pike/Pine Neighborhood Plan, published in the late 1990's and subsequently adopted by City Council in Ordinance 119413 and implemented as the Pike/Pine Overlay District, SMC 23.73.

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.

Pike/Pine Plan Policy P/P-P1: Strengthen the neighborhood's existing mixed-use character and identity by encouraging additional affordable and market-rate housing, exploring ways of supporting and promoting the independent, locally owned businesses, seeking increased opportunities for art-related facilities and activities, and encouraging a pedestrian-oriented environment.

The proposed project will retain and expand the existing office use establish at street level. Approximately 75 market rate residential apartments will be located above the commercial level. Development of the site will incorporate street front pedestrian amenities such as architectural detailing, overhead weather protection, and landscaping. Street trees are proposed to provide a visual connection to Cal Anderson Park.

Pike/Pine Plan Goal P/P-G3: A neighborhood that welcomes increased residential densities, with additional affordable and market-rate housing, and proper infrastructure to support the densities.

Education institutions in the vicinity (Seattle Central Community College, Seattle University, etc.) generate on-going demand for more affordable housing and the additional height proposed for this project will enable more units. The applicant is marketing the proposed residential units to students and staff of these schools and other nearby institutions, and the working class. With close proximity to a number of schools and transit nodes the proposal is expected to meet some of the housing demand in the area. Underground parking stalls for the residential units will be added to minimize the impact to on-street parking congestion. The net parking increase of the project has been limited to 35 new stalls (35 existing plus 35 new = 70).

Pike/Pine Plan Policy P/P-P11: Promote the additional development of new or rehabilitated housing units, through tools such as code modifications, incentives, and providing flexibility during development review.

Currently there are no residential units at the development site. With the increase in allowable height to 65 feet, 30 additional residential units will be added to the project proposal. Flexibility in design has been achieved during the design review process which involved neighborhood participation.

Pike/Pine Plan Goal P/P-G4: A neighborhood that recognizes and meets the diverse and distinctly different human service needs of a culturally and economically diverse population.

The rezone to NC3P-65 would support neighborhood objectives by providing commercial and residential uses within walking distance the other transit centers and other commercial businesses. The units are proposed to be market-rate to attract a wide-range of potential residents who are culturally and economically diverse; reflecting the demographics of the neighborhood.

Pike/Pine Plan Policy P/P-P37: Promote the reduction of car ownership of residents to minimize parking demand.

Increasing the height will allow 75 total units to be located in close proximity to academic centers, light rail, and urban amenities; car ownership and the associated need for parking would likely be reduced. Thus, the applicant will establish 70 total parking stalls for 75 units. At the time of signing a lease agreement occupants will be provided incentives, including transit passes for six

months, to promote public transit. By limiting the number of available stalls and providing transit incentives, the proposed rezone comports with this policy.

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.*

This rezone proposed was not specifically identified in the Neighborhood Plan.

In general, the Pike/Pine Neighborhood plan policies emphasize the area's unique character while encouraging neighborhood development to meet the needs of a cultural and economically diverse population. On balance, the proposed rezone to allow additional height, as limited by the PUDA, is consistent with other neighborhood plan policies for redevelopment and would not significantly increase the intensity of the proposal's bulk and scale in the subject neighborhood.

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 subject lot is part of a small NC3P-40 zoning band, extending one and half blocks east of the subject lot, on the north side of East Pine. Abutting the NC3P-40 zone boundary to the west and to the south across East Pine is NC3P-65 zone. This zone extends south and west for a number of blocks. It is anticipated that the 13th Avenue right-of-way width (66 feet) would provide more than sufficient space to transition from a 65 foot structure to 40 foot structures. With a height limit of 30 feet, the L-3 zoned property immediately to the north of the subject lot will experience a more abrupt transition. Mitigation design measures include upper level setbacks and landscape treatment along the wall of the new building.

The proposed building will modulate both vertically and horizontally to minimize the height transition. Along the north property line the entire building will be setback five feet at the podium level to accommodate ground level landscaping. Above the podium level, as measured from 13th Avenue, approximately 36% of the building's depth will setback 15 feet from the L-3 zoned parcel above, approximately 13 feet above grade. The remaining 64% (above ground floor level) will setback 24 feet from the north property line. The ground floor exterior wall will feature vegetated wall mounted trellises, planter boxes with cascading plants overhanging the wall. The zoning transition would be the similar to what currently exists on the same block just north of the subject lot (west ½ of the block zoned NC3P-65, abutting L-3 to the east).

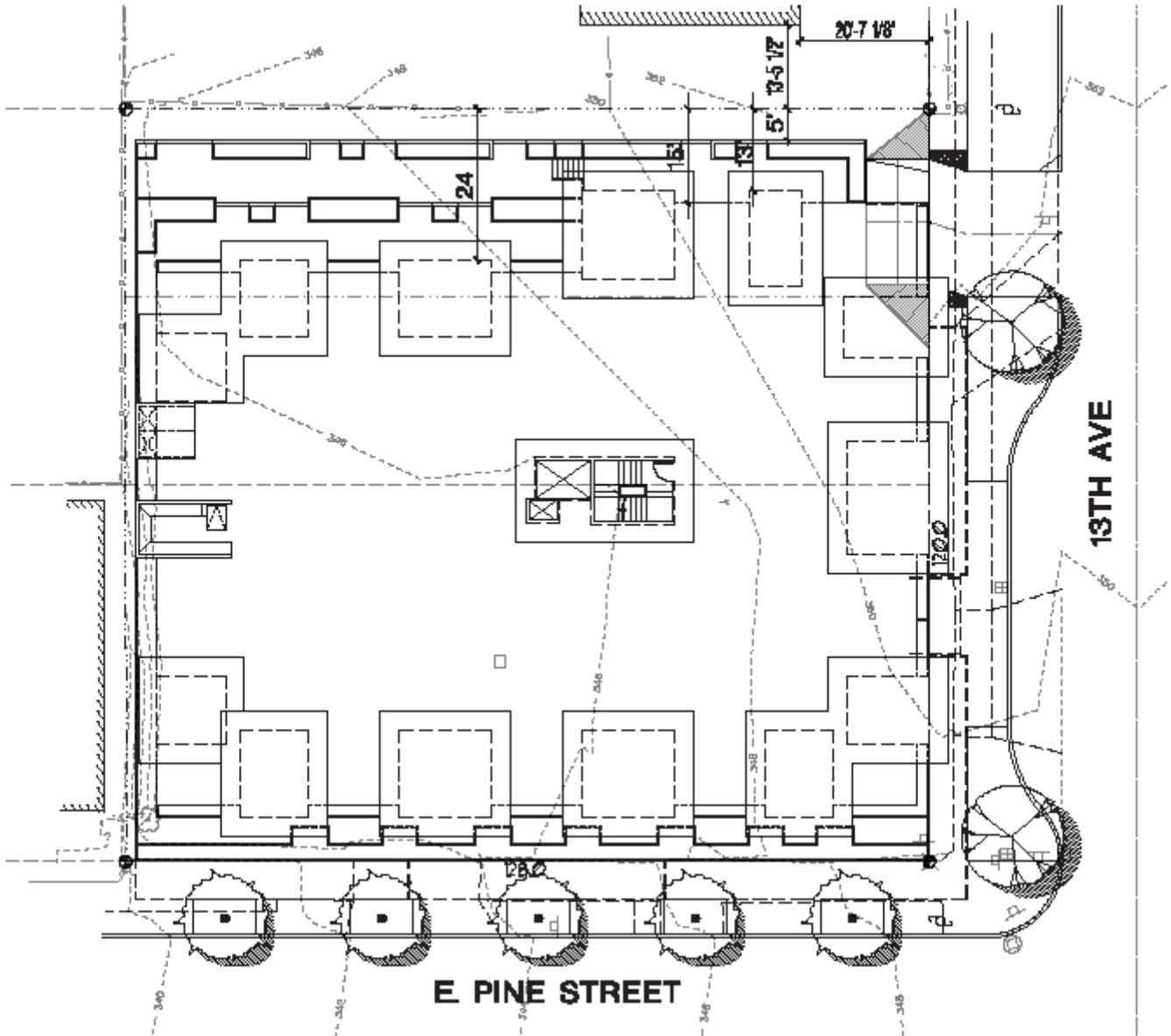


Figure 4: Approved site Plan

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 green spaces;*

There are no such physical buffers separating the different uses and intensity of development proposed.

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.*

Although there are no physical buffers as described in subsection E above, the parcel to be rezoned would follow 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 subject lot is a corner lot with two street facing frontages (Pine & 13th). NC3P-65 zoning is in place across East Pine from the subject site. North of the subject lot's north property line, along 13th Avenue, the zoning shifts to L-3. The primary residential entry of the proposed mixed use building will be located along this frontage and will be adjacent to the front of the residentially zoned lot along 13th Avenue. All commercial activity will be oriented along Pine away from the adjacent residential use. The approved design includes varied building design elements that are urban in nature with landscaping amenities on the facade that face the residential use.

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 proposed zoning is NC3P-65 and is located within the Pike/Pine Urban Center Village and is, therefore, consistent with this criterion.

<p>While L-3 – NC3 boundaries are not encouraged by the general zoning principals they are common throughout the city. Design sensitivity and other mitigation measures can accomplish an adequate transition. The north boundary notwithstanding, the site appears well-suited to a height increase in this NC3P zone.</p>

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 would demolish a two-story commercial building and replace it with a commercial use and 75 market rate residential units. Net housing unit growth in Pike/Pine Urban Center has achieved 63% of its 20 year (1995 – 2015) growth target.³ The addition of two floors will enable 30 additional units. No units would be classified as low-income housing.

b. Public services;

There is a potential for increased impact on public services as the proposed redevelopment of the subject lot will include approximately 6,798 square feet of commercial uses and 75 residential units. However, the service capacity in the area is adequate to serve the new proposal. Service capacities were evaluated as part of the adoption of the Comprehensive Plan which estimated service needs based on build-out of the zone.

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

Factors such as noise, shadows, and energy conservation will have an impact in the immediate area. Noise associated with mechanical equipment and other devices is anticipated to increase from what currently exists at the site. The requested increase to 65 feet in height will cast larger shadows on surrounding properties. The proposed structure is located in a highly urbanized area and includes many energy conservation features. The developer will partner with Seattle City Light Built Smart Program and install energy saving lighting and other building equipment that the program allows and that is compatible with the developer / owners facility plan. In addition each unit will be supplied with Energy Star appliances for reduced energy consumption.

d. Pedestrian safety;

The location of the parking entrance is on 13th Avenue near the north property line. The driveway width has been limited to 20 feet with warning devices to alert pedestrians to exiting traffic. The sidewalk has been textured on either side of the driveway, alerting pedestrians of a change. Warning lights are also included in the design of the garage entrance / exit that is activated when the garage door is opening. The pedestrian entrance to the commercial offices is on East Pine, with primary residential entrance taken off 13th Avenue.

e. Manufacturing activity;

No manufacturing uses are currently permitted and this would not change as a result of this rezone.

f. Employment activity;

Levels of employment activity are not expected to be directly affected.

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

Based on the review of information submitted by the applicant of the existing structure, the City of Seattle Landmarks Preservation Board found that due to loss of integrity, the existing building

³ Data obtained from Monitoring Our Progress: Seattle's Comprehensive Plan (2003).

would not meet the standard for designation as an individual landmark. The owner and their architect, working with the Capitol Hill/First Hill Design Review Board and staff, has made design modifications to the proposed building (exterior façade, landscaping, and location of entrances, etc.) to better fit within Pike/Pine's existing neighborhood character and context thus, maintaining the area's recognized architectural integrity.

h. Shoreline view, public access and recreation.

The subject site is not located in the shoreline area; therefore this section does not apply.

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;

Service Capacity for street access to the area via East Pine, a secondary arterial will not be exceeded. Neighboring arterial streets (E. Pike & E. Madison) along the east/west axis have direct access to major thoroughfares and Downtown which makes the subject site easily accessible.

b. Street capacity in the area;

The proposed rezone to NC3P-65 will allow 30 additional units above the current zoning height limit, based on the proposed design. These units target students and staff of area institutions and the working class, which are within walking / transit distance of the site. Based on the analysis by the traffic engineer, TraffEx, the net new trips generated by the proposed development are estimated to be 18 trips during the AM peak hour and 23 trips during the PM peak hour. Capacity of East Pine a secondary arterial will not significantly be affected, the level of service is expected to remain the same.

c. Transit service;

The site is currently served by Metro routes number 8 and 43 traveling along East Pine. Metro Transit would like to keep the bus stop adjacent to the project site on East Pine Street in its current location. The applicant is required to either install shelter footings in the sidewalk for the bus shelter (shelter would be installed by Metro), or alternatively, the applicant could install an awning at the bus stop. The applicant has chosen to integrate overhead weather protection canopy to satisfy Metro Transit's request. Two blocks south of the site, on East Madison, Metro bus routes 11 and 12 provides connections to Seattle's Downtown business district. Four blocks to the west is Metro route number 9, and the site of the new Sound Transit Link Light Rail's Capitol Hill Transit Center scheduled to open in 2016.

d. Parking capacity;

The underground parking garage will provide 70 parking spaces for 75 residential units and the proposed (office) commercial use. (See SEPA analysis) The current surface parking lot will be removed from the East Pine frontage. On-site parking supply for this project will be sufficient for

the intended uses. With proximity to transit routes and business and education centers it is anticipated many occupants will not require parking stalls.

In 2004 SDOT studied on-street parking in Pike/Pine and found that spaces were highly used making it a challenge to find on street parking. In July of 2008 SDOT conducted a second parking study and found that a mix of neighborhood uses generates a mix of neighborhood parking needs. On-street unrestricted parking spaces were on average 95% full. Seventy percent (70%) of the cars parked on the street between 11 am and 6 pm stayed for 2 hours or less, reflecting the demand for short-term parking. At 10 PM on-street parking is 90% full. As a result SDOT is proposing to increase the number of on-street restricted parking zones in the Pike/Pine study boundary to this meet demand. While encouraging walking, biking and transit use SDOT has recognized that the policy is slow to be adopted. In June 2009 SDOT through Council Bill 116507 / Ordinance #123001 is now allowed to enforce / restrict parking durations in the area.

e. Utility and sewer capacity;

Utility and sewer services are analyzed for adequate capacity during the Comprehensive Plan process and are based on potential build out at the designated zoning. A Water Availability Certificate has been obtained. Sewer capacity is available and the applicant will provide sewer improvements in 13th Avenue to increase the diameter of the service line. The line extension will facilitate future growth along 13th Avenue and is not being required due to current capacity restraints.

f. Shoreline navigation.

The subject site is not located in the shoreline area; therefore this section does not apply.

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.

Public investments to Seattle Central Community College and the Sound Transit's Light Rail station have been the catalyst for this new residential development. During the review of this proposal the boundary of the Pike/Pine Overlay District was expanded and renamed Pike/Pine Conservation Overlay District in 2009, under Council Bill #116507 (Ordinance 123020). Commercial properties within the expanded area were given a Pedestrian zoning designation (suffix P) within the District boundaries. Additionally, all properties within the District have recently been removed from the Capitol Hill Station Overlay District to reduce potential confusion when applying development standards in overlapping Districts, which the Pike/Pine Conservation Overlay District controls.

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

The property is located in the Pike/Pine Overlay District (SMC23.73). The proposed rezone is consistent with the purpose and intent of 23.73.002 which is to preserve and enhance the balance of

residential and commercial uses, by encouraging residential development and discouraging large, single-purpose commercial development. The proposed mixed use project is, therefore, appropriate for this site and will include pedestrian amenities on all rights-of-way that abut the site. The design of the building is such that the commercial activity is located away from any residentially zoned areas. Vehicle access (for the proposed residential use) is located adjacent to the residential zone along 13th Avenue in order to eliminate disruptions along East Pine's pedestrian oriented streetscape. Facades facing residential areas will be enhanced with modulations, roof features and extensive landscaping designed to mitigate height, bulk and scale impacts to the residential neighborhood.

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 site is not located in any mapped Environmentally Critical Area, therefore this criteria is inapplicable.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood 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.

It is recommended that the height of the structure in the PUDA will extend to a height of no more than 70.4 feet (77.5 feet allowed for roof top features) above the lowest elevation grade (340.5), which is consistent within NC3P-65 zones. The additional height above 65 feet is a code allowed adjustment for development sites with sloping topography conditions and for ceiling heights to accommodate commercial uses at grade (pursuant to SCM 23.47A.012).

It is anticipated that demand on goods and services and displacement of preferred uses shall not be adversely impacted. The project design responds to area demand for small household / student housing, as a result the proposed apartment mix will contain 50 studios, 10 one-bedroom and 15 two-bedroom apartments. The existing commercial use will be increased by approximately 12% (or 718 sq. ft.) Thus, a mixed of residential and commercial will be achieved with no displacement of preferred uses.

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 site is located at the northwest corner of the intersection of East Pine Street and 13th Avenue East. The site sits near the crown of Capitol Hill, with views west into downtown and the Olympics. The site slopes downward from east to west approximately 10 feet over a 128 foot distance. The proposed building will rise approximately 70.4 feet (with applied sloped lot bonus and increased ground level ceiling height) from the lowest elevation grade ((340.5 NAVD 88) near the southwest corner) with roof top features extending a maximum 10 for stair and elevator

penthouses. The proposed height will be consistent with other structures faced with similar topographic characteristics. The adjacent residential L-3 lot to the north, with a height limit of 30 feet, views will not be anymore affected by the proposed 25 foot increase in height. Properties across 13th Avenue to the east and northeast with views to the west would experience additional view blockage due to the height increase. Taking into consideration area topography, properties further to the west and south exerts similar view impacts.

C. Height and Scale of the Area.

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

The subject lot is located within a NC3P-40 zoning band that extends one and half blocks to the east. The west half of the subject block adjacent to the proposed rezone site is zoned NC3P-65. The proposed height limit is consistent with existing zoning to the west and south and suitably transitions with the NC3-40 to the east. The increase in transition impacts to the north, at the site's boundary with L-3, design features, landscaping, among other architectural devices will be provided to mitigate height, bulk and scale impacts.

- 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.*

The height of the proposed structure is 70.4 feet (with applied height bonuses); this height is compatible with the surrounding properties along East Pine. There is less compatibility along the 13th Avenue frontage to the north of the subject site, where the abutting property is zone L-3. The height of the proposed structure will be compatible with surrounding properties and with the mitigation proposed, it will make an acceptable transition with the L-3 zone to the north. Along East Pine, the height limit abutting the site to the west and across the street to the south is 65 feet. On the north side of East Pine between 12th Ave & 16th, the height moves from NC3-65 to NC3-40, then back to NC3-65. Parcels south of Pine are all zoned NC3-65. The requested height increase from 40 to 65 is compatible with the predominant height and scale of existing development in this area. However, most existing development including multi-family and commercial zoned properties is not built to the area's overall development potential.

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 proposed development is compatible with the 65 foot zoned heights in the surrounding area located to the west and south and (2 blocks) east. While an NC3P-65/L-3 zone boundary does not really align with zoning principals, it is nonetheless, a common occurrence in Capitol Hill and throughout the city. Several areas of Capitol Hill have NC3-65 zones adjacent to L-3. Blocks at East Union at 15th and the north portion of the subject block have NC3-65 zone adjacent to L-3. Directly across East Pine Street the entire strip is zoned NC3P 65. Recently completed projects

within the NC3P-65 zone are built to zoning height limits. Existing structures range in height from one-story to four-stories.

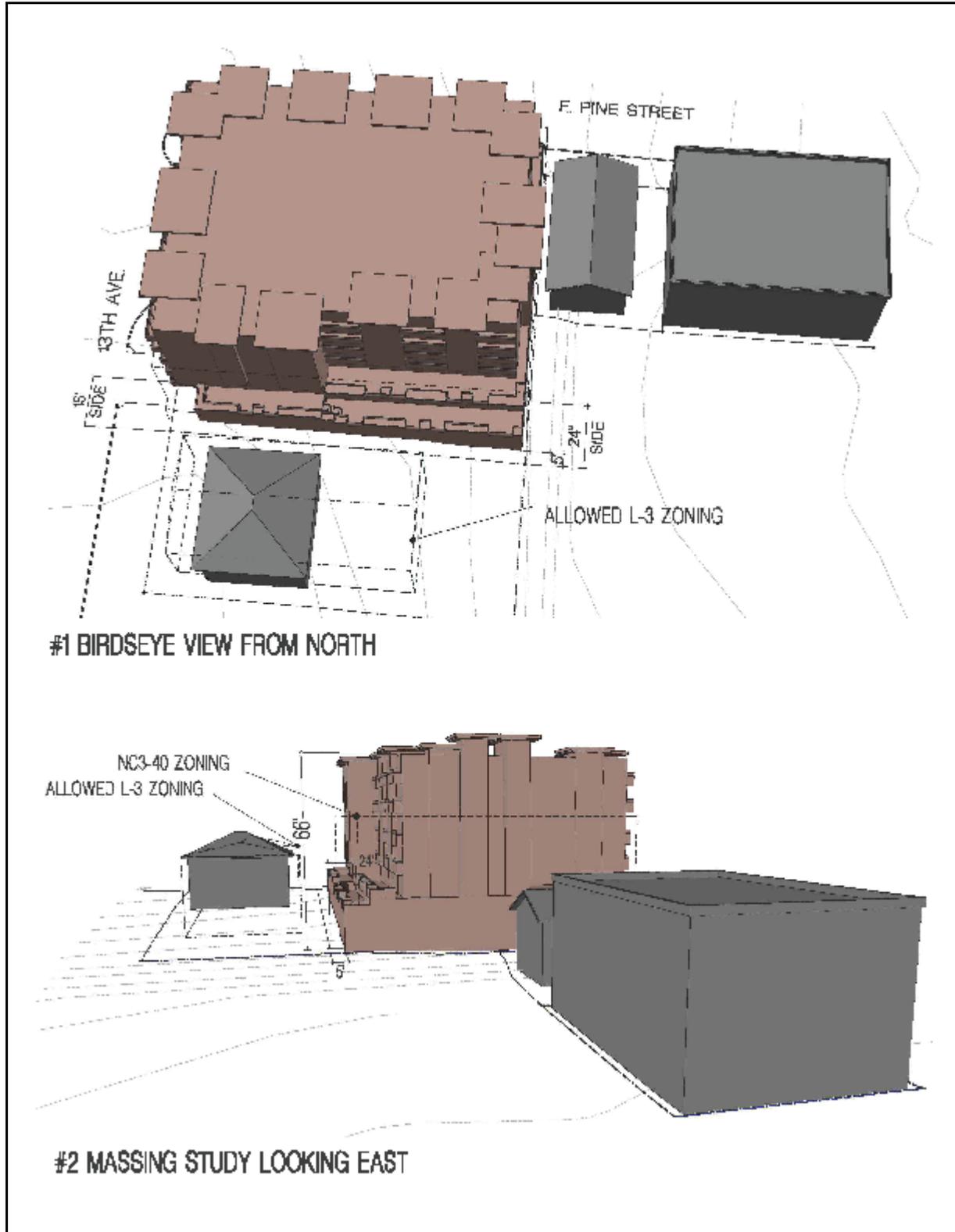


Figure 5: Massing Study

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 23.34.008.D2, are present.*

The subject lot is located within the adopted Pike/Pine Neighborhood Plan. (Ordinance #119413) This area contains several examples of visual impacts related to L-3 zones directly abutting both NC3P-65 & NC3P-40 zones. Mitigating height and scale impacts between zones has been achieved through terracing building setbacks, and/or creation of both vertical and horizontal modulation in the area and throughout the city. The Design Review Board was unanimous in its supported of a design that featured uninterrupted pedestrian street level experience along East Pine, with moderate sized commercial street level use on both frontages, and locating parking access along 13th Avenue. The west half of the proposed building's upper level steps approximately 24 feet from the shared property line to create a larger spatial openness for the L-3 property. The applicant will be required to use setbacks, modulation and landscaping to ease its impact upon the adjacent L-3 property as recommended by the Board. Though not considered a major physical buffer the sixty-six foot wide right-of-way (13th Avenue) to the east provides a typical zone transition, found throughout the city. More subtle modulation is proposed along the façade to find the appropriate scale to the adjacent NC3P-40 zone across 13th Avenue.

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.*

In order to achieve compatible architectural scale the Pike/Pine Neighborhood Design Guidelines encourages; “new buildings should echo the scale and modulation of adjacent buildings in order to preserve both the pedestrian orientation and consistency with the architecture of nearby buildings.” The proponent has designed a building with preferred elements including upper level fenestration, pedestrian oriented streetscape incorporating architectural detailing, pedestrian entries and large storefront windows to visual engage pedestrians. The proposal is compatible with the scale of neighboring properties. An increased upper level setback and a vertical landscape trellis have been designed for the north side to mitigate impacts. The owner of the L-3 property has attended the Design Review meetings and does not oppose the increased height.

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.*

The Pike/Pine Neighborhoods Plan, in Policy P/P-P11 seeks to promote additional development of new or rehabilitated housing units, through tools such as code modifications, incentives, and providing flexibility during development review. The proposed contract rezone would be limited to a height of 70.4 feet by a PUDA which is in keeping with structures with similar topographic characteristics on lots in NC3P-65 zones.

The NC3P zone with a 65-foot height limit appears to be the most appropriate zone, and is consistent with the predominant zoning in the area. The height of the proposed structure will be compatible with surrounding properties and with the mitigation proposed, it will make an acceptable transition with the L-3 zone to the north.

SMC 23.34.072 Designation of commercial zones.

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

The site is currently zoned commercial and the requested height increase could be considered an “encroachment” into the adjacent multifamily zone because the building would exert greater height, bulk and scale impacts. The approved design is recommended to be subject to a PUDA, minimizes commercial encroachment into the residential area by softening physical edges with modulations, landscaping and attractive facades finishes, and where no commercial activity will take place.

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.

Not applicable to subject site.

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.

Edge protection on the north boundary between NC3 and L - 3 has been addressed through the Design Review process. The same configuration has existed for over 40 years. No other parcel edges are bordered by residential zones.

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

Not applicable the property is already zoned Neighborhood Commercial, the applicant seeks to increase the allowed height limit from 40 feet to 65 feet.

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

This proposal does not request a creation of a business district.

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;*
- 2. Continuous storefronts or residences built to the front lot line;*
- 3. Intense pedestrian activity;*
- 4. Shoppers can drive to the area, but walk around from store to store;*
- 5. Transit is an important means of access.*

The site is zoned Neighborhood Commercial Three, the applicant requests an increase in the underlying height limit from 40 to 65 feet. This rezone aligns with all five functions, the project will be built to the front lot line where it does not now exist.

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;*
- 2. Served by principal arterial;*
- 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*
- 4. Excellent transit service.*

The site is zoned Neighborhood Commercial Three, the applicant requests an increase in the underlying height limit from 40 to 65 feet.

CONCLUSION – REZONE

The parcel proposed for rezone meets the criteria for Neighborhood Commercial Three designation. The proposal seeks an increase in height from 40 feet to 65 feet. The subject lot (east half block between 12th and 13th) and the block and a half from 13th to 14th along the north side of East Pine were zoned 40 feet in 1986, creating a height anomaly inconsistent with the commercial corridor/node along East Pine. The applicant now seeks greater uniformity and height compatibility along East Pine with the requested rezone. Though circumstances in the neighborhood are essentially the same, several criteria have been added by the adoption of Ordinance 1122575, implemented as SMC 23.34.072.E, allowing for the preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts. Aligning the height limit along this commercial corridor could constitute an equitable improvement for property owners to potentially develop their properties in keeping within the area character along East Pine. This proposal seeks to fortify the existing commercial node by increasing residential density by allowing two additional stories. Rather than maintain a split-zoned condition on this block front between neighboring commercial properties, it would seem appropriate for the entire block zoned NC3P to have a continuous 65 foot height limit; subject to a PUDA limiting the height of the proposed structure. Through the Design Review process the proposed building will have a number of features including setbacks, modulations, and landscaping to better fit within the Pike/Pine neighborhood context and scale the proposal to surrounding properties, to minimize the impact of abrupt zone edge transitions.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed contract rezone to NC3-65 be **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 Design Review plans dated August 28, 2009.

ANALYSIS - DESIGN REVIEW

Early Design Guidance:

Three Early Design Guidance (EDG) meetings were held, with the last meeting occurring on September 5, 2007, the Capitol Hill/First Hill Design Review Board met in EDG meetings to consider site analysis and design objectives and alternative scheme of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comments the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*" and *Pike/Pine Urban Village Design Guidelines* area of highest priority to this project. At the meetings, the Board identified the following adopted Guidelines to be of highest priority:

- A ***Site Planning***
- A-2 *Streetscape Compatibility*
- A-3 *Entrances Visible from the Street*
- A-4 *Human Activity*

- A-5 Respect for Adjacent sites*
- A-6 Transition between Residential and Street*
- A-7 Residential Open Space*
- A-8 Parking and Vehicle Access*

B Height, Bulk and Scale

- B-1 Height, Bulk and Scale*

C Architectural Elements and Materials

- C-1 Architectural Context*
- C-2 Architectural Concept and Consistency*
- C-3 Human Scale*
- C-4 Exterior Finish Materials*

D Pedestrian Environment

- D-2 Blank Walls*
- D-4 Design of Parking Lots near Sidewalks*
- D-6 Screening of Dumpsters, Utilities and Service Areas*
- D-7 Personal Safety and Security*

E Landscaping

- E-3 Landscape Design to Address Special Site Conditions*

Public Comment:

During the Early Design Guidance phase four letters were received both in support and opposition to the proposal. Adverse impacts cited ranged from connecting on the availability of on-street parking, potential noise based complaints for nightlife related business when new residential uses is constructed within close proximity, to curb cuts once proposed on a pedestrian oriented Pine Street, but now deleted from the design. One writer felt the increase in height or up-zoning would increase density and had no problem in supporting this change.

Board Guidance:

The Board wanted to know what considerations the design team has made to scale the building to be sensitive to the abutting L-3 zone to the north with the rezone request to add 25 feet above the current zoned height limit. The Board noted no compelling argument has been presented to justify the additional height from a design perspective.

Overall, the Board felt the preferred scheme was well conceived. Ensuring a well proportioned scale at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. The Board agreed that the design team demonstrated sound logic in design and is headed in the right direction. The Board is looking forward to how the design team resolves the parking level's exterior wall. The proposal should incorporate as many design elements as necessary to create quality infill development; utilizing building materials and massing sensitive to adjacent zones. The Board felt that there should be more attention directed towards the street level

commercial experience. Several “hot button” items were identified by the Board for the applicant to address as they finalize their design:

- To avoid the design appearing to turn its back to 13th Avenue, pedestrian and/or commercial entries should turn the corner onto 13th Avenue to expand the pedestrian experience.
- Develop an interesting and engaging scale along the north façade above ground floor level to be sympathetic to the abutting L-3 zoned property. As designed, the upper level 15 foot setback along the north property line appears cumbersome, clunky, and inadequate.
- Explore ways to crown the building with traditional cornice elements in keeping with the traditional styled loft buildings, the use of brick or stone is encourage at base. Install fenestration that is in keeping with loft styled buildings.
- The Board was particularly concerned about potential negative impacts of the proposed location of vehicle access off or near East Pine Street. Alternative locations or solutions should be explored to minimize or eliminate vehicle and pedestrian conflict along East Pine Street.

The guidelines noted above were all chosen by the Board to be high priority items. The Board encouraged the developer to engage the streetscape wherever possible and scale the design to integrate itself into an area with two street frontages; 13th Avenue and East Pine Street. The Board wants to increase the building’s presence through design. The proposed street level commercial uses should be highly accessible and more compatible with the street experience found within the Pike/Pine neighborhood. The Board supported all departure requests going forward to next the meeting.

(For complete copy of the EDG and Recommendation documents refer to the MUP file or DR Web page; www.seattle.gov/dpd/.design_review_program//project_review/reports.)

Design Review Board Recommendations:

On June 10, 2008, the applicant submitted the full Master Use Permit application, and on March 4, 2009, the Capitol Hill/First Hill Design Review Board (Area 4) convened for the Recommendation meeting. Four of the five Board Members were present during this meeting. The applicant team presented elevation renderings, site plans, materials boards, etc., that responded to design guidelines set forth by the Board during the previous meetings. The applicant requested four departures from the City’s Land Use Code:

- *Nonresidential Street-level Requirement*, reduction to the requirement.
- *Setback Requirement*, reduction to the requirement.
- *Driveway width Requirement*; reduction to the requirement.
- *Site triangle Requirement*; reduction to the requirement.

Updated Design:

Since the last Early Design Guidance Meeting held on September 5, 2007, there were a number of refinements that have affected the size and configuration of the proposed development. These include:

Building Mass: The preferred design scheme introduced during the EDG meeting has been refined to take greater advantage of opportunities afforded by a corner lot, with two street

frontages. From the roof line down to street level, the building's south and east façades have a strong articulated presence which firmly holds the corners to help establish a sense of place. The building's mid level mass has been modulated to step away from the abutting residential zone to the north, lessening the appearance of bulk from neighboring uses and zones. The revised plan depicts a building mass along East Pine that holds the street edge with large windows and overhead canopies to help frame and give articulation to the proposals' human scale. The modulation of the building's mass on the upper level with interplay of solid and voids minimizes visual impacts of the proposed six-story structure. Additionally, the upper level modulates both vertically and horizontally to break down the building's scale upon the adjacent residential zone.

At the street level corner of East Pine and 13th Street the base has been cut out to provide a 440 square foot covered entry. This covered pedestrian entry is intended to provide protected access into the proposed building.

Parking: In response to Board guidelines, access and layout of the parking garage has been located in a fashion to increase commercial frontage along East Pine and minimize visual intrusion upon adjacent uses and the street systems. The entry establishes an understated presence along 13th Avenue with challenging grade elevations. Nuanced architectural decorative detailing has been added to make the wall plane more pedestrian friendly and visually appealing.

Landscaping: The amount and allocation of vegetation takes better account of solar exposure impacts upon adjacent uses as directed by the Board. The revised plans depicts a more thoughtful approach to activating pedestrian activity on the roof deck with amenity areas, and installing heavily landscaped areas along the north property line. The courtyard planting boxes prevent residents of the new project from being able to see into the ground level and occupied spaces of the neighboring structure in the abutting residential zone.

Public Comments

Eight members from the public filled out the sign-in sheet. One member from the neighborhood asked the applicant if they had addressed the existing noise levels in the design of their proposed building. There is an active nightlife in the immediate vicinity which could be unfairly targeted by noise complaints from future residential tenants. "Was there an acoustical study prepared to address nightlife activity?" The applicant informed the assembled group that they had not considered an acoustical study but is considering solid walls, double pane glazing and ventilation air ducts to help mitigate outside noise levels. Another member from the public stated dissatisfaction with the braces supporting the overhead weather protection, it does not fit within the neighborhood context. The building appears to have a simple elegance which would be a welcomed addition to the neighborhood minus the frills. Eroding the street level corner at 13th and Pine is a huge mistake, the building needs to firmly hold the corner and celebrate the street level. Another member from the public was concerned about the application of exterior materials and wanted an explanation of the buildings materiality. Lastly, in order to understand pedestrian safety in the evening, the applicant was asked to walk through the lighting detail scheme.

Board Discussion

After considering project context, design plan, public comments, and reconsidering the previously stated priorities, four Board members began their deliberations by providing a general assessment of the proposal and its impact on the neighborhood. Ensuring an elegantly detailed building at the

development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. Generally, the Board liked the design team's response to the guideline priorities set on September 5, 2007. Discussion ensued among the Board, including support of the requested departures, exterior cladding, building articulation, parking access, setbacks along the north property line and resolution of street level frontages.

The street level inset at the corner of 13th and Pine is a major concern for the Board. This proposed covered entry does not fit within the Pike/Pine vernacular. The Board wants the building to boldly step up to the street level property lines to maintain a continuous street frontage. The corner should be given over to active use within the structure; with more coherent pedestrian entries to establish a stronger street presence. In removing the inset corner, the need for the commercial space departure may go away. Consideration should be made to establishing readable entries on both street frontages. **The Board did not support a commercial departure request as currently designed. Therefore, the Board recommended the applicant work with DPD to find an appropriate design solution for the final design entry locations and detail with a stronger corner presence. Consideration should be made to make the entries readable on both street frontages.** (*Guidelines A-2, A-3, A-4, C-1, & C-3*)

The overall language of the building still needs further refinement; it lacks a coherent top, middle and base. The building is in need of either a horizontal or vertical expression, as yet it's still looking for its voice. Exploring a more consistent materiality expression from the roof line down to grade may prove beneficial to the overall design composition. Emphases may need to be directed on the vertical elements to give the building its full expression. If the roof overhangs were removed or depth reduced, it may provide a needed vocabulary shift to fit better within the neighborhood context. No matter what, the support braces have no design coherence to the proposed building at roof level and should be removed.

The middle vertical expression needs a stronger presence; the design team should explore eroding the horizontal band. The concrete base solidly grounds the building to grade which needs high quality finish to weather gracefully over time. **The Board recommended the applicant should work with DPD to explore a more consistent materiality expression from the roof line down to grade to achieve the desired coherent presence that is both well designed with quality materials and readable. The support braces have no design coherence to the proposed building and should be removed at roof level.** (*Guidelines A-2, A-3, A-4, C-1, C-2, C-3, & C-4*)

The street level overhead canopy at the corner of 13th and Pine needs further work and will need to be redesigned. This feature seems at odds with other architectural elements within the neighborhood and lacks design continuity with other design elements of the proposed building. **Therefore, the Board recommended the applicant work with DPD to find an appropriate design solution for the overhead weather protection system in keeping with the neighborhood vernacular.** (*Guidelines A-3, A-6, C-2, C-4, & D-7*)

As presently design, the street level experience does not maximize transparency, the height of the tile kick plates seems too imposing along both street fronts. Where possible, storefront windows should be enlarged, increasing the amount of transparency to engage the public realm. In addition, the height of the upper level windows should be increased to be more in alignment with loft styled units. **Therefore, the Board recommends the applicant work with DPD to design and install larger storefront windows extending downward to increase the amount of transparency,**

where possible. In addition, the height of the upper level windows should be increased to be more in alignment with loft styled units. (*Guidelines A-2, A-3, A-4, C-1, C-2, C-4, & C-3*)

As depicted in the presentation materials the driveway access appears troubling adjacent to the residential zone. Two levels of parking are being provided in a zone that requires no parking. The width of the double door entry seems out of scale and will need additional refinement to allow vehicles to safely access the development site without compromising congestion within the right-of-way. The access opening leading to the lower level parking garage should be a minimum of 18 feet. **The Board recommends the applicant should work with DPD to design and build residential vehicle access threshold (driveway) leading to the lower parking level not less than 18 feet.** (*Guidelines A-5, A-8, C-2, C-4, D-&, & E-3*)

Departure Analysis

1. Height & Depth of Nonresidential Space (SMC 23.47A.008.B.3a)

To promote viability of commercial activity located at street level, nonresidential uses must extend an average of at least 30 feet and a minimum of 15 feet in depth from the street level street facing facade. At the corner of Pine and 13th Avenue the street-level corner has been eroded to create a covered entryway into the proposed structure. Due in part to the layout of the floor plan the commercial space along 13th Avenue has been designed with an average of 27.2 feet and a minimum of 10.92 feet in depth to accommodate a residential foyer. During previous EDG meetings the Board requested the applicant to open up the pedestrian experience along both Pine and 13th Avenue. In recessing the street-level corner the building's presence is diminished and at odds with the neighborhood vernacular. The applicant has misinterpreted Board guidance to increase street level recesses at entries along 13th and Pine to one isolated corner, an area that can least afford it. The proposed structure should boldly hold the corner. The Board does not support a design that reduces viable street level commercial use for an eroded corner that is out of character for the neighborhood vernacular. The Board directs the applicant to maintain a strong vertical presence at street-level at the corner of 13th and Pine. **Owing in part to the graphic boards presented at the recommendation meeting, the Board recommended not to approve depth reduction of nonresidential use with the understanding that the commercial space will be pushed out to the property line to fully engage pedestrian in the right-of-way.** (*Design Guidelines: A-3, A-4, C-1 C-2, & D-7*).

2. To allow alternatives to Rear and Side Setback for lot adjacent to Residential zones (SMC 23.47.014.B.2.a)

A setback is required along any rear or side lot line that abuts a lot in a residential zone as follows: Ten feet for portions of a structure above 13 feet in height to a maximum of sixty-five (65) feet. The proposed structure will establish a two stepped lateral clearance from the abutting (L-3) residential zoned property above 13 feet (as measured above lowest grade), approximately 15 feet within 55 feet from 13th Avenue and 24 feet for the remaining 67 feet of the lot's depth. The setback above 13 feet establishes greater zone transition sensitivity to the abutting residential zone. A shadow study was presented to demonstrating the effects of additional height on the abutting property. The applicant proposes to attach planter boxes to the podium level resulting in encroachments into the setback area. Planter boxes and rail system will extend 6 to 48 inches in the setback area and will be filled with plants to soften visual impacts upon adjacent uses. The

podium level (exterior wall) will feature modulations in the form of concrete planter boxes, scored concrete and vegetated walls. If not for the planter boxes, the departure would not be required. The intention of the planter boxes in the setback area is to provide additional vegetation at the buildings edges. Though the setback reduction represents a small percentage of the setback area affected by this request (refer to sheet A301), it will have a significant positive impact by allowing an integrated design that features robust landscaping elements. The benefit to accommodate a landscape design concept outweighs any minor inconvenience in the reduction in the setback adjacent to a residential zone. **The Board felt that the design objectives expressed during EDG were achieved in the proposed design. Provided that the planter boxes are made of concrete or other durable material the Board approves the departure request.** (*Design Guidelines: A-5, A-7, C-2, C-4, D-2, & E-3*).

3. *To allow reduction in Driveway Width for Residential and two-way Nonresidential Use (SMC 23.54.030)*

The project proposes three underground parking levels devoted to residential use and one street level for nonresidential use within the structure. Access to the parking will be taken off 13th Avenue in response to Board guidance and neighborhood comments to maintain East Pine as a pedestrian oriented street. Driveway width requirement for nonresidential use serving 2-way traffic shall be 22 feet. The Board was encouraged with the applicant's desire to reduce the visual impacts of access to parking along 13th Avenue. The garage doors will be setback approximately 15 feet from 13th Avenue with the driveway width reduced to 20 feet. The reduction of the driveway width opens up the exterior façade to be devoted to more active internal uses. Within the structure the at-grade level commercial parking level is providing stalls for 15 vehicles; it was assumed that the volume generated by the 15 parking spaces could accommodate a reduction in driveway width to not less than 10 feet in width from the garage door entry.

The minimum residential width for driveways serving 2-way traffic shall be 20 feet. A total of 107 residential parking stalls will be dispersed over three levels below grade. In order to minimize visual impact of an area devoted to parking the applicant was encouraged by the Board to reduced the width down to safely allow two-way traffic to pass within the garage. With the limited number of vehicles accessing the parking level and layout around the threshold door, traffic safety is anticipated not to be compromised with the reduction of the driveway width by 2 feet to 18 feet within the structure. The applicant's design was supported by the Board, with suggestions to incorporate safety devices to increase vehicular visibility and measures to protect landscaping around the threshold. **Owing in part to the graphic materials presented at the recommendation meeting, the Board recommended approval of the reduction in nonresidential driveway width outside the structure to 20 feet and to not less than 10 feet at street level within the structure. In addition, the Board approved an 18 foot wide driveway serving the lower parking levels. Safety devices to increase vehicular visibility and other measures to protect pedestrian shall be secured with the approval of the assigned planner.** (*Design Guidelines: A-8, C-1, D-7, & E-3*)

4. *To allow modifications to Site Triangle (SMC 23.54.030.G)*

For two-way driveways or easements less than 22 feet wide, a sight triangle on the side of the driveway used as an exit shall be provided and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk

or curb cut intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified. The garage doors will be recessed approximately 15 feet from the property line that will open up a visual field for drivers exiting the site. The applicant proposes to hold the street edge along 13th Avenue in commercial and residential use creating an obstruction on the exit side. The site triangle on the exit side does not have the lateral clearance from the property line to accommodate the full site triangle dimension. The proposed design solution incorporates safety features as allowed in downtown zones - visual warning, enunciator, or mirrors are proposed in lieu of sight triangle. **The Board approves removing the site triangle on the exit side so long as the applicant provides other means to secure exiting visibility and/or warning systems to minimize the potential for pedestrian vehicle conflicts. The architect will provide alternative means to safeguard pedestrians with such measures as mirrors, warning lights and or buzzers.** (*Design Guidelines: A-3, A-8, C-1, C-3, C-4, & D-7*)

Departure Summary

The four Board members present unanimously supported granting three of the four requested departures for alterations to Land Use Development Standards, which includes modifications to setback requirement (side setback adjacent to residential zone), residential and nonresidential driveway width, and site triangle. The Board turned down the applicant’s departure request for height and depth of nonresidential space development standards. As long as the exterior façade remain consistent with what was presented, with materials, upper level fenestration, and with the requested refinements to be approved by the DPD planner, the Board fully supported the three departure requests with two conditions. In granting the setback departure, planter boxes shall be made of concrete or other durable material and an exit warning device shall be required for granting relief from site triangle and driveway width requirements. The applicant has done an admirable job of integrating height bulk and scale, landscape design with robust plantings that has enhanced the building and its impact upon adjacent properties. **Therefore, the Board recommends approval of three requested departures.**

Summary of Departures

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment/Rationale BY Architect</i>	<i>Board Recommendation</i>
<i>1. Nonresidential Street-level Requirement. SMC 23.47A.008.B.3</i>	<i>Height and depth of nonresidential space must extend an average of at least 30 feet and a minimum of 15 feet in depth from the street level street facing façade.</i>	<i>An average of 27.2 feet and a minimum of 10.92 feet in depth. .</i>	<i>Due in part to the alignment of the residential foyer’s relationship to proposed commercial spaces. Additionally, creating covered grand entry at the corner of 13th and Pine.</i>	<i>▪ Not Approved (Design Guidelines A-3, A-4, C-1, C-2, & D-7)</i>

<p>2. Setback Requirement SMC 23.47A.014.B.2. a</p>	<p><i>A setback is required along any rear or side lot line that abuts a lot in a residential zone as follows: Ten feet for portions of a structure above 13 feet in height to a maximum of sixty-five (65) feet.</i></p>	<p><i>Planter boxes extend above 13 feet.</i></p>	<p><i>The massing of the proposed structure includes concrete planter boxes to allow robust vegetation to frame the upper level courtyard to drape over the wall.</i></p>	<p>▪ <i>Approved (Design Guidelines A-5, A-7, C-2, C-4, D-2, & E-3)</i></p> <p><i>Provided that the planter boxes be made of concrete or other durable material</i></p>
<p>3. Driveway width 23.54.030.D</p>	<p><i>(Nonresidential) The minimum width of a driveways serving 2-way traffic shall be 22 feet.</i></p> <p><i>(Residential) The minimum width of a driveways serving 2-way traffic shall be 20 feet.</i></p>	<p><i>Reduce driveway width to not less than 20 feet (exterior) and 10 feet (interior) in width.</i></p> <p><i>Reduce driveway width to 18 feet in width.</i></p>	<p><i>To increase commercial street presence along 13th a reduction in driveway width is required.</i></p>	<p>▪ <i>Approve (Design Guidelines: A-8, C-1, D-7, & E-3)</i></p> <p><i>Exit vehicle warning device</i></p>
<p>4. Site triangle 23.54.030.G</p>	<p><i>For two-way driveways at least 22 feet in width are required to be kept clear of any obstruction for a distance of 10 feet on the exit side of the driveway.</i></p>	<p><i>No site triangle on the exit side.</i></p>	<p><i>The site triangle will erode the building at a relatively short street frontage.</i></p>	<p>▪ <i>Approve (Design Guidelines: A-3, A-8, C-1, C-3, C-4, & D-7)</i></p> <p><i>Exit vehicle warning device</i></p>

Summary of Boards’ Recommendations:

The recommendations summarized below were based on the plans submitted at the March 4, 2009 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings submitted for review on May 7, 2009. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, all four Design Review Board members presents recommended that the design should be approved with refinements noted to be worked out with DPD. In particular; the street level façade treatment at should boldly hold the corner with active commercial uses with large storefront windows to engage the public. The Board also recommends approval of three of the requested four departures as stated in the departure matrix. Thus, the project should move forward as designed. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Design and build the street level facade stepping up to the property line to maintain a continuous street frontage at the corner of 13th and East Pine Street. (Guidelines A-2, A-3, A-4, C-1, & C-3)
2. Design and install larger storefront windows extending downward to increase the amount of transparency to open up visual engagement in the public realm, where possible. In addition, the height of the upper level windows should be increased to be more in alignment with loft

- styled units subject to review and approval by the DPD planner. (*Guidelines A-2, A-3, A-4, C-1, C-2, C-4, & C-3*)
3. Design and build roof overhangs that better fit within the neighborhood context. No matter what, the support braces have no design coherence and shall be removed. (*Guidelines B-1, C-1, C-2, C-3, & C-4*)
 4. Design and build an overhead weather protection device at the corner of 13th and Pine which better fits within the neighborhood vernacular subject to review and approval by the DPD planner. (*Guidelines A-3, A-6, C-2, C-4, & D-7*)
 5. Design and build vehicle driveway width thresholds leading to the lower level residential parking garage no greater than or less than 18 feet, and for commercial uses a minimum of 10 feet (within structure) and 20 feet (outside of building) in width, subject to review and approval by the DPD planner. (*Guidelines A-5, A-8, C-2, C-4, D-&, & E-3*)
 6. Design and build planter boxes that are made of concrete or other durable material subject to review and approval by the DPD planner. (*Design Guidelines: A-5, A-7, C-2, C-4, D-2, & E-3*).
 7. Design and install alternative means to safeguard pedestrians with such measures as mirrors, warning lights and or buzzers, and measures to protect landscaping around the driveway threshold subject to review and approval by the DPD planner. (*Design Guidelines: A-3, A-8, C-1, C-3, C-4, & D-7*)

Director's Analysis and Decision: Design Review

The Design Review Board recommended that the assigned planner should work with the applicant to resolve several Board recommendations prior to final DPD approval. The Director is equally pleased with the overall building design but as noted in the recommendation meeting the proposed design is contingent upon Council approval to rezone the site from NC3-40 to NC2-65. As was noted by the Board, the street level pedestrian experience needs additional refinement, as well as the upper level street facing façades. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F) to advance the proposal forward. The Design Review Board identified elements of the Design Guidelines (above) which are critical to the project's overall success with concurrence of the Director.

The design of the new 6-story building (containing 75 residential units and approximately 6,798 sq. ft. of office use) has a scale, proportion and materials that reduce the appearance bulk by breaking down the building mass through application of modulation, exterior wall materials and color. The design of the proposed structure is a reinterpretation of the surrounding vernacular seeking modern expression to provide visual interest while seeking a sense of individuality. With the inclusion of the previously stated refinements the proposed structure is anticipated to boldly announce its presence at street level. Along all street frontages the upper level subtly steps back to lessen the weight of the building within the pedestrian environment below. Creating a sensitive transition to the abutting L-3 zone is a high priority item to successfully integrate the proposal into neighborhood fabric. The proposed structure has found the balance to minimize height and bulk

and scale impacts by vertically and horizontally stepping the structure back from the north property line. As viewed from the north facade, the proposed 6-story structure features a number of layers including terracing, landscaping, fenestration, decks, and modulations to minimize the building's mass. The design incorporates cement, glass, metal, and cement-fiber board panels, in a creative fashion, to dynamically invigorate the north facade. The Director concurs with the Board that this proposal will be a compatible addition to the neighborhood.

The Director has determined that no additional measures are warranted to strengthen the commercial streetscape experience. Since the recommendation meeting held on March 4, 2009, the assigned planner has worked with the applicant to resolve outstanding Design Review recommendations and conditions of approvals. During this phase the design now has added more vibrancy on the street facing façades by using more appropriate architectural detailing. Furthermore, the applicant has revised the proposal to no longer seek departure from non-residential street use requirements.

The Director of DPD has reviewed the recommendations of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings and Pike/Pine Urban Center Village Design Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations and conditions included at end of this document. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on March 4, 2009 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented at the recommendation meeting and subsequent plans submitted to DPD on June 8, 2009.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the Mr. Robert W. Thorpe (dated submitted February 27, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

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.

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, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Historic and Cultural Preservation - Construction of the proposed commercial and residential structure will necessitate the demolition of one existing commercial structure that was constructed in 1901. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred potential landmark eligibility approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for designation of historic landmark structures (in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.d). The review of the information associated with the status of the existing structure (addressed 1222 East Pine Street) did not warrant landmark status, as determined by the Landmarks Preservation Board, (LPB 13/09) in a letter dated January 8, 2009.

Parking - Construction of the project is proposed to last for up to fifteen months. Parking utilization along streets in the vicinity is at capacity and the demand for parking by construction workers during construction is anticipated to significantly reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated near the development site at off-site locations with a shuttle service for workers, if needed. Therefore, the applicant will be required to secure off-site parking locations with shuttle service for all workers until onsite parking is made available to meet construction parking demand; no further mitigation will be required.

Traffic - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. 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 transportation during construction. The excavation of the lower level to accommodate parking will require removal of material 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 material to be removed from the site will be due in part to excavation for a building with two levels of parking below grade will have impacts on surrounding properties. During excavation a single-loaded truck will be used which holds approximately 10 cubic yards of material. This will require approximately 780 to 1,014⁴ truck loads to remove approximately 7,803

⁴ Includes fluff factor of 30% when soil is tossed around.

cubic yards of soil material and may require a number of trucks loads of deconstruction material resulting from demolition of existing structure. The site abuts East Pine Street, a secondary arterial, which provides access to Interstate Five (5). In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials. Traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Noise - The development site is located adjacent to a residential area where construction of this scale would impact noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 7pm. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9am and 7pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of commercial and residential structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Height, Bulk, and Scale - The area of development is located along the west slope on Capitol Hill overlooking Downtown and the Olympics to the west. The proposal will occupy the southeast portion of a block that is bounded by 12th Avenue, East Pine Street, and 13th Avenue. Adjacent to the development site are structures of varying heights. The proposed six-story project will rise to approximately 70.41 feet to the top of the flat roof from the lowest elevation grade along the East Pine Street frontage, with the stair and elevator penthouse extending an additional 9 feet. The development site is currently located within a NC3P-40 zone, the proposal's impact is being evaluated under the requested rezone height expansion to 65 feet (NC3P-65). Abutting the development site to the north, the height limit is 30 feet within an L-3 zone. Currently a multifamily use (two-story apartment building) occupies the abutting property to the north. The residential use to the north will not experience the full weight of the proposed structure; above the 13 foot concrete base, as measured from the 13th Avenue frontage, 44% of proposed structure will step back approximately 15 from the north property line. The remaining 56% will step back an additional 24 feet from the north property line to establish a sympathetic zone transition to the neighboring property.

The remaining property to be directly impacted by the proposed structure is immediately to the west. Currently the property houses a two-story structure that is underdeveloped for its zoned height limit of 65 feet (NC3P-65). The proposed structure will provide a modest setback of five feet above the commercial level to offset its bulk. With a few exceptions the remaining Neighborhood Commercial zoned area surrounding the development site are occupied by a mix of structures of varying heights. The majority of existing buildings are less than the Code allowed height limit. A number of existing buildings in the immediate area have a visual presence that will be unaffected by the addition of this proposal. Topography and site location have helped to scale the building within the neighboring context, while taking advantage of its unique corner block location. The proposed structure features setbacks and modulations, which serves to scale the building down as viewed from the site's perimeter. The proposed project is being developed to NC3-65 standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the land use element of the*

Seattle Comprehensive Plan for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”

In addition, the SEPA Height, Bulk and Scale Policy states that “(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these 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.” Since the discussion in the previous paragraph indicates that there are no significant negative height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Land Use - The proposed project includes a requested Council Action to rezone a 15,374 square foot portion of land (120.09' X 128.02') from NC3-40 to NC3-65 to allow a 93,883 square foot, six (6)-story building. See the rezone analysis at the beginning of this report.

Traffic and Transportation - The applicant submitted a Traffic Analysis, prepared by TraffEx that addressed trip generation and distribution analysis. The report contrasted existing and proposed uses at the development site with impacts associated with personal trip generation. Trip generation for the proposal was determined by employing figures derived from Trip Generation (*Institute of Transportation Engineers' [ITE], Trip Generation Manual, 7th Edition, 2003*). Quantitative values found within the reference document reflect nationwide studies in suburban communities that are not necessarily representative of urban trends. It has been DPD's experience that vehicle trip generation figure's based on the aforementioned manual have been found to be less in urban areas, with proximity to employment centers that have ready access to mass transit and other alternative modes of travel, i.e., choosing to walk or bike. In the traffic impact analysis, credit was given for the existing general office use (ITE Land Use Code 710) at the development site. Net changes in trips generated by the proposed development are estimated to be 18 trips during the AM peak hour and 23 trips during the PM peak hour. During the peak PM hour 16 (70%) net new trips will be entering and 7 (30%) net new trips will be exiting the development site.

The proposed project is anticipated to generate an average of 580 vehicle trips per day; currently an estimated 116 trips are generated at the development site. The net increase in total daily vehicle trips at the combined development site is 464. The residential use accounts for approximately 87% (504) of the daily vehicle trips. With an increase of approximately 18trips during the AM peak hour and 23 trips during the PM peak hours anticipated from the existing uses, this increase is not expected to have a substantial impact on the surrounding roadway intersections.

Circulation within the area includes bus routes and bike lanes providing access to downtown and other employment destinations. There are also many dining, shopping, educational, medical, and entertainment options within walking/bicycling distance and along the public transit routes. The proposed commercial uses at the development site are expected to draw clientele from the surrounding neighborhood. It is anticipated that East Pine Street, a secondary arterial, will handle the increase demand falling within its capacity. Secondary local streets which can be used to access the site will experience slight increased volumes.

Parking - The Land Use Code sets minimum parking requirements for residential and commercial uses within urban centers, which has eliminated required parking for all uses in commercial zones. This regulation is a manifestation of policy changes to encourage alternative modes of travel (i.e.,

public transit, bicycle) for urban city dwellers. The proposed development is located in the Pike/Pine Urban Center Village. The applicant has proposed to exceed the land use parking requirement of zero spaces to accommodate a total of 70 parking stalls at the development site for the proposed uses (75 residential units and 6,798 square feet of commercial use).

Peak parking demand for the proposal is expected to reach a combined total of 91 stalls as determined from information found in Parking Generation (*Institute of Transportation Engineers' [ITE], Parking Generation Manual, 3rd Edition, 2003*). Peak parking demand for office use (ITE Land Use Code 701) is 16 stalls, between the hours of 9:00 AM and 4:00 PM. With peak demand for Low/Mid-Rise Apartment (ITE Land Use Code 221) is 75 stalls between midnight and 5:00AM. The peak demands for the commercial and residential uses do not overlap. Due to the different peak parking periods, alternate means of accessible transportation (i.e., public transit, bicycle), and incentives by the owner to reduce on-site parking demands (refer to rezone analysis), it is likely that the provided on-site parking will be sufficient to meet the need of proposed uses.

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity is at capacity. Limited availability of on-street parking can be found during the daytime during evening hours. Additionally, Ordinance (121792) modified SEPA Parking Policy (Sec. 25.05.675M, SMC) removing SEPA authority to mitigate residential parking impacts within the Pike/Pine Urban Center Village.

Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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.

[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).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

PREPARATION OF FINAL PLAN AND FUTURE CHANGES

The owner/applicant shall update plans to show:

- Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
- Embed colored elevation and landscape drawings into the MUP and building permit drawings.
- Update plans and supporting documents to provide consistent and current project information, i.e., parking calculations, residential unit count, etc.
- Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

RECOMMENDED CONDITONS – REZONE

Prior to Issuance of Master Use Permit

1. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, last updated December 15, 2009, including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

INSTRUCTION – DESIGN REVIEW

Prior to Issuance of a Certificate of Occupancy

2. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.
3. Compliance with the approved design features and elements, including exterior materials, parapets, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project (Bradley Wilburn, 206-615-0508) or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least three (3) working days in advance of the inspection.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of MUP:

The owner/applicant shall update plans to show:

4. The owner/applicant shall update plans to show the street level facade stepping up to the property line to maintain a continuous street frontage at the corner of 13th and East Pine Street. (*Guidelines A-2, A-3, A-4, C-1, & C-3*)

5. The owner/applicant shall update plans to show larger storefront windows extending downward to increase the amount of transparency to open up visual engagement in the public realm, where possible. In addition, the height of the upper level windows should be increased to be more in alignment with loft styled units subject to review and approval by the DPD planner. (*Guidelines A-2, A-3, A-4, C-1, C-2, C-4, & C-3*)
6. The owner/applicant shall update plans to show roof overhangs that better fit within the neighborhood context. No matter what, the support braces have no design coherence and shall be removed. (*Guidelines B-1, C-1, C-2, C-3, & C-4*)
7. The owner/applicant shall update plans to show overhead weather protection device at the corner of 13th and Pine which better fits within the neighborhood vernacular subject to review and approval by the DPD planner. (*Guidelines A-3, A-6, C-2, C-4, & D-7*)
8. The owner/applicant shall update plans to show vehicle driveway width thresholds leading to the lower level residential parking garage no greater than or less than 18 feet, and for commercial uses a minimum of 10 feet (within structure) and 20 feet (outside of building) in width, subject to review and approval by the DPD planner. (*Guidelines A-5, A-8, C-2, C-4, D-&, & E-3*)
9. The owner/applicant shall update plans to show planter boxes that are made of concrete or other durable material subject to review and approval by the DPD planner. (*Design Guidelines: A-5, A-7, C-2, C-4, D-2, & E-3*).
10. The owner/applicant shall update plans to show alternative means to safeguard pedestrians with such measures as mirrors, warning lights and or buzzers, and measures to protect landscaping around the driveway threshold subject to review and approval by the DPD planner. (*Design Guidelines: A-3, A-8, C-1, C-3, C-4, & D-7*)

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Demolition or Construction Permits

The owner(s) and/or responsible party(s) shall:

11. Submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required
12. Submit a Truck Trip Plan to be approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.
13. The applicant shall submit documentation securing off-site parking locations with shuttle service (if needed) for all workers until onsite parking is made available to meet construction parking demand.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

14. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 7:00 PM and Saturdays between 9:00 AM and 7:00 PM. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon notification to the Land Use Planner at least three (3) days in advance of the requested activity to allow DPD to evaluate the request. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: _____ (signature on file) Date: January 7, 2010
Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

BW:lc

I:\WILBURB\Design Review\3007044\3007044Dec.doc