



City of Seattle

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Number:** 3010211  
**Council File Number:** 310090  
**Applicant Name:** Dave Heater, Ankrom Moisan Architects  
**Address of Proposal:** 412 Broadway

**SUMMARY OF PROPOSED ACTION**

Council land use action to contract rezone 21,600 sq. ft. of land from NC3 65' and MR to NC3 85'. Project includes a 6-story building containing 6,100 sq. ft. of retail and 101 apartment units above. Project includes 9,000 cu. yds. of grading. Parking for 83 vehicles to be provided in two levels below grade.

The following Master Use Permit components are required:

**Contract Rezone** – To rezone from NC3-65 and MR to NC3-85  
Seattle Municipal Code Section 23.34

**SEPA Environmental Review** - Seattle Municipal Code Section 25.05

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

1. Alley Setback (SMC 23.47A.014.B3)

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

[X] DNS with conditions

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



- East of and adjacent to the property group across the alley is 917 East Jefferson Street, a mixed use duplex (residential and commercial).
- East of and adjacent to the property group across the alley is 415 10th Avenue, a 75-unit apartment building.

Broadway street is designated a minor arterial. E. Jefferson is designated a collector arterial and is an important transit route. The bus-stop in front of the site on Jefferson provides intermittent bursts of foot traffic all day long. The site is currently served by public transit.

## **PROPOSAL**

The proposal includes the construction of a six story structure that would include approximately 101 residential units, 6,100 square feet of ground level retail uses and below grade parking for approximately 83 vehicles.

## **PUBLIC COMMENTS**

Approximately six members of the public attended the Early Design Guidance meeting held on July 15, 2009. The following comments were offered:

- Clarification of the vehicular exiting onto the alley, the two foot dedication and the additional five foot setback shown as a landscape buffer along the alley. Also interested in the type of retail anticipated for the proposed commercial spaces.
- Concern that the proposed building does not respond to the context and that the massing studies misrepresent the existing context. Prefer residential uses at street level and less commercial uses at ground level. Would like to see terraced open spaces along Broadway instead of decks along the alley. Objects to the departures because the proposed design doesn't show how the project better meets the intent of the guidelines.
- Prefer retail uses at ground level. Clarification of the use programming for the south end of the building and the division of the commercial space into multiple retail uses.
- Questioned whether the designers considered going up to 85 feet in height on the Neighborhood Commercial zoned portion of the building and not proposing to increase height on the Midrise zoned portion. Also questioned the viability of the retail uses next to the bus stop.
- Clarification that the proposed width of the sidewalk along Jefferson is 12 feet.

The applicant applied for a Master Use Permit on September 4, 2009. Notice of Application was published on April 1, 2010 and a 14-day comment period ended on April 14, 2010. No comments were received by DPD during this period.

Approximately six members of the public attended the Initial Recommendation meeting held on December 2, 2009. The following comments were offered:

- Interested in the Jefferson Street elevation. Feels NE corner should relate strongly to the pedestrian, particularly the area where the alley meets the sidewalk should be softened. Appreciate the double height retail space along Broadway.
- Does not feel the proposed building responds well to the scale and transition to either the east or the south. Confused as to why 20 foot tall retail is preferable. Does not like the asymmetry of the

windows or the Juliette balconies. Finds the design to be incoherent and the brick should wrap onto the alley façade and be a lighter shade.

- Clarify that the housing units will be market rate.
- Clarified that a restaurant use is preferred tenant at the corner location. Would prefer to see neighborhood serving services as future tenants.

Approximately three members of the public attended the Final Recommendation meeting on December 16, 2009. The following comments were offered:

- Jefferson Street is an important façade and the design addresses the sloped condition successfully. The proposed light box feature is an interesting idea. Supports the canvas canopies as they differentiate from the more institutional character of the glass and steel canopies. Broadway needs more pedestrian oriented retail space and overhead protection.
- Concerned with security along the alley and garage entrance. Would like to see a camera installed along the alley to monitor activity. Concerned with vehicles accessing the building will produce problematic traffic conditions along the alley.

## **REZONE ANALYSIS**

### ***SMC 23.34.004 Contract rezones.***

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

The proposal is for a contract rezone in which development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structure approved through the Design Review process which the analysis is included below. The approved design includes, but is not limited to, the structure design, structure height, building materials, landscaping, street improvements, parking design and layout, public benefit features, signage and site lighting and is documented in the approved plans dated January 26, 2010.

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

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

**SMC 23.34.007 Rezone evaluation.**

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

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

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

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

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

The project site is located within the Central Area Neighborhood, 12<sup>th</sup> Avenue Urban Center Village and within the First Hill/Capitol Hill Urban Center.

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

The proposal is not located within any shoreline area.

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

**SMC 23.34.008 General rezone criteria.**

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

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

The proposal site and the area to the east are within the 12<sup>th</sup> Avenue Urban Center Village. The Urban Village Appendix A to the Seattle Comprehensive Plan set a 700 household increase as the growth target for this Residential Urban Village. This target requires a density increase to 14 households per acre (or 3,111 SF per household) from the existing nine households per acre (or 4,840 SF per household). The subject site is 21,695 SF. Development of more than seven households on this site would exceed the residential density goals of this RUV; therefore, the proposed 101 residential units far exceed this density.

The proposed rezone for the proposed structure will maintain the zoned capacity and zoned density for this site. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increased height does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposal is for a height increase on the northern third of the site in the Neighborhood Commercial 3 zone from a 65-foot height limit to 85-foot height limit. The proposal is also to rezone the southern two-thirds of the site from a Midrise zone to a Neighborhood Commercial 3 with an 85-foot zone. The rezone, if granted, would result in the existing split zone site becoming a single zoned site of Neighborhood Commercial 85. This increase in height would allow additional floor to ceiling heights. The proposed residential units would contribute to achieving the 125% of the growth targets for the 12<sup>th</sup> Avenue Urban Center Village.

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

The proposal is located within an urban center village.

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

The proposal is to rezone an area currently designated Midrise with a 60-foot height limit and Neighborhood Commercial 3-65 (NC3-65) to Neighborhood Commercial 3-85 (NC3-85). SMC 23.34.078 provides the Neighborhood Commercial 3 zone, function and locational criteria. The area's characteristics meet the zone criteria for the Neighborhood Commercial zone and will remain unaffected by the proposed re-zone; the proposed re-zone is limited only to a height increase and does not include a change to the allowed uses. In general, the NC3 zone's function and locational criteria is the best match for land such as the subject property.

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

The site has been part of the City of Seattle since 1869 and has a legal description of Lots 3, 4 and 5, Block 4, Eastern Addition. Under the 1923 zoning Ordinance, the northern two lots (4 & 5) were mapped as Business District and the southern lot (Lot 3) was mapped as the Second Residence District. The Zoning Ordinance of 1947 remapped the Lots 4 & 5 as Business District, Area District C. Lot 3 was remapped as Second Residence District, Area District C. The 1957 Zoning ordinance remapped

only Lot 5 as BN and Lots 3 and 4 as RM. Adoption of the Residential Portion of Title 23 appears to have remapped Lots 3 & 4 as MR in 1982. Adoption of the Neighborhood Commercial portion of Title 23 appears to have remapped Lot 5 as NC in 1986. There is a gap in available zoning history records so that actual dates of zoning history in the early years of Title 23 for this area are not readily available for detailed zoning changes from 1982 through the 1990s although no rezones of these lots appear to have occurred since adopted of Title 23. The current zoning of Lot 5 is NC3-65' and of Lots 3 & 4 is MR.

The proposed contract rezone is of limited scope to target specific developmental constraints (ie, creating additional height in order to allow a full height retail space and better floor to floor heights in the residential portion of the building). However, due to the ongoing developmental pressure along Broadway, it is reasonable to assume that the change from MR zoning to NC could create a precedent for future rezones for those parcels that share similar topographic challenges along the eastside of Broadway. Of the properties in the nearby area, there are none that share both a split zone assemblage of property and a slope in two directions. So, while the change from MR to NC to support ground floor retail reflects a positive precedent from an Urban Village policy standpoint, there are few nearby properties for which the exact conditions would apply.

*D. Neighborhood Plans.*

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

The project site lies within the planning area of the Central Area Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan by City Council, November 2, 1998, by Ordinance 119216.

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

The following goals and polices in the adopted Central Area Neighborhood Plan and 12<sup>th</sup> Avenue Urban Center Plan apply to the proposed rezone (Goal/Policy in italics followed by response/analysis).

*CA-P1: Enhance the sense of community and increase the feeling of pride among Central Area residents, business owners, employees, and visitors through excellent physical and social environments on main thoroughfares.*

The project includes urban character enhancing improvements to the streets, including the increased setbacks to create wider sidewalks, ground level retail, overhead weather protection, landscaping and street furniture. This rezone will foster a high quality development along a main thoroughfare.

*CA-P8: Promote capital improvements that encourage "pedestrianism" among residents, employees, and shoppers. Use all area streets and sidewalks as avenues to walk to work, school, recreational facilities, shopping districts, and visit neighbors. Provide for pedestrian convenience and priority at signalized intersections using Transportation Strategic Plan strategies. Preserve residential area street ends and stairways for public access.*

The proposed project includes additional setbacks for wider than required sidewalks and extensive streetscape landscaping. The 6,100 square feet of retail space at street level on Broadway will contribute to a vibrant pedestrian-oriented streetscape.

***CA-P24:** Create a viable business base that will attract investment, focusing on neighborhood retail, professional and personal services, restaurants, and entertainment. Support the urban design element of the Central Area Neighborhood Plan that strengthens development and enhances the pedestrian nature of each area.*

The project, as proposed, will enhance the mixed use character of the neighborhood with 101 new residential units and 6,100 square feet of small to medium sized retail spaces. This rezone will enable development of a mixed-used structure contributing to the business base, including neighborhood retail, professional services, restaurants, and entertainment in the context of a pedestrian environment. This development will provide synergies of use between the residential, professional, and Seattle University communities.

***CA-G9:** A thriving mixed-use residential and commercial area with a “main street” including services and retail that is attractive and useful to neighborhood residents and students, and public spaces that foster a sense of community, near the intersection of several diverse neighborhoods and major economic and institutional centers.*

Although not located on 12th Avenue itself, this proposal would help establish a mixed-use residential and commercial area along Broadway, another “main street.” The proposal would include neighborhood services attractive to residents and students.

***CA-P36:** Encourage increased housing density where appropriate, such as on 12th Avenue and on Yesler Way, and in mid-rise zoned areas.*

The proposed rezone would enable a high-density residential development in a mid-rise zoned area.

***CA-P38:** Seek services and retail that builds on the neighborhood’s proximity to Seattle University.*

The provision of 6,100 square feet of retail uses will provide commercial uses that may be accessed and utilized by the Seattle University population.

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

The adopted Central Area Neighborhood Plan contains no policies for guiding future rezones in the 12<sup>th</sup> Avenue Urban Center Village.

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

There are no particular sites or areas identified for rezoning in the Central Area Neighborhood Plan for the 12<sup>th</sup> Avenue Urban Center Village.

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

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

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

The rezone would be compatible with NC zones across the street to the north and west. The encroachment of NC zoning further south along Broadway could be construed as impacting the MR zones to the south and east. However, a rezone to allow mixed use that would allow more commercial height on the first floor is not a negative for residential areas, particularly if the added height contributes to a more vibrant commercial use.

A rezone to NC3-85 for the site, subject to a Property Use and Development Agreement would limit the overall height to 75 feet with preferred zoning principles of gradual transitions between zoning categories, including height limits in the vicinity that currently range from 60 feet to 105 feet.

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

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

The prevailing use pattern is strongly commercial to the north along Broadway. The topographic break between the Broadway commercial area and the residential neighborhood to the east does tend to reinforce the natural topography and provides an element of separation between the districts. There is also a shift in the street grid pattern across Broadway to the west.

*3. Zone Boundaries.*

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

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

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

The zone break would occur on a platted lot line and would resolve a zone split between MR and NC that occurs on the current development site. The increased height and density along Broadway is consistent with zoning principles and occurs at a natural break in topography. Commercial uses are located directly across the street. Properties to the south would remain residential.

*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 property is located within the 12<sup>th</sup> Avenue Urban Village and across the street from the First Hill Urban Center Village. Higher height limits are provided in these cases and are specifically appropriate here. The proposed height limit would be 85 feet with a self imposed restriction of 75 feet to transition between the Commercial and Institution uses to the north and west and to the Midrise residential uses to the east and south.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above: the design incorporates a gradual transition in height from the 105-foot height at the adjacent Major Institution overlays to the north and northwest and NC3-85 zone to the west to the lower 60-foot limit of the adjacent properties to the east.

*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.*

In general terms, the increase in height from 65 feet to 75 feet will not provide additional units or residents, but will provide for new commercial and increase in height. In terms of impacts between the development potential of the existing versus the proposed zone, the actual impacts are minimal.

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

*a. Housing, particularly low-income housing;*

The rezone which allows additional height for ground floor retail will not allow any greater number of units than the existing NC or MR zones. The proposal includes 101 new housing units on a site where no housing currently exists. There are no housing units being displaced by the proposal. There is no low-income housing included in the proposal.

*b. Public services;*

There will be an increase in demand on public services from the proposed 101 residential units and 6,100 square feet of retail, and parking for 83 vehicles. Fire and police service needs will likely increase related to the increased residential units and commercial space not previously existing.

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

There is little increase in *noise, air and water quality* impacts expected with the proposed increase in height. *Terrestrial and aquatic flora and fauna* would likely not be affected. *Glare and odor* impacts would likely not change and these are mostly associated with street level uses which would be the same regardless of structure height.

*Shadowing* on adjacent streets and buildings would increase with increasing height. The increase in shading impacts anticipated as a result of the increased height were adequately addressed through the Design Review and SEPA conditions and given the relationship between the building and its surroundings, the Design Review Board did not recommend any special conditions. Beyond those incorporated into the design as mitigation for the increased height.

*Energy* consumption would be increased with the expected additional 101 residential units. The proposed rezone, however, does not result in additional units than would otherwise be permitted under the existing zone.

*d. Pedestrian safety;*

Pedestrian safety will be positively impacted by the proposed wider sidewalks on Broadway and East Jefferson streets. With the provision of better weather protection and a bus stop incorporated into the north façade, pedestrian safety should improve as a result of the project.

*e. Manufacturing activity;*

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

*f. Employment activity;*

The proposal includes 6,100 sq. ft. of retail space which will take the place of the existing vacant lot. Therefore, employment opportunities are expected to increase with the previous retail establishments.

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

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

*h. Shoreline view, public access and recreation.*

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

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

*a. Street access to the area;*

No additional curb cuts or access points on the right of way are proposed beyond that which is allowed under current zoning. By allowing a consolidated development across the NC/MR zone boundary, the development will consolidate its impacts on street access into a single access point to the below grade parking from the alley. The rezone would not negatively impact traffic or transportation any more than a development under the current zones.

*b. Street capacity in the area;*

The rezone would not result in a significantly greater number of vehicle trips than those proposed under the current zones.

*c. Transit service;*

King County Metro Transit (MT) route numbers 3, 4, 9, 49, 64, 211, 303, and 941 have scheduled stops at Broadway/ Jefferson Street nearest the project site. Metro Transit routes 3, 4, 211, 303, and 941 travel on Jefferson Street adjacent to the project site. Metro Transit routes 9 and 49 travel along Broadway and directly serves the project site. Other routes travel on nearby streets such as Boren and Yesler. There are also plans underway for a future streetcar route either along Broadway or within a few blocks of Broadway. Depending upon destination, ridership on some or all of these routes is likely to increase with the addition of 101 residential units. Though parking is proposed for the units (83 spaces), the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership. Some increase in transit usage could be anticipated from the redevelopment of the site but not the rezone. The rezone will not create additional numbers of units beyond those currently allowed.

*d. Parking capacity;*

Because the site is located within an urban center, no parking is required by the Land Use Code (SMC 23.54.015B2). However, as indicated above, there are 83 parking spaces proposed for the 101 proposed residential units. Coupled with the location adjacent to excellent transit service, there is adequate on-site parking being provided. Please also see Long Term Transportation Impacts in the SEPA analysis.

*e. Utility and sewer capacity;*

*Sewer Capacity:*

The proposed rezone would not result in an increase in the sewer capacity over what would be allowed to be built outright under the existing zone. Based on Seattle Public Utilities' capacity analysis, the public wastewater infrastructure currently serving the project site has adequate capacity to support the proposed development.

*Electrical Service:*

The proposed rezone would not result in an increase in the electrical service load over what would be allowed to be built outright under the existing zone.

*f. Shoreline navigation.*

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

Conclusion: There is anticipated an increased need for police and fire services related to the 101 residential units while other environmental impacts related to height increase would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would not be increased due to the rezone. Adequate parking will be provided and transit service is excellent.

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

There have been a number of changed circumstances that are important to note:

- Increased growth of the medical buildings and institutions and a need for neighborhood retail to serve the clients and employees.
- Market forces which push for greater ceiling heights in these more densely arranged urban buildings.
- Imminent redevelopment of Yesler Terrace and continued growth of "Little Saigon" neighborhood to the south reinforce the need for commercial connections between these residential districts and the First Hill neighborhood.

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

The site is not located in an overlay district.

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

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

***SMC 23.34.009 Height limits of the proposed rezone.***

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

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

The proposal for a mixed use structure with 6,100 square feet of retail and 101 residential units is consistent with the type of development intended for this zone. The proposal to increase the height of the NC3 and Midrise designation for this site with a building height limited to 75 feet is consistent with type and scale of development intended for this zoning designation at this location. The 13 foot retail minimum floor to floor heights and the requirement for street level entrances are minimum standards. Due to the prominent corner location, topographical break, the development is proposing a better than code compliant building with an average of 15 feet of floor to floor height for the street level commercial and commercial spaces which have the entire floor space at street level. This is considered a more desirable ceiling height dimension for commercial uses at ground level because of the wider variety of commercial and retail uses attracted to larger interior spaces and the increased visibility from the street.

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

The topography of the corner site is relatively flat along Broadway and slopes down to the east along Jefferson Street. The downward slope continues until approximately 12<sup>th</sup> Avenue, where it flattens out before rising again further to the east. This ridge area contains a residential and institutional population whose territorial views are to the east. The views from the surrounding residential area are not upward towards the west. The views from the larger commercial and institutional buildings along Broadway are unlikely to be significantly impacted by the proposed additional height under this rezone proposal. The proposed step-down to 40 feet on the north façade is on the high side of the site.

A bulk and view analysis is provided that shows no significant residential views would be blocked by the slight increase in height. *See Attachment A of the submitted rezone analysis.*

- C. Height and Scale of the Area.*

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

Current zoning in the areas ranges from 105 feet in the Institution zones across the street to the north, to 85 feet in the commercial zones across the street to the northwest, and as low as 65 feet in the NC3 across the street to the west and in the MR zones. As a corner lot, this property relates most closely with the properties located on the other three corners of the intersection. Two of the three corners are zoned for building heights of 85 feet and 105 feet. The proposed

rezone height of 75 feet is compatible with and provides a smooth transition to these higher zones. As such, the slight increase in height to approximately 75 feet provides a transition between the higher heights located to the north and west in the First Hill neighborhood and the slight decrease in heights to the allowable 65 feet in the Midrise areas to the east and south. *See Early Design Guidance discussed in the Design Review portion of this recommendation.*

*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.*

In this case, the developed areas to the north and west represent a good measure of the area's development potential. The remodeled wood frame buildings to the east and down south are not currently built to anywhere near zoned capacity and many appear near the end of their lifecycle. These properties are quite likely to redevelop in the near future. The current height of structures on this block is not a good indicator of the development potential of the area. The development of the properties directly west is a better indicator.

#### *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 adjacent NC3-85 zone across Broadway is supportive of some increased height for this site. Development of a mixed use residential building in this area would be compatible with surrounding development. The project would limit itself to 75 feet creating a transition between the NC 85 zone and areas to the south and east.

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

As described above, current zoning in the areas ranges from 105 feet in the Institution zones to 85 feet in the commercial zones and as low as 65 feet in the MR zones. As such, the slight increase in height proposed to approximately 75 feet provides a transition between the higher heights located to the north and west in the First Hill neighborhood and the slight decrease in heights to the allowable 65 feet in the Midrise areas to the east and south.

#### *E. Neighborhood Plans.*

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

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

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

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

Conclusion: The proposed rezone from the MR and NC 65-foot height limit to an 85-foot height limit fit with the function, topography and the height and scale of the area. The proposed height is compatible with development in the surrounding area. The Neighborhood Plan contains no height recommendations for the area.

***SMC 23.34.072 Designation of commercial zones.***

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

The entire area for many blocks in each direction along Broadway, a clear commercial and transportation corridor, is zoned Neighborhood Commercial.

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

The area is not zoned Single Family and is already zoned Midrise and Neighborhood Commercial.

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

The proposal does not conflict with the preferred configuration and edge protection of the Single Family zones as established by SMC Sections 23.34.010 and 23.34.011.

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

The proposal is located in the 12<sup>th</sup> Avenue Urban Village Center where higher densities and intensities of uses are preferred. Though there are some areas at the edges of the Urban Center that are zoned Multifamily residential, much of the Urban Center is zoned Neighborhood Commercial along the commercial corridors of 12<sup>th</sup> Avenue and Broadway with multifamily zones in between and a variety of height limits from 60 feet to 85 feet.

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

The proposal does not involve a new business district. The proposal seeks to improve the existing business community within the 12<sup>th</sup> Avenue Urban Center Village.

Conclusion: The subject property is appropriately zoned Neighborhood Commercial.

**SMC 23.34.024 Midrise (MR) zone, function and locational criteria.**

*A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.*

The subject site is located within a pedestrian oriented neighborhood with access to transit opportunities and a wide range of residential services and amenities within walking distance of employment.

*B. Locational Criteria.*

*1. Threshold Conditions. Subject to B2 of this subsection, properties that may be considered for a Midrise designation are limited to the following:*

*a. Properties already zoned Midrise;*

A portion of the subject site is zoned Midrise.

*b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*

Many properties in the Midrise zone are developed to the intensity permitted by the zone, although there are several sites that remain underdeveloped. Some properties in the area are developed more intensively than permitted by the MR zone.

*c. Properties within an urban center, the village core of a hub urban village or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.*

*The subject property was not been specifically addressed by the Central Area neighborhood Plan.*

*2. Environmentally Critical Areas. Properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.*

The subject site is not located in an Environmentally Critical Area.

*3. Other Criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*

*a. Either:*

*i. Areas that are developed predominantly to the intensity permitted by the Midrise zone, or*

*ii. Areas that are within an urban center, the village core of a hub urban village or a residential urban village where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation;*

The subject site is located in an area that is developed predominantly to the intensity permitted by the zone and is located within an urban center. The Midrise zone abuts more intensive zones including NC3-65 and NC3-85 which are also predominantly developed to the intensity permitted by those zones.

- b. Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The subject site is located in an area that is developed with comparable height and bulk.

- c. Properties in areas that are served by major arterials and where transit service is good or excellent and street capacity could absorb the traffic generated by Midrise development;*

The subject site is located in an area that is well served by transit and surrounded by arterials that can absorb the traffic generated by midrise development.

- d. Properties in areas that are in close proximity to major employment centers;*

The subject site is located in an area that is in close proximity to major employment center, including Seattle University and several major hospitals located in the First Hill neighborhood.

- e. Properties in areas that are in close proximity to open space and recreational facilities;*

The subject site is located in an area that is close to private open space and recreational facilities provided by Seattle University.

- f. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*

The subject site is located on the Broadway arterial with topographical break where the hill slopes down to the east.

- g. Properties in flat areas where the prevailing structure height is greater than thirty-seven (37) feet or where due to a mix of heights, there is no established height pattern;*

The subject site is located in an area where the prevailing structure height is greater than 37 feet.

- h. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*

The subject site is located in an area where many of the views to the west are already blocked by topographical changes and/or existing development.

- i. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the sixty (60) foot height limit Midrise zone;*

The subject property does not contain steep slopes.

*g. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

The subject property does not contain steep slopes. Topographic conditions in the area generally are not steep enough to obscure the bulk of the structures.

Conclusion: While the subject property generally meets some of the criteria for Midrise zones, one cannot conclude that such a designation is most appropriate without analyzing Neighborhood Commercial zones.

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

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

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

The proposal includes approximately 6,100 square feet of retail space at street level located primarily on Broadway. The applicant is proposing small retail establishments with a larger anchor retail or restaurant at the corner. The storefront designs echo the rhythm of smaller commercial business in the neighborhood.

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

The proposed design includes continuous storefronts built to the widened sidewalk along Broadway and East Jefferson Street. The primary residential entrance is located along Broadway.

*3. Intense pedestrian activity;*

By virtue of its location between Seattle University and the confluence of several major medical centers in the City, large volumes of pedestrians use the sidewalks. The proposal includes widening the sidewalks on both Broadway and East Jefferson Street to accommodate pedestrians and enhance the pedestrian environment.

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

Because the proposal is located in an Urban Center no parking is required. However, parking is provided within the building and is accessed from the alley.

*5. Transit is an important means of access.*

King County Metro Transit (MT) route numbers 3, 4, 9, 49, 64, 211, 303, and 941 have scheduled stops at Broadway/ Jefferson Street nearest the project site. Metro Transit routes 3, 4, 211, 303, and 941 travel on Jefferson Street adjacent to the project site. Metro Transit routes 9 and 49 travel along Broadway and directly serves the project site. Other routes travel on nearby streets such as Boren and Yesler. A future streetcar will also be routed in the vicinity per Council Resolution 31207.

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

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

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

The proposed rezone is located in the 12<sup>th</sup> Avenue Urban Village Center and across the street from the First Hill Urban Village Center.

*2. Served by principal arterial;*

Within the study area, Jefferson Street is classified as a collector arterial while the nearby segment of Boren Ave is classified as a principal arterial. The other significant streets that will serve the site are James and Broadway, which are both minor arterials. Minor arterials are roadways that distribute traffic from principal arterials to collector arterials and access streets.

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

The subject site is not located near low-density residential zones areas.

*4. Excellent transit service.*

King County Metro Transit (MT) route numbers 3, 4, 9, 49, 64, 211, 303, and 941 have scheduled stops at Broadway/ Jefferson Street nearest the project site. Metro Transit routes 3, 4, 211, 303, and 941 travel on Jefferson Street adjacent to the project site. Metro Transit routes 9 and 49 travel along Broadway and directly serves the project site. Other routes travel on nearby streets such as Boren and Yesler. Several routes have frequent service from early morning through late evening.

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

### **Summary**

The proposal for the subject property meets all of the function and locational criteria of the zone and is, therefore, appropriately zoned Neighborhood Commercial 3. The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Central Area 12<sup>th</sup> Avenue Neighborhood Plan.

The proposal, as designed, is consistent with zoning principles that incorporates a gradual transition in height from the 105-foot height at the adjacent Major Institution Overlay to the north and west the south to the lower 65-foot limit of the adjacent Midrise properties to the south and east. There are topographical breaks from the ridge on which the site is located to the residential and institutional neighborhood to the east.

Impacts of the proposed height increase to surrounding area appear to minimal. Development of the site will not result in increased floors or units and the anticipated an increased need for police and fire services and other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity and energy needs would not be increased beyond what new development would require without a rezone. Adequate parking will be provided and transit service is excellent.

### **RECOMMENDATION - REZONE**

Based on the above analysis, the Director recommends that the proposed contract rezone to NC3-85 \be **CONDITIONALLY APPROVED** subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans dated January 6, 2010.

### **ANALYSIS - DESIGN REVIEW**

#### **Design Guidance**

Two code-compliant schemes, and one scheme requiring a contract rezone approval were presented at the Early Design Guidance meeting. All of the options include a driveway entrance from the alley, a residential courtyard on the alley side, a residential lobby on Broadway Avenue, and approximately 7,000 SF of commercial area on the ground level.

The first scheme (Massing Alternative 1) proposed retail and residential units to form a “U” along E Jefferson St, Broadway and a return leg on the South side of the site. A courtyard was proposed to the East of the building, on the alley side, almost at the mid-block. The massing follows the zoning requirements required by both NC3-65 zone and the MR zone.

The second scheme (Massing Alternative 2) proposed retail and residential units to form a “U” along E Jefferson St, Broadway and a return leg on the South side of the site. A courtyard was proposed to the East of the building, on the alley side, almost at the mid block. This scheme allows flat plates at all levels including the roof, and meets the building height at the 60’-0” limit imposed by MR zone.

The third scheme, preferred by the applicant, (Massing Alternative 3) proposed a contract rezone for the whole site from NC3-65’ and MR zone to NC3-85’ zone with self imposed 70’-0” height limit. The extra height would allow the retail floor level to be raised to meet the sidewalk while maintaining the desired ceiling heights. The proposed retail and residential units form a “U” along E Jefferson St, Broadway and a return leg on the South side of the site. The building is set back 7’-0” at street level on Broadway to enhance the pedestrian experience along the retail spaces on the ground level. A courtyard is proposed to the East of the building, on the alley side, almost at the mid-block.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings of highest priority to this project. The Board also consulted with the adopted neighborhood specific guidelines Capitol Hill Neighborhood Design Guidelines.

The design concept presented at the Initial Recommendation meeting included emphasis on the corner with a tower element located at the intersection of Broadway & Jefferson, creating a vertical expression capped by a heavy cornice. A vertical seam between the corner tower and retail colonnade on Broadway suggests a point of passage. The seam is more transparent than other parts of the elevation and the residential entry is located at the bottom of this seam. On the South and East elevations the building transitions to a lighter metal skin and horizontal cementitious lap siding, which is used where the building projects or recedes. The material palette includes brick, large windows, metal and glass Juliette balconies, metal and cementitious siding.

The applicant presented several alternatives for the residential entry, as requested by the Board at the EDG meeting. The applicant also addressed the proposed landscaping on the roof deck, along the alley elevation, and on the major rights of way of Broadway and East Jefferson Street. The design concept for the landscaping along Broadway is to provide plantings adjacent to the street as well as next to the building, with jogs in the transition between paving and landscaping to coordinate with the rhythm of the building facade. While the upper levels of the Broadway elevation are required to be set back from the property line to maintain clearances from existing power lines, the first and second stories have been voluntarily stepped back 7', creating a greater pedestrian experience along Broadway. The applicant proposes planters with vertical greenery next to the brick pilasters, and zones next to the retail storefronts for tables, chairs, or merchandise to activate the sidewalk.

At the Final Recommendation meeting, the updated design included more detail of the landscape design along Broadway, the creation of "zones" along the street to accommodate spillover from retail uses, landscaping, pedestrian circulation, street furniture and scored paving patterns. The updated design also included a deeper canopy (nine feet) along Jefferson. The fenestration was revised at the corner and a vertical notch was emphasized where the corner bay meets the rest of the building along Broadway. The light box feature on Jefferson was further detailed and the views to the fitness room were opened up from the sidewalk.

## Site Planning

- A-1 **Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as prominent intersections and unusual topography.**
- A-3 **Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street**

The Board discussed the location of the residential entrance and agreed that it should be shifted away from the prominent corner intersection and instead be located on the north façade or at the south end of the west facade. This allows the programming of this corner to become a more vibrant commercial space that is not competing with the residential entrance.

At the Initial Recommendation meeting, the residential entrance continued to be located next to the corner retail space along Broadway. Two alternative entries were also shown exploring other possible locations for the residential entry, however the Architect felt they did not work as well due with the architecture or site slope.

**At the Final Recommendation meeting, the Board agreed that the proposed residential entrance was well integrated into the building along Broadway and that appropriate architectural measures were taken to differentiate this entrance.**

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

The Board agreed that commercial uses (and not residential uses) at the ground level are highly desirable at this location.

At the Initial Recommendation meeting, the Board agreed that the proposed fabric awnings were an odd choice along Broadway and that they would not allow light to the sidewalk below. The Board would like to see greater exploration of the design and material selection of the canopies along Broadway that respond to the architecture, provide overhead protection and enhance the streetscape.

**At the Final Recommendation meeting, the Board recommended a consistent, uniform canopy design on all facades of the building. The Board agreed that canvas awnings create dark shadows and effectively lower the façade scale of the storefront windows, which should be emphasized.**

**The Board noted that the street furniture appears to be a somewhat random collection and would like to see more creative, individualized pieces that respond to the building design. The Board was also very supportive to tying the building materials and form into the furniture design.**

*Board Recommended Conditions:*

- 1. Provide a consistent, uniform canopy design on all building facades.*
- 2. Provide street furniture designed in response to the building's lines, forms and materials.*

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

The Board agreed that the massing and modulation of the proposed building should strive to create a good transition to the residential uses to the east in terms of optimizing solar access and minimizing shadow impacts, as well as reducing any sense of looming over the downhill neighborhood.

At the Initial Recommendation meeting, the Board did not discuss this issue but noted that the design of the northeast corner has been simplified by eliminating the cornice, and stepping back slightly to decrease the sense of massing.

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

The Board is excited by the potential of this location at this prominent intersection to ground this corner with a distinctive, strong form activated by commercial uses in larger commercial spaces. The Board recommended locating the residential entrance away from the corner location in order to allow the commercial uses and character to be uninterrupted.

See A-3.

## Height, Bulk, and Scale

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

The Board will be interested in how the proposed building is viewed from the east and is sensitive to the properties located in the lower topography, zone and scale to the east. Stepping down or eroding the uppermost floor(s) to respond to the lower scaled height limit of the neighborhood to the east may be appropriate. The Board also encouraged the design of the building massing to be sensitive to negative shadow impacts on properties to the east.

The Board did not discuss this issue at the Initial Recommendation meeting.

## Architectural Elements

- C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**
- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building.**

The Board looks forward to seeing a cohesive architectural design that strives for a bold design that is reflective of the varied community and sets a precedent for high quality development in the neighborhood. The Board wants to see good quality materials consistently used throughout the building.

At the Initial Recommendation meeting, the Board discussed at length the fenestration pattern and alignment, as well as the question of asymmetry in the design as proposed along Broadway. The Board felt that the fenestration should be simplified and there should be more attention to the continuous application of datum lines. The Board also recommended simplifying the brick module along Broadway and continuing the spandrel lines established by the corner bay. Also, the asymmetry of the brick module should be explored and simplified. The Board liked the vertical notch that draws attention to the residential entrance; however, they agreed that there should be greater differentiation of the vertical notch along Broadway with a different parapet.

Along Jefferson Street, the Board agreed that more attention to the alignment of the datum lines of the brick module on Jefferson with the corner brick module would be an improvement.

The Board would like to see two-dimensional elevations at the next meeting.

**At the Final Recommendation meeting, the Board was pleased with the simplified façade and fenestration pattern along Broadway and at the corner.**

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

The Board agreed that the scale of the neighborhood to the south and east of the site should inform the massing of the building forms. The building should also read as a residential structure that is articulated to relate to the existing context and platting.

At the Initial Recommendation meeting, the Board did not discuss this issue further.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board unanimously encouraged the use of high quality building materials for the proposed development. The material palette should be weightier and stronger to give a sense of permanence and grounding at this corner.

At the Initial Recommendation meeting, the Board discussed the color of the proposed brick and felt that the brick color and texture should have a warmer, richer hue. The Board was pleased with overall material palette.

**At the Final Recommendation meeting, the Board encouraged the applicant to continue to be mindful of the brick tones that include variation within the brick pattern and use a lighter colored grout.**

*Board Recommended Condition:*

- 3. Continue to explore brick palette that provides more texture.*

## **Pedestrian Environment**

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

The Board was particularly concerned that the eastern portion of the north façade, adjacent to the bus stop should not be a blank wall; rather it should be activated with views to and from the building.

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

**At the Final Recommendation meeting, the Board agreed that the first floor along the street and alley facades should be well-lit.**

*Board Recommended Condition:*

- 4. The plans should include lighting at street level and along the alley that will keep these areas well lit at night and allow clear visibility.*

**D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian’s street front.**

**D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

The Board noted that the design should create both transparency and good lighting along the street and alley sides of the site to activate and provide security at this location. The Board is supportive of the proposed tall retail spaces at the corner and along the street.

At the Initial Recommendation meeting, the Board expressed concern with the shadow box or window display box proposed along Jefferson, next to the bus stop. The Board wants to encourage this wall to be more active and provide visual interest. The Board would like to see details of the shadow box element shown on Jefferson and consider incorporating artwork into this feature to add activity and interest at street level.

**At the Final Recommendation meeting, the Board supported the “illumawall” concept and enthusiastically endorsed the idea of this becoming an illuminated art installation. The Board recommended that a long term maintenance plan be developed for the light box feature and that the design of the “illumawall” strive for a unique, artistic design that brings a sense of movement to the sidewalk and bus stop.**

*Board Recommended Condition:*

*5. The proposed light box feature along Jefferson should be designed to include color, movement and bring a creative, unique quality to the streetscape.*

## **Landscaping**

**E-2 Landscape to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

The Board looks forward to reviewing details of a well-programmed, detailed design for the open spaces integrated throughout the project, as well as sections and plans of the street level details. The Board expects to see significant and dramatic vegetation included in the common open spaces and at ground level.

At the Initial Recommendation meeting, the Board wanted to review more details of the Broadway right-of-way design and felt the presentation lacked specifics of the proposed streetscape enhancements. The Board wants to see details of the open spaces, specifically those at ground level. Include sections of the ground level between the building face and the curb and show landscaping, canopies, signage, dimensions, property lines, furniture, lighting, bus stop and other streetscape amenities.

**At the Final Recommendation meeting, the Board discussed the proposed planting against the building. While the Board supports the concept of “rooms” along Broadway, the Board agreed that the landscaping should be simplified along Broadway to open up the visibility of the retail spaces. The proposed landscaping feels over programmed in this space, blocks visibility of the storefronts and creates obstructions for pedestrian movement.**

***Board Recommended Condition:***

***6. The landscaping against the building should be simplified or eliminated to keep views of the storefronts unobstructed***

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of the special on site conditions.**

The Board was very pleased with the proposed setback for wider sidewalk along Broadway and the landscape buffer along the alley.

See E-2

### **DEVELOPMENT STANDARD DEPARTURES**

One departure from the development standards was proposed at this phase.

1. Alley Setback (SMC 23.47A.014.B3): The Codes requires a setback along the alley façade of 15’ for portions of the structure over 13’ in height to a maximum of 40’ with an additional setback at the rate of 2’ for every 10’ of height exceeding 40’. The design proposal shows an encroachment into the setback above 40’ by extending the plane of the wall upwards without stepping back.

The entire building is set back seven feet from Broadway to accommodate the power line clearance. This condition results in a wider sidewalk area between the building and the curb and creates a pedestrian area that is desirable on that edge. The shift away from the west property line and the alley setbacks, however, pushes the building to smaller footprint. The proposed encroachments do not result in increased leasable square footage, rather they are intended to create a more uniform, urban mass. The proposed design shows a uniform setback at the third story that would allow a change in material to wrap the corner, enhancing the aesthetic of the building.

The Board voted unanimously in favor of this departure request given the setbacks along Broadway and the alley to create a smaller building footprint.

The four Board members in attendance unanimously recommended approval of the project and the requested departure with the following conditions:

1. Provide a consistent, uniform canopy design on all building facades.
2. Provide street furniture designed in response to the building’s lines, forms and materials.
3. Continue to explore brick palette that provides more texture.
4. The plans should include lighting at street level and along the alley that will keep these areas well lit at night and allow clear visibility.

5. The proposed light box feature along Jefferson should be designed to include color, movement and bring a creative, unique quality to the streetscape.
6. The landscaping against the building should be simplified or eliminated to keep views of the storefronts unobstructed.

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

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

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

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

## **ANALYSIS & DECISION – DESIGN REVIEW**

### Director's Analysis

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

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

## **Director's Decision**

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

## **ANALYSIS - SEPA**

The proposal is for 6,100 square feet of commercial space and 101 residential units, thus the application is not exempt from SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a commercial zone and an urban center and exceeds the 12,000 square foot threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 12, 2008 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

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

## **Short-Term Impacts**

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

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

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

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 9,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of drainage, grading, noise, greenhouse gases, and traffic impacts is warranted.

### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

*Earth - Grading*

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 9,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

*Traffic, Circulation and Parking*

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

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

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

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

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

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

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

### Noise

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 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Long-Term Impacts – Use-Related Impacts

#### Land Use

The proposed project includes a Council Action to rezone the subject site from NC3-65 and Midrise to NC3-85. See the rezone analysis at the beginning of this report.

#### Traffic and Transportation

A Transportation Impact Analysis for the proposed project was prepared by Transportation Solutions Inc. (TSI), dated June 2009. The report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project and evaluates the impact of these new trips on the level-of-service of five intersections in the study area: 12<sup>th</sup> Ave E/East Jefferson Street, Broadway/James Street, James Street/Boren Avenue, Broadway/Jefferson Street and alley (site access) and East Jefferson Street. The study compared trip generation data for the previous uses on the site to the proposed development. The study concluded that in the year 2011 with the proposed project, all of the study intersections are forecasted to continue to operate at LOS D or better.

According to the traffic report, and as projected for the project year 2011 with the proposed development completed, the project will actually improve delay time at two of the study intersections during the PM peak hour.

### Parking

The proposed development is located in the First Hill Urban Center where parking is not required per SMC 23.54.015B2. However, the proposal includes 83 parking spaces to be provided below grade and accessed from a driveway via the alley.

Parking generation rates associated with High Rise Apartment and retail from the Institute of Transportation Engineers (ITE) Parking Generation Manual (3<sup>rd</sup> Edition) and the Urban Land Institute's Shared Parking were used to estimate the project's parking demand.

According to ITE, the project would generate a peak parking demand of 136 vehicles for residential uses. The difference of 53 parking spaces between the estimated parking demand of 136 spaces and the 83 parking spaces being provided is unlikely to create adverse parking strain on the surrounding streets for several reasons. First, the parking demands for the residential and retail uses are likely to occur at different peak hours and therefore are not additive and are not expected to conflict with one another. Nearly all of the residential parking is likely to be accommodated on site during the peak hours. This reduction in parking demand is also reinforced by the 2000 Census that shows the vehicle ownership rate for households located in the tract containing and abutting the site to be .71 vehicles per housing unit. Based on these factors, the residential parking demand is more realistically expected to be around 71 stalls for the 101 residential units. Within this range of parking demand, parking demand from the project may be comfortably accommodated on site and is not expected to noticeably affect on street parking availability.

According to ITE, demand for the 6,100 square feet of commercial use would be 24 spaces. This figure, however, does not include data from dense urban areas with public transit options, as well as significant pedestrian activity. These conditions are present at the subject site and are anticipated to decrease the parking demand for the parking associated with the commercial uses. Because the peak hours of commercial and residential uses are not additive, it is unlikely that the parking demand will exceed the parking provisions. However, because the exact commercial uses are unknown at this time and in an effort to help reduce the parking demand generated by the project, the following condition shall apply to the project:

1. A Parking Management Plan shall be adopted that requires shared parking between commercial and residential uses between the hours of 8 am and 8 pm.

### Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### **DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

### **RECOMMENDED CONDITONS – REZONE**

1. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, dated January 6, 2010, as modified by design review conditions including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

### **RECOMMENDED CONDITIONS – SEPA**

#### *Prior to Issuance of any Construction, Shoring or Grading Permits*

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

#### *During Construction*

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
4. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

### **CONDITIONS-DESIGN REVIEW**

#### *Prior to Building Permit Issuance*

5. Provide a consistent, uniform canopy design on all building facades.
6. Provide street furniture designed in response to the building's lines, forms and materials.

7. Continue to explore brick palette that provides more texture.
8. The plans should include lighting at street level and along the alley that will keep these areas well lit at night and allow clear visibility.
9. The proposed light box feature along Jefferson should be designed to include color, movement and bring a creative, unique quality to the streetscape.
10. The landscaping against the building should be simplified or eliminated to keep views of the storefronts unobstructed.

Prior to Issuance of any Certificate of Occupancy

11. The applicants shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved plans dated January 26, 2010.
12. A Parking Management Plan shall be adopted that requires shared parking between commercial and residential uses between the hours of 8 am and 8 pm.

Signature: \_\_\_\_\_ (signature on file)  
Lisa Rutzick, Senior Land Use Planner  
Department of Planning and Development

Date: May 3, 2010