



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: 3013013
Applicant Name: Amanda Keating of Weber Thompson for Greystar Development LLC
Address of Proposal: 400 Boren Avenue North
Council File: 312300

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone 43,400 sq. ft. of land from IC 65' (Industrial Commercial) to SM 85' (Seattle Mixed) and allow a 7-story, 282 unit residential structure with parking for 317 vehicles located below grade (186 accessory use and 131 principal use parking spaces). Existing structures to be demolished. Project includes 35,000 cu. yds. of excavation for parking garage and remediation of contaminated soil.(CF# 312300)

The following approvals are required:

Rezone - To rezone from IC-65 to SM-85 (Seattle Municipal Code 23.34)

Design Review – (Seattle Municipal Code 23.41)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

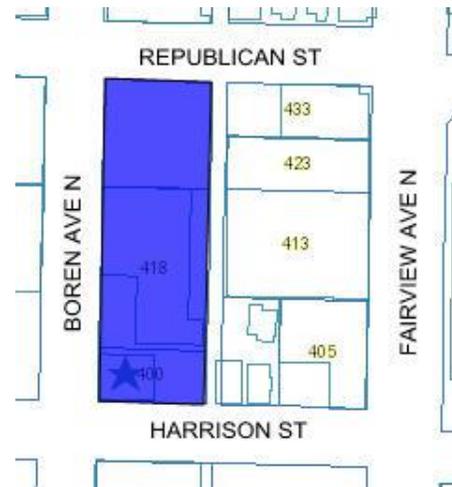
SEPA Determination: Exempt DNS MDNS EIS
 MDNS with conditions
 DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Current Development

The site is a half-block bounded by Boren Ave North to the west, an alley to the east, Republican to the north and Harrison to the south. Frontage on Boren is 360' and 120' on both Republican and Harrison. The northernmost portion of the site is a surface parking lot, while on the south 2/3 of the site exists one and two-story buildings (constructed 1952-1953) and one small surface parking lot. The existing buildings include warehouse and restaurant/tavern.

Existing vehicular access is via several curb cuts and the alley. Existing pedestrian access to the two buildings is from sidewalks at Boren Ave N and Harrison St.



No Environmentally Critical Areas are located on the site. The site slopes approximately 35' in elevation from the northwest corner up to the southeast corner.

Surrounding Development and Neighborhood Character

The surrounding development is a mix of uses and age of structures. Nearby development includes 2-story office and light industrial constructed in the early 20th century, recent 5-6 story mixed-use development, and early 20th century residential structures.

Permitted Use and History

The current zone for all three parcels is IC/65', and is within the South Lake Union Urban Center Overlay. The proposed alternatives in the South Lake Union Height and Density Alternatives EIS would rezone the subject site to SM 85/160-240'. The current proposed rezone is to SM 85.

South Lake Union has historically been home to warehouses, small businesses and auto-oriented services. The City of Seattle Comprehensive Plan and specifically the designation of South Lake Union as an "Urban Center" targeted the neighborhood for substantial growth in both employment and mixed residential. A majority of the recent development surrounding the site has been commercial, resulting in a relatively unbalanced employment/residential ratio.

Historic zoning in the South Lake Union Urban Center area was a mix of commercial and industrial zoning. More recently, the Cascade neighborhood near I-5 has been designated as SM/R zones. Except for a strip of IC zoning between John Street and Mercer Street in the center of South Lake Union (which includes the subject parcel), the remainder of South Lake Union has been designated as SM zones with a variety of height limits.

Public Comments

Notice of the rezone proposal was issued June 28, 2012. No public comments were received in response to the proposed rezone, or at the Design Review meetings.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (Height Limits), 23.34.090 (designation of Industrial zones), 23.34.096 (Locational Criteria - Industrial Commercial zone), 23.34.126 (designation of the Seattle Mixed zone), and 23.34.128 (Seattle Mixed zone, function and locational criteria).

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

SMC 23.34.007 Rezone Evaluation.

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these 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.***

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will 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 analysis evaluated the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) as they apply to the subject rezone (listed at the beginning of this “Analysis” section).

- 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.***

The proposed rezone is not a shoreline environment redesignation and therefore the Comprehensive Plan Shoreline Area Objectives were not used in this analysis.

- 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 entire development site is located within the South Lake Union Urban Center. The provisions of this chapter that pertain to areas inside of urban centers and villages shall apply to the proposal.

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

The subject rezone is not a redesignation of a shoreline environment and so is not subject to Shoreline Area Objectives.

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.

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

Conclusion:

The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.

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 125% of the growth targets adopted in the Comprehensive Plan for that center or 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 proposed rezone parcel is located within the South Lake Union Urban Center Overlay, as described in the response to SMC 23.34.007.D.

The growth target listed for this Urban Center in Urban Village Appendix A of the Comprehensive Plan is for 6,790 additional dwelling units between the year 2004 and the year 2024.

The established density target for this Urban Center in Appendix A of the Comprehensive Plan is a density of 27 dwelling units per acre by the year 2024. In 2004, the density in this Urban Village was listed at 4 dwelling units per acre.

The proposed rezone will not reduce the zoned capacity for the South Lake Union Urban Center, but rather will increase the zoned capacity for residential uses. The applicant intends to develop the site with 283 apartments. The existing zoning would allow no residential use at this site.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125 percent of the Comprehensive Plan growth target.

This rezone is also consistent with SMC 23.34.008A.2 because the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan.

B. Match between Established Locational 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.

Analyses comparing the characteristics of the area to the locational criteria for Industrial Commercial and Seattle Mixed zoning can be found in the responses to SMC 23.34.096 and 23.34.128 in this recommendation.

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

The current zone for all three parcels is Industrial Commercial (IC-65'), and is within the South Lake Union Urban Center Overlay. The proposed alternatives in the South Lake Union Height and Density Alternatives EIS would rezone the subject site to SM 160/85-240'. The current proposed rezone is to SM/85.

Historically, zoning in the South Lake Union Urban Center area was a mix of commercial and industrial zoning. More recently, the Cascade neighborhood near I-5 has been designated as Seattle Mixed (SM/R) zones. Except for a strip of Industrial Commercial zoning between John Street and Mercer Street in the center of South Lake Union (which includes the subject parcel), the remainder of South Lake Union has been designated as SM zones with a variety of height limits.

This site has been zoned IC-65 since 1994, per the DPD Land Use and Zoning Report.

Below is a comparison of the uses and development standards, provided by the applicant. This information compares the existing zoning at this site, the proposed contract rezone, and the legislative South Lake Union rezone:

“Existing: Industrial/Commercial/65 Development Standards (applicable)

- 23.50.012 Table A: Residential use is prohibited in Industrial Zones
- 23.50.026.D Structure height in IC zones within the South Lake Union Urban Center
 - Maximum structure height with 65' may be increased to 85' provided that:
 - A minimum of two stories in the structure have a floor to floor height of at least 14 feet; and
 - The additional height is used to accommodate mechanical equipment; and
 - The additional height permitted does not allow more than six stories in IC zones with a 65 foot height limit
- 23.50.032 Industrial Commercial – Setback requirements
 - None applicable

Proposed: Seattle Mixed/85 Development Standards (applicable as compared to IC Development Standards)

- 23.48.004 Residential and underground parking are allowed outright
- 23.48.012 Upper-level setback requirements. Upper level Setbacks are not required on our site per Map A.
- 23.48.016B In SM/85 zones a FAR of 4.5 is the maximum chargeable floor area permitted, but all gross area in residential use is exempt from FAR calculations

Legislative Proposed South Lake Union Zoning

- Per Zoning Changes For the South Lake Union Urban Center Director's Report dated September 5, 2012:
 - Glossary of Terms defines a Tower in South Lake Union as that portion of the building that sits above the podium and usually has floor plate size limits. In South Lake Union, this is defined as any portion of a building above 85 feet.
 - Site identified to be zoned SM 160/85-240'
 - 2.2 Reclassification of remaining Industrial Commercial (IC) zoned properties in the neighborhood to Seattle Mixed (SM) to promote development of a balanced variety of land uses including additional residential development where currently prohibited by existing zoning
 - 2.2.4 Key Development Standards states that the development standards (outlined in the Director's Report) apply only to projects that take advantage of additional height by providing public benefits through the incentive zoning program"

The January 18, 2013 DPD Director's Report summary of proposed legislation also notes that the legislative rezone would result in the following development standards at this site that may not apply if the property were rezoned to existing SM development standards:

1. 10' setback at Boren Ave N., for portions of the building above 65' tall;
2. Maximum podium height of 45'.

Most of the other development standards in the proposed legislative rezone appear to affect buildings taller than 85'. Since the proposed development is below 85', it appears most of the legislative rezone changes (tower spacing, floor plate maximum, incentive zoning, etc.) would not apply to the development proposed with this rezone.

However, it would be at the discretion of the Hearing Examiner to recommend, and City Council to decide whether the proposed development and the specific development standards associated with this rezone should be approved at this site, or whether the legislative rezone and resulting new SM development standards should apply at this site.

Conclusion:

The existing zoning on site has not been changed in recent history. The City is in the process of examining an extensive legislative rezone to allow much larger buildings and a significant increase in residential uses. The proposed contract rezone is consistent with the proposed legislative rezone uses. The proposed rezone would allow a small increase in building height and permit residential uses. Some of the development standards proposed in the legislative rezone would not apply to the proposed development, if the rezone is approved as proposed.

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.***

Portions of the South Lake Union Neighborhood Plan were adopted by City Council March 15th, 1999. The adopted portions can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section.

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

The subject property falls within the South Lake Union Neighborhood Plan area and is covered by the adopted portions of the South Lake Union Neighborhood Plan.

- 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 portions of the South Lake Union Neighborhood Plan don't appear to include land use policies to guide future rezones. There are no specific Land Use section policies in the adopted portions of the Neighborhood Plan.

The Housing section policies of the Neighborhood Plan notes Policy SLU-P38, "Allow housing and businesses throughout South Lake Union to provide opportunities for people to work and live in the neighborhood." The proposed development is entirely residential.

Conclusion:

It doesn't appear the adopted portions of the South Lake Union Neighborhood Plan includes any rezone policies that would apply to the proposed rezone.

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.***

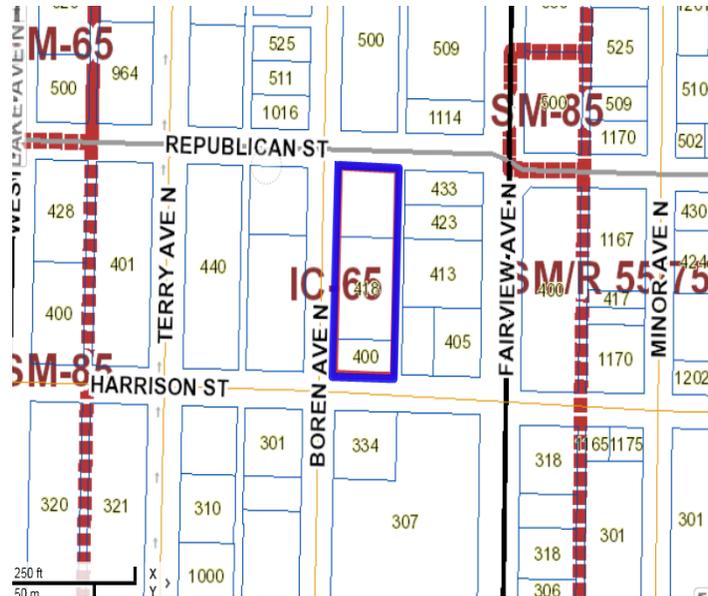
The current pattern of zoning includes Industrial Commercial (IC) zoning separating two areas of Seattle Mixed (SM) zoning.

The proposed rezone would result in one site (three parcels) zoned SM-85, with the surrounding properties zoned IC-65. If the proposed legislative South Lake Union zoning is approved by City Council, then the result would be one site zoned SM-85, and the surrounding properties zoned SM 160/85-240.

The existing Industrial Commercial zoning is considered a more intensive zone than the Seattle Mixed zone, since it allows a broader range of industrial uses and no residential uses. The Seattle Mixed zone allows a mix of uses, including residential and industrial. The proposed SM zone would allow taller buildings than currently permitted by the surrounding IC zoning.

The site is surrounded by IC zoning. The proposed contract rezone would result in one site zoned SM, surrounded by IC-65 zoning. This is typically not a desirable zoning transition.

However, IC zoning abuts SM zoning within a block of the subject property. The general transition pattern between IC zoning and SM zoning in the neighborhood would not be significantly different from the existing zoning transition. Additionally, the entire area around the site is identified for rezoning to Seattle Mixed in the proposed South Lake Union legislative rezone.



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;*

Area topography slopes down slightly to the north and west, towards Lake Union. As described in the response to SMC 23.34.008.E, the site is surrounded by IC-65 zoned properties. All of the adjacent streets are non-arterial streets, laid out in a grid. There are no adjacent open spaces or green spaces that provide separation from adjacent properties.

Conclusion:

There are no physical buffers or effective separations between the proposed contract rezone site and the adjacent properties. This pattern represents nearby zone edges between IC and SM zones. However, the entire area is identified as Seattle Mixed in the proposed legislative rezone. If the legislative rezone is approved, the site and surroundings will be zoned SM.

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.*

There are no physical buffers, as described in subsection E2 above. The proposed rezone would follow platted lot lines.

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

There are no boundaries between commercial and residential areas that would be affected by this rezone.

- 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.*

As described in response to SMC 23.34.007.D above, the proposed rezone is located within the South Lake Union Urban Center. The existing zoning, proposed contract rezone, and proposed legislative rezone all exceed 40' height limits.

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

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

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

The future project will have a positive impact on the supply of housing on the site and its surroundings by providing new dwelling units where none now exist. The rezone will add housing capacity to the neighborhood and locate additional housing in the Urban Center. The proposed housing is not currently designated "low-income" as defined by the Land Use Code or Seattle Office of Housing.

- b. Public services;*

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. The increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact, and may be seen as mitigating the increased demand.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by neighborhood commercial and residential activities, with potential Industrial Commercial activities. Most of the nearby uses are office, residential and warehouse.

Air quality – No noticeable change in impacts will result from a change in zoning to allow some additional building mass and height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. If the future development took advantage of FAR or density bonuses at this site, the development would have to address sustainability measures such as air quality. Sustainable measures related to air quality include CFC reduction in HVAC equipment, Ozone Depletion prevention, and Indoor Environmental Quality measures.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water runoff from future development will be conveyed to a city drainage system. The Storm Water Drainage and Grading code includes requirements for Green Storm water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Storm water collection and management would be in conformance with City of Seattle standards. The existing site is entirely paved and developed. The proposed rezone would not create the potential for any more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation is proposed to comply with Land Use Code requirements. The proposed vegetation exceeds the amount of existing vegetation, to be removed. The change in zoning would not reduce the vegetation requirements for future development.

Glare – No noticeable change in impacts will result from a change in zoning.

Odor – No noticeable change in impacts will result from a change in zoning.

Shadows – Potential development will create additional shadows, depending on season and time of day. Design Review included consideration of shadow impacts from the proposal, and examined massing options to minimize shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

Views – The only views from the development site are territorial views of other development and some views of Lake Union to the north, along Boren Ave N. Some properties to the south of this site may currently have views of Lake Union to the north, given the low height of the existing buildings on site. The additional 20' of building height above the current permitted maximum 65' height may block views from these properties to the south. However, the proposed legislative South Lake Union rezone includes building heights of 85' to 240' in this area. Furthermore, the Land Use Code does not include criteria for protection of views from private property.

The South Lake Union EIS indicated that views to Lake Union from public property and rights of way could be impacted by a rezone to taller buildings along Boren Avenue. The building heights anticipated in the EIS were between 85' and 240'. The EIS mitigation included potential upper level setbacks for towers (portions of the building taller than 85'). The Urban Design Framework and the EIS indicated there would be minimal appreciable difference to public views along Boren Ave N., when comparing the existing low buildings and development up to 85' tall. The EIS concluded that upper level setbacks will offer light and air more than increased views.

The proposed development is lower than 85' and would not be subject to upper level setbacks, even if the proposed legislative South Lake Union rezone is approved by City Council.

d. Pedestrian safety

No noticeable change in impacts will result from change in zoning. The proposed development includes public right of way improvements for pedestrian safety.

e. Manufacturing activity;

The change from IC to SM zoning would reduce some of the industrial uses currently permitted on the site, but this is also consistent with the Future Land Use Map and the proposed legislative South Lake Union rezone.

f. Employment activity;

The proposed SM zoning could result in less industrial employment activity than might be possible under the existing IC zoning, but would permit commercial office, research, limited industrial, and other employment related uses. The proposed development associated with the contract rezone is entirely residential.

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

The nearest historic landmarks are the Van Vorst Building across Boren Ave N. to the west, and the Boren Investment Company Warehouse Building across the street to the south. As described in the SEPA Analysis section, the proposal was examined for potential impacts to these landmarks. Department of Neighborhoods determined that the proposal wouldn't have adverse impacts to the historic landmarks, and no mitigation was required. The proposed rezone would not impact these adjacent landmarks and would not change the zoning of the landmark locations.

h. Shoreline view, public access and recreation.

There are no shorelines that are accessible at this site. Potential impacts to views of Lake Union are described in the response to subsection F1c.

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;***
- b. Street capacity in the area;***
- c. Transit service;***
- d. Parking capacity;***

All adjacent streets are designated as non-arterial streets.

In response to criteria (a) through (d), the street access, street capacity, transit service and parking are discussed in the SEPA analysis below.

e. Utility and sewer capacity;

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the maximum development potential under either existing or proposed zoning at this site. Any future development will go through city review and be required to meet/conform to city of Seattle standards, codes and/or ordinances.

f. Shoreline navigation

The area of the rezone is not located within a shoreline environment so shoreline navigation is not applicable to this rezone.

Conclusion:

No significant impacts are anticipated as a result of this rezone.

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 designation in this chapter.

A Growing Population and Economy: In 1990 the Puget Sound Council of Governments projected the need for 34,000 new households over the next 30 years (2020). Since that time the economy in Seattle and the region experienced robust growth as Seattle established itself as one of the most desirable places to live and work. As a result, in 2004 Seattle projected the need for 47,000 additional households by 2024 to accommodate expected growth.

Growth Management Act (GMA): In 1990 the Legislature found that “uncoordinated and unplanned growth, together with a lack of common goals... pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.” (RCW 36.70A.010) This is the foundation for the Growth Management Act (GMA).

As a result, the State directed 29 counties and the 218 cities within the state to establish plans for growth based on certain requirements. These jurisdictions included Seattle and some of the other fastest-growing counties and the cities.

Several goals of the GMA were to focus urban growth in urban areas, reduce sprawl, provide efficient transportation, encourage affordable housing, and encourage sustainable economic development.

Seattle Comprehensive Growth Plan: In 1994, in response to the State Growth Management Act of 1990, the City of Seattle adopted a Comprehensive Growth Plan. The Comprehensive Plan established 20-year housing unit growth targets for Urban Centers, Center Villages, Hub Urban Villages, and Residential Urban Villages.

Investing in Seattle's Urban Villages: By the year 2000, Seattle's urban village areas housed 32% of the city's population. As part of the Comprehensive Growth Plan they are expected to accommodate most of Seattle's new housing units. As a result, the city is making infrastructure investments in and around urban villages to improve transit access, to create more walkable communities and to provide attractive residential and commercial environments.

In the 2004 Comprehensive Plan update the South Lake Union Urban Center was given a 2024 growth target of 6,790 additional households.

The adoption of the Comprehensive Plan (1994), the designation of the South Lake Union Urban Center, and the adoption of the 2024 growth target for the South Lake Union Urban Center (2004) are all circumstances that have changed since the most recent zoning change for this area in 1994 (described in response to 23.34.008.C above).

Transportation: Since 1994, the city of Seattle and its transit partners have made significant street and transit investments to keep people, goods and services moving. As part of the Complete Streets initiative investments are being made to provide people with options to single occupancy vehicles.

The area surrounding the subject property rezone proposal is well-served by transit lines. The nearest bus stops are at Fairview Ave N. The South Lake Union Streetcar is located two blocks to the west, on Westlake Ave N. The site is located in a Frequent Transit Service Area.

These transit service increases are circumstances that have changed since the most recent zoning change for this area in 1994 (described in response to 23.34.008.C above).

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

This site is located in the South Lake Union Urban Center overlay. The Comprehensive Plan Urban Villages element notes that Urban Centers are intended to take the highest amount of residential growth in the City. Comprehensive Plan Goal UVG33 states, "Encourage growth in Seattle between 2004-2024, to be generally distributed across the city as shown in Figure 8." Figure 8 shows that Urban Centers such as the South Lake Union Urban Center are expected to accommodate 58% of the residential growth across the City. The proposed rezone would support this goal.

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.

No critical areas are located in or adjacent to the site.

Conclusion:

The proposed rezone meets all the requirements of SMC 23.34.008, per the analysis above.

23.34.009 Height limits of the proposed rezone. Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

The proposed rezone would change the zoning from Industrial Commercial with a 65' height limit to Seattle Mixed with an 85' height limit. The proposal does not include a designation of height limits in an Industrial zone, independent of the designation of a specific zone.

The proposed height is discussed in the Seattle Mixed rezone criteria section (SMC 23.34.128.E).

SMC 23.34.090 Designation of Industrial Zones:

- A. *The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.***

The existing zoning at this site is Industrial Commercial. The existing uses are warehouse, restaurant/tavern, and surface parking. The proposed SM zoning would allow fewer industrial and manufacturing uses than could be developed under existing zoning, but still permits some industrial uses.

- B. *Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.***

There are no nearby rail lines. The nearest water transportation is Lake Union, and the nearest industrial focus of water transportation is the north end of Lake Union or Elliott Bay.

The site is located on three non-arterial street frontages and one alley. The nearest arterials are congested at peak hours, mostly due to office uses in the immediate vicinity. Vehicles traveling on nearby arterials must pass through Seattle Mixed zones, which include residential multi-family developments.

- C. *Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.***

The nearest zones are IC and SM, neither of which are classified as residential zones. However, SM permits residential uses as well as industrial uses.

- D. *Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.***

The South Lake Union neighborhood includes adequate infrastructure for increased capacity from the proposed rezone, as determined by Seattle Public Utilities. SPU has not indicated if the area has specific infrastructure for industrial uses.

E.

- 1. *Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.***
- 2. *The rezone shall enhance and strengthen the industrial character of an area.***

The proposed rezone would not increase industrially zoned land. The proposed rezone would decrease specifically industrial zoned land, but still allow some industrial uses. The proposed rezone would be to SM, which is consistent with the policy direction reflected in the recent South Lake Union EIS and proposed legislative rezone for this neighborhood.

- F. *In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.***

- G. *Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:***

- 1. *The area does not meet the locational criteria for the industrial zone.***

The locational criteria for the IC zone are analyzed in SMC 23.34.096, below.

- 2. *The rezone will not decrease industrial development and employment potential, especially manufacturing employment.***

The proposed rezone would decrease the potential range of industrial uses permitted at the site, and allow residential development with some industrial uses at this site, which is consistent with the policy direction reflected in the recent South Lake Union EIS and proposed legislative rezone for this neighborhood.

- 3. *The rezone would not result in existing industrial uses becoming nonconforming.***

There are no industrial uses at this site, so the rezone would not result in any nonconforming industrial uses.

- 4. *The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.***

Recent development in the immediate vicinity includes primarily office with some residential. Recent permit activity indicates increased office, research, and residential uses, with limited industrial uses. This is consistent with the policy direction reflected in the recent South Lake Union EIS and proposed legislative rezone for this neighborhood.

5. *The rezone shall be consistent with the Seattle Shoreline Master Program.*

The site is not located in any shoreline area. This criterion does not apply.

6. *The area is not part of an adopted Manufacturing/Industrial Center (MIC).*

The site is not part of an adopted MIC.

H. *Compatibility With Scale and Character of Surrounding Area-Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:*

- 1. *Natural features such as topographic breaks, lakes, streams, ravines and shorelines;***
- 2. *Freeways, expressways, other major traffic arterials, and railroad tracks;***
- 3. *Changes in street layout and block orientation;***
- 4. *Open spaces and greenspaces.***

The lack of separation between the proposed zone and the adjacent IC zone is discussed in the response to SMC 23.34.008.E.

I. *Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.*

Recent development in the immediate vicinity includes primarily office and research, with some residential. Recent permit activity indicates increased office and residential uses, with limited industrial uses. This is consistent with the policy direction reflected in the recent South Lake Union EIS and proposed legislative rezone for this neighborhood.

Conclusion:

The proposed rezone site appears to meet some of the designation criteria for IC zoning, per SMC 23.34.09. Overall, it appears that the area around the proposed rezone site is at or beyond the maximum density and limited uses intended for IC zones.

SMC 23.34.096 Locational Criteria – Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

- A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City; The area includes a mix of densities of multi-family housing, a few single family residences, and some institutional uses. The majority of surrounding residential development appears to include low to medium density ground-related housing, as a response to development activity in the last 10 years built to maximum permitted zoning of L-1 and L-3.***

Recent development in the immediate vicinity includes primarily office and research, with some residential. Recent permit activity indicates increased office and residential uses, with limited industrial uses. The area includes some shoreline views and is in close proximity to downtown and parks (South Lake Union Park and Cascade Playground).

Residential development in the area mostly includes medium to high multi-family housing, in the form of stacked flats in mid-rise buildings. Older single family residences are rare, and most have been converted to multi-family housing. Some institutional uses are located nearby, primarily early 20th century religious institutions. Most of the residential and institutional uses are located east of Fairview Ave N, in the SM-zoned Cascade area of South Lake Union.

- B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;***

The South Lake Union neighborhood is in close proximity to several research based institutions, many of whom have constructed research facilities nearby, or are in the process of permitting such facilities (UW Medicine, Gates Foundation, Allen Brain Institute).

- C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;***

The South Lake Union neighborhood has historically been residential and industrial, with recent development in recent years primarily in the form of office, research laboratories, and housing. The frequent transit service and South Lake Union Streetcar, as well as the recent North Mercer Street improvements have provided the major transportation improvements needed to serve growth in the area. The area is designated as an Urban Center, which is intended to accept the highest amount of residential and job growth in the City of Seattle.

D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;

As described in response to subsection C, most of the recent development in this area has been for new office, research and laboratory buildings, and residential development. Most of the office and research buildings have been developed to the west. Most of the residential development has been to the east, in the Cascade area of the neighborhood.

It's not clear that the existing technology-oriented and research development uses are necessarily subject to displacement by commercial development. Seattle Mixed zoning allows technology-oriented, research, residential and commercial office uses.

E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.

Recent development to the west has been developed in a campus-like manner, serving a few larger commercial and research firms. The IC zoned portion of South Lake Union seems to have experienced less development than the adjacent SM-zoned areas. Redevelopment of the subject property would provide housing units, which would complement the existing nearby campus-like commercial office and research buildings.

Conclusion:

The proposed rezone site appears to meet some of the zone, function, and locational criteria for IC zoning, per SMC 23.34.096. Overall, it appears that the area around the proposed rezone site is at or beyond the maximum density and limited uses intended for IC zones.

SMC 23.34.126 Designation of the Seattle Mixed (SM) zone.

The Seattle Mixed (SM) zone is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. This zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood.

As described in response to the criteria in SMC 23.34.096, the SM-zoned areas east and west of the IC-zoned corridor have included a large increase in recent commercial office, research, and residential developments. The overall area is designated as an Urban Center, with the intent of providing a dense, walkable center of residences and a wide variety of jobs.

This site is part of the Fairview corridor identified in the proposed legislative South Lake Union rezone. That proposed rezone would allow up to 240' tall buildings in this area, with the goal of increasing housing in close proximity to jobs in this Urban Center.

SMC 23.34.128 Seattle Mixed (SM) zone, function and locational criteria.

In considering rezones to the Seattle Mixed (SM) zone designation the following function and locational criteria shall be taken into consideration:

- A. Function. An area that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation or an area that is in transition from traditional manufacturing or commercial uses to one where residential use is also appropriate;***

The site is currently zoned IC, which doesn't allow residential uses. The proposed contract rezone to SM would allow residential uses, and specifically the proposed residential development. The immediate vicinity is predominantly commercial office and research. The Comprehensive Plan policies and the proposed legislative South Lake Union rezone indicate policy direction to allow a wide range of uses in the entire South Lake Union neighborhood. The proposal appears to be consistent with the Comprehensive Plan and policies for this area.

- B. Transportation and Infrastructure Capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;***

The frequent transit service and South Lake Union Streetcar, as well as the recent North Mercer Street improvements have provided the major transportation improvements needed to serve growth in the area. Seattle Public Utilities has indicated that there is sufficient water and sewer system capacity for the proposed development and contract rezone development potential.

- C. Relationship to Surrounding Activity. An area that provides a transition from a densely developed or zoned neighborhood or from industrial activity;***

The South Lake Union neighborhood is located north of Downtown and the Denny Triangle, two densely development neighborhoods, to Lake Union. Currently, the zoning transition in this area includes a corridor of IC zoning separating SM zoned areas to the east and to the west. The proposed contract rezone would create an area of SM zoning in this IC corridor.

The proposed legislative South Lake Union rezone would also change the entire corridor from IC zoning to SM zoning.

- D. Mix of Use. An area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Such an area shall be designated as Seattle Mixed/Residential (SM/R). Within the SM/R area, nonresidential uses shall generally be of modest scale or neighborhood-serving in character;***

The proposed contract rezone is for SM 85 zoning, not SM/R, but the proposed use is entirely residential.

The proposed development would be taller than development currently permitted in the IC-65 zone, but would be much lower than future development anticipated with the proposed legislative South Lake Union rezone.

- E. Height. Height limits of forty (40) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet, and one hundred twenty-five (125) feet may be applied to land zoned SM. A forty (40) or fifty-five (55) foot height shall be applied to the SM/R designation, or where it is appropriate to limit the intensity and scale of new development. A sixty-five (65) foot, seventy-five (75) foot or eighty-five (85) foot height shall apply where it is appropriate to provide for a uniform and pedestrian scale. A one hundred twenty five (125) foot height may be designated to serve as transition from areas where greater heights are permitted.*

The proposed contract rezone is to SM 85. The proposed development has gone through Design Review, which considered how to treat the building to provide pedestrian scale.

Rezone Conclusions:

The proposed rezone site appears to meet all the zone, function, and locational criteria for SM zoning, per SMC 23.34.126 and 23.34.128. The subject property meets some of the zone designation, function, and locational criteria for IC zoning, but appears to better fit the criteria for SM zoning.

Many of the impacts of changing the zoning at this site and vicinity from IC to SM were analyzed in the South Lake Union EIS. The area appears to have sufficient utilities and infrastructure for the proposed rezone. The proposed development will include more vegetation and pervious surfaces that currently exist at the site. The proposed development includes residential units, which is consistent with the Neighborhood Plan policies.

The proposed contract rezone height will be 20' taller than adjacent development allowed under existing IC-65 zoning. The proposed development includes some rooftop features that will reach the 85' height, but most of the building is lower than the maximum height. Some private views may be impacted, but public views will likely remain the same as the existing conditions on Boren Ave N. It is also worth noting that the proposed legislative South Lake Union rezone could result in much taller development on adjacent parcels.

The proposed rezone would result in one site zoned SM, with surrounding parcels zoned IC. This zone edge exists nearby in the neighborhood, but changing zoning for isolated sites with no connection to similarly zoned sites is generally considered a poor zoning transition. In weighing and balancing all the criteria, it is important to note the recent proposed legislative rezones for the area would convert the subject property and all surrounding sites to SM zoning.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposed rezone from IC-65 to SM-85 be **APPROVED**.

ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: April 18, 2012 **DESIGN PRESENTATION**

The packet includes materials presented at the meeting, and is available online by entering the project number (3013013) at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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

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

Email: PRC@seattle.gov

The applicant provided supplementary EDG packet sheets at the meeting, which are available in the online packet or in the file.

The applicant noted that the three options respond to the grade changes across the site, with stepped massing and vertical modulation. Each street frontage would include residential units at grade. Graphics were provided in the supplementary packet sheets that demonstrated various street level concepts to respond to the grade changes.

The applicant explained that the 12' public right of way would be designed with a 4' wide landscape strip, a 6' wide sidewalk, and a 2' wide landscaped buffer adjacent to the building.

PUBLIC COMMENT

Two members of the public signed in at this Early Design Review meeting. No public comments were offered.

FINAL RECOMMENDATION MEETING: September 5, 2012 **DESIGN PRESENTATION**

The packet includes materials presented at the meeting, and is available online by entering the project number (3013013) at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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

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At the Recommendation meeting, the applicant provided supplementary Recommendation packet sheets and a materials and colors board. Proposed materials include wood composite, brick, metal panel, cementitious panel, and board-formed concrete. Terracotta or another high quality material would be incorporated around the primary building entry. Prodem or composite wood panels would be used to highlight the building entry bay, including the entry doors and the soffit in the entry canopy. The applicant noted that the fiber cement siding would likely be separated from the sidewalk level with board-formed concrete.

The applicant presented images demonstrating the configuration and dimensions of the patios for residential units at grade. The patios included angled low retaining walls, layered landscaping, and railings to provide separation from the sidewalk. Many of the street level units on Republican Street and Boren Avenue would have direct access to the street level. The street level units on Harrison Street would be accessed from an internal building corridor.

PUBLIC COMMENT

No public comment was offered at the Recommendation meeting.

PRIORITIES & BOARD RECOMMENDATIONS

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

EARLY DESIGN GUIDANCE:

1. Explore the proposed right of way design with Seattle Department of Transportation. The 4'/6'/2' pattern proposed would help to increase the usable space of the stoop and patio depth for ground level units on Boren Ave N.
2. Use the grade changes across the site to create a greater buffer for privacy for residences at grade. Landscaping and sight lines should be designed to provide privacy for residences at grade, to encourage use of stoops and minimize closed blinds at the street level.
3. The Board agreed that Option C presents the best massing response to the Guidelines, with the 1/3 south module and 2/3 north module.
4. Explore setting the building back further from the property line in order to create larger stoop areas that would encourage residential outdoor use of the stoops.
5. Consider shifting a portion of the building away from the public right of way to activate the street level with furniture, landscaping, or other elements to encourage privacy.
6. The Board encouraged the applicant to include trees on both sides of the sidewalks as shown in the concept drawings.

7. Design the permanent planters and hardscape between the residential units and with the sidewalk, to be more defensible.
8. Pull the north and south facades back as shown on the concept drawings to enhance pedestrian crossing safety, and include low landscaping and clear sight lines for pedestrians.
9. The east elevation should be well-designed with some fenestration and treated as a fourth primary building facade. This façade is highly visible from surrounding development and shouldn't be treated as a 'back of house' façade.
10. Windows should be designed to maximize light penetration at the alley and for ground level residential units. One technique includes windows with mullions leaving the lower 2/3 of the window fully glazed.
11. Ground level residential units should include a design plan to provide privacy while maintaining transparency and activation at the street front. The applicant should provide information about this strategy and demonstrate how the design will avoid creating a street level façade composed of 'closed blinds.'
12. The building entry at the division between the south 1/3 and north 2/3 of the building should be distinct, unique, and emphasize the differentiation between the north and south portions of the building.

RECOMMENDATIONS (SEPTEMBER 5, 2012):

1. Materials and Colors (B-1, C-2, C-4)

- a. The materials and colors of the physical sample board add to the overall design composition for the two portions of the building. The Board noted that the printed packets give the appearance of a 'busy' façade, but the material and color samples indicate this would not be the case. The Board was supportive of the overall design concept with the materials and colors shown in the physical samples.
- b. The board-formed concrete is important in providing texture and human scale at the street level. The Board recommended condition #1 related to this item, as described on page 11 of this report.

2. Design Concept of The Urban portion of the Building (C-2, C-4)

- a. The Board expressed concern about the consistency of design for the top of the southern portion of the building labeled "Urban Quarter" in the Recommendation packet. The Board recommended a condition to improve the overall design consistency of this portion of the building, as described in condition #2 on page 11.
 - Options to satisfy this condition include expanding the sun shade to emphasize the top floor, stepping back the building top, using a more durable material for the building cap (reflecting the building base), or other architectural strategies.
 - The design of the Urban Quarter building should continue the design part of "2/3, 1/3" division in the building, rather than mimicking the northern portion of the building (labeled "Lake" in the Recommendation packet).

- b. The Board expressed concern about the quality and detail of materials at the street level of the Urban Quarter (southern) portion of the building. The Board noted that cementitious panel extending down to the sidewalk level is a concern, because of the wear and tear on street-level facades. A more durable material is needed at the street level. This material should also be designed to express the base of the building better than the design shown at the Recommendation meeting. The Board recommended condition #3 related to this item, as described on page 11. Also, the SE corner unit should be finely detailed consistent with this strategy.
- c. The Board deliberated about the expression of the design parti related to the two portions of the building. The Board recommended condition #4 on page 11 in order to enhance the design concept and create a clear relationship between the two portions of the building.

3. Entry Bay (A-6, B-1, D-1)

- a. The Board recommended Condition #5 to enhance the residential entry on Boren Ave. Possible options to achieve this recommended condition include adding sidelights, adding glazing around the entry, continuing the materiality of the upper bay width and canopy to the entry doors, or other similar strategies.

4. Street Level Patios (A-6)

- a. The Board expressed concern about sufficient usable patio depth for street level patios, and recommended condition #6 as described on page 11.
- b. The Board noted that providing planting areas rather than all hardscape could be a benefit for residents, but declined to recommend a condition related to this item.

5. Harrison Street Sidewalk (D-1)

- a. The Board noted heavy pedestrian use along Harrison Street. The Board encouraged the applicant to work with SDOT to create a wider sidewalk on Harrison St, if at all possible. The Board expressed support for:
 - Narrower planter strips that could allow for a wider sidewalk;
 - Placing a planting strip adjacent to the building instead of between the curb and the sidewalk, since the on-street parallel parking provides a buffer for pedestrians; and
 - Adding decorative grilles in tree pits or planter strips to provide hard surfaces for pedestrians.
- b. The Board noted that these items are in the purview of SDOT rather than DPD, but expressed support for the applicant working with SDOT to possibly incorporate these items in the streetscape design.

DESIGN REVIEW GUIDELINES

The Board identified the following Citywide Design Guidelines of highest priority for this project.

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

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

SLU-specific supplemental guidance:

- Encourage provision of “outlooks and overlooks” for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.
- Minimize shadow impacts to Cascade Park.
- New development is encouraged to take advantage of site configuration to accomplish sustainability goals. The Board is generally willing to recommend departures from development standards if they are needed to achieve sustainable design. Refer to the Leadership in Energy and Environmental Design*(LEED) manual which provides additional information. Examples include:
 - Solar orientation
 - Storm water run-off, detention and filtration systems
 - Sustainable landscaping
 - Versatile building design for entire building life cycle

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

SLU-specific supplemental guidance:

The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Streetscape compatibility is a high priority of the neighborhood with redevelopment. Sidewalk-related spaces should appear safe, welcoming and open to the general public.

- Provide pedestrian-friendly streetscape amenities, such as: tree grates; benches; lighting.
- Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.
- Where appropriate, consider a reduction in the required amount of commercial and retail space at the ground level, such as in transition zones between commercial and residential areas. Place retail in areas that are conducive to the use and will be successful.
- Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).

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

SLU-specific supplemental guidance:

- Create graceful transitions at the streetscape level between the public and private uses.
- Keep neighborhood connections open, and discourage closed campuses.
- Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.
- Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity.
- Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.
- Create businesses and community activity clusters through co-location of retail and pedestrian uses as well as other high pedestrian traffic opportunities.
- Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

SLU-specific supplemental guidance:

Consider designing the entries of residential buildings to enhance the character of the streetscape through the use of small gardens, stoops and other elements to create a transition between the public and private areas. Consider design options to accommodate various residential uses, i.e., townhouse, live-work, apartment and senior-assisted housing.

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to 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.

SLU-specific supplemental guidance:

- Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.

- Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level. Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.
- Relate proportions of buildings to the width and scale of the street.
- Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.
- Consider using architectural features to reduce building scale such as: landscaping; trellis; complementary materials; detailing; accent trim.

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.

SLU-specific supplemental guidance:

- Support the existing fine-grained character of the neighborhood with a mix of building styles.
- Re-use and preserve important buildings and landmarks when possible.
- Expose historic signs and vintage advertising on buildings where possible.
- Respond to the history and character in the adjacent vicinity in terms of patterns, style, and scale. Encourage historic character to be revealed and reclaimed, for example through use of community artifacts, and historic materials, forms and textures.
- Respond to the working class, maritime, commercial and industrial character of the Waterfront and Westlake areas. Examples of elements to consider include: window detail patterns; open bay doors; sloped roofs.
- Respond to the unique, grass roots, sustainable character of the Cascade neighborhood. Examples of elements to consider include: community artwork; edible gardens; water filtration systems that serve as pedestrian amenities; gutters that support greenery.

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. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

SLU-specific supplemental guidance:

Design the “fifth elevation” — the roofscape — in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Therefore, views from outside the area as well as from within the neighborhood should be considered, and roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.

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.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

SLU-specific supplemental guidance:

- **New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as: curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow; pedestrian-oriented street lighting; street furniture.**

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

SLU-specific supplemental guidance:

- **Enhance public safety throughout the neighborhood to foster 18-hour public activity. Methods to consider are: enhanced pedestrian and street lighting; well-designed public spaces that are defensively designed with clear sight lines and opportunities for eyes on the street; police horse tie-up locations for routine patrols and larger event assistance.**

E-2 Landscaping 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.

SLU-specific supplemental guidance:

- **Consider integrating artwork into publicly accessible areas of a building and landscape that evokes a sense of place related to the previous uses of the area. Neighborhood themes may include service industries such as laundries, auto row, floral businesses, photography district, arts district, maritime, etc.**

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

SLU-specific supplemental guidance:

Landscaping should be designed to take advantage of views to waterfront and downtown Seattle.

DEVELOPMENT STANDARD DEPARTURES

No departures were requested with this proposal.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated September 5, 2012 and the materials shown and verbally described by the applicant at the September 5, 2012 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members recommended APPROVAL of the subject design. The Board recommended the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. The concrete at street level should be finely detailed and textured with board-form or other techniques to relate to the pedestrian scale. (B-1, C-2, C-4)
2. Modify the design the “Urban Quarter” (southern) portion of the building to create a clear building ‘top.’ Options to create a clear building top include expanding the sun shade to emphasize the top floor, stepping back the building top, using a more durable material for the building cap (reflecting the building base), or other architectural strategies. (C-2, C-4)
3. Incorporate masonry or another highly durable material at the base of the Urban Quarter (southern) portion of the building, similar to the strategy in the Lake (northern) portion of the building. The building base should be finely detailed, similar to the board formed concrete of the northern portion of the building. (C-2, C-4)
4. The recess between the Lake (northern) portion of the building and the Urban Quarter (southern) portion of the building should be modified to reflect the materiality of the Urban Quarter portion of the building. (C-2)
5. The residential entry doors and material around the doors should be modified to reflect the scale of the building bay above the residential entry. (A-6, B-1, D-1)
6. The applicant should demonstrate that the street level patios would provide sufficient depth to allow usable areas for residents of those units. The Board encouraged the applicant to make these patios as deep as possible to provide usable outdoor seating areas for residents. (A-6)

Response to Recommended Design Review Conditions:

The applicant made modifications to the proposal, as shown in the MUP plan set, and provided information to DPD that satisfies the Recommended Conditions.

DECISION – DESIGN REVIEW

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

ANALYSIS - SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 18, 2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.

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

Construction Parking and Traffic

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

Increased trip generation is expected during the proposed demolition, grading, and construction activity, with haul routes restricted to nearby arterials (Fairview Ave N, Westlake Ave N, and N. Mercer St). The immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

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

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

Environmental Health

The applicant submitted a Phase II Environmental Site Assessment, which described existing soil contamination on site (Sound Earth Strategies, Phase II Environmental Site Assessment, SLU 293 Property, dated March 9, 2012). If not properly handled, existing soil contamination could have an adverse impact on environmental health.

Mitigation of soil contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City considers Ecology's jurisdiction and requirements for soil remediation will mitigate impacts associated with any contamination.

Per SMC 25.05.675.F, Ecology's review of the proposed cleanup activities at this site are assumed to be sufficient impact mitigation.

In order to ensure that the contaminated soils are cleaned up according to Ecology's requirements, the proposal is conditioned below. Prior to issuance of a DPD Master Use Permit, the applicant will be required to provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site, increased residential uses, increased traffic in the area and increased demand for parking, increased demand for public services and utilities, increases in carbon dioxide and other greenhouse gas emissions, and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these area: the Stormwater, Grading and Drainage Control Code which requires onsite detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding, the City Energy Code which will require insulation for outside walls and energy efficient windows, and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long-term impacts, although some impacts warrant further discussion which will occur during the SEPA and Design Review process at the time of a development proposal for this site.

Environmental Health

Operational activities, primarily vehicular trips associated with future construction and future development energy consumption, are expected to result in increases in carbon dioxide, and result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Height, Bulk, and Scale

Development under the proposed rezone would result in an additional 20 feet of permissible building height. This could result in shadowing to nearby properties, and reduced light and air.

The Land Use Code includes development standards for Seattle Mixed zones, which are intended to address some of the height, bulk, and scale impacts of new development.

Any development that exceeds Design Review thresholds in SMC 23.41 would be required to go through design review. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The proposed development associated with the rezone has gone through Design Review, as described in the Design Review Analysis section of this recommendation. Additional mitigation is not warranted under SEPA.

Historic Preservation

The Department of Neighborhoods indicated that the existing structure on site is not likely to qualify for historic landmark status.

The site is also across the street from designed historic landmarks (the Van Vorst Building and the Boren Investment Company Building). Department of Neighborhoods reviewed the proposal and determined that no mitigation was required for potential impacts to this landmark (LPB 611/12). Therefore, no mitigation is warranted for mitigation of potential historic landmarks.

The project is also within the U. S. Government Meander Line buffer that marks the historic Lake Union shoreline – an area with the potential for discovery of pre-contact and early historic period resources. If resources of potential archaeological significance are encountered during construction or excavation that Director’s Rule requires the owner and/or responsible parties to:

- Stop work immediately and notify DPD and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director’s Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Consistent with the Director’s Rule 2-98 requirements for mitigation of potential archaeological artifacts in the Meander Line Buffer and mitigation warranted by SMC 25.05.675.H, the following conditions are recommended:

Prior to Issuance of Master Use Permits:

- The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director’s Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Land Use

The impacts of the proposed rezone from IC-65 to SM-85 have been analyzed in the Rezone analysis section of this DPD Recommendation. No additional mitigation is warranted for mitigation of land use impacts.

Parking

As part of the environmental checklist, the project submitted a transportation impact analysis, which included analysis of parking supply and demand (“Transportation Impact Analysis, 400 Boren Avenue N”, Prepared for Greystar, August 2012, Prepared by TranspoGroup).

The proposed development includes 282 apartments and 317 parking spaces. The number of proposed parking spaces outnumbers the demand generated by the proposed residential use. Therefore, no mitigation is warranted for mitigation of parking.

Traffic

As part of the environmental checklist, the project submitted a transportation impact analysis (“Transportation Impact Analysis, 400 Boren Avenue N”, Prepared for Greystar, August 2012, Prepared by TranspoGroup).

The project is expected to generate a net total of 260 daily vehicle trips, with 31 net new PM peak Hour trips. Level of service analysis was performed for nearby intersections. That analysis showed that the project is expected to add a small amount of delay at each of the study intersections, but is not expected to significantly affect their overall operation.

The project will also mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union as outlined in DPD Client Assistance Memo (CAM) 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of \$30,382 in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules.

With those mitigation measures, the project is not anticipated to cause significant adverse impacts to parking or traffic.

MITIGATED DETERMINATION OF NONSIGNIFICANCE

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

[X] Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This MDNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

RECOMMENDED CONDITIONS - SEPA

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.
2. The applicant shall provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.

Prior to Issuance of a Demolition Permit

3. The applicant shall provide a copy of a Construction Haul Route and Construction Parking Plan, approved by Seattle Department of Transportation.

Prior to Issuance of a Building Permit

4. The applicant shall submit and have approved by DPD a Transportation Management Plan consistent with DPD Director's Rule 9-2010.
5. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$30,382 to the City of Seattle.
6. If the applicant intends to work outside of the limits of the hours of construction described in condition #7, a Construction Noise Management Plan shall be required, subject to review and approval by DPD. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

During Construction

7. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.
8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - a. Stop work immediately and notify DPD (Shelley Bolser at shelley.bolser@seattle.gov or 206-733-9067) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

CONDITIONS – DESIGN REVIEW

Prior to Building Final

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

For the Life of the Project

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

RECOMMENDED CONDITIONS – REZONE

None.

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

Date: February 21, 2013