



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3015682
Applicant Name: Bellwether Housing
Address of Proposal: 1511 Dexter Avenue North
Council File: 314318

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a 16,246 sq. ft. parcel of land from NC3-40' to NC3-65' (CF #314318). Project includes construction of a 6-story, 68 unit apartment building with 3 live-work units at the ground floor. Parking for 30 vehicles to be provided on the site (14 within the structure and 16 surface parking spaces). Existing principal use parking lot to be demolished.

The following Master Use Permit components are required:

Rezone - To rezone from NC3-40 to NC3-65 (Seattle Municipal Code 23.34)

Design Review with Departures (Seattle Municipal Code 23.41)

Development Standard Departure to increase the amount of residential uses at street level. (SMC 23.47A.005.C.1)

Development Standard Departure to decrease the minimum depth requirement for non-residential uses at street level. (SMC 23.47A.008.B.3)

Development Standard Departure to decrease the floor to floor height requirement for non-residential uses at street level. (SMC 23.47A.008.B.3)

Development Standard Departure to increase the maximum length requirement for blank walls at street level. (SMC 23.47A.008.A.2)

Development Standard Departure to allow parking use inside a structure immediately adjacent and along the street level. (SMC 23.47A.032.B.1.b)

Development Standard Departure to allow a portion of the parking to be accessed from a non-alley location. (SMC 23.47A.032.A.1.a)

Development Standard Departure to reduce the interior setback requirement for non-residential portions of live/work uses. (SMC 23.47A.008.E.1)

SEPA - Environmental Determination - (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE & VICINITY

Site Zone: Neighborhood Commercial Three (NC3-40)

Nearby Zones: North: NC3P-40

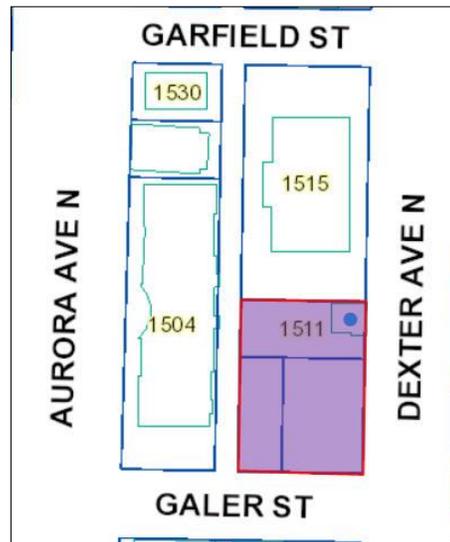
South: SM-85

East: C2-65

West: C1-65

Lot Area: 16,240 sq. ft.

Current Development: Surface Parking and trees.



Surrounding Development and Neighborhood Character

The subject site is located on the northwest corner of Dexter Avenue N and Galer Street. The subject lots are currently zoned Neighborhood Commercial Three (NC3-40).

Lots adjacent to the north are zoned Neighborhood Commercial Three with a Pedestrian Overlay (NC3P-40). Lots to the south, across Galer Street are zoned Seattle Mixed (SM-85). Lots to the east, across Dexter Avenue N are zoned Commercial Two (C2-65). Lots to the west, across the alley are zoned Commercial One (C1-65). The site contains two parcels, one with surface parking adjoining Dexter Avenue, and trees. The site contains an approximately 24 foot grade change from the east to the west property line. The west lot line, along the alley, is the high point of the site. To the north is a four story office building. To the east across Dexter Avenue is a five story office building. To the south across Galer Street, and west across the alley are multifamily structures.

This site is located just north of the South Lake Union Urban Village; Galer Street is the boundary. The neighborhood includes multifamily housing, community services, offices and shopping. Dexter Avenue N contains a number of multi-story multifamily mixed use structures and commercial structures. To the east, two blocks downhill, is Lake Union. Aurora Avenue N is one block to the west, but Galer Street does not intersect it. A pedestrian bridge crosses the busy Aurora as part of the Galer Street hill climb path connecting upper Queen Anne to Lake Union.

Zoning along Dexter Avenue N north of Galer is primarily Neighborhood Commercial with heights ranging from 40-65 feet. Zoning south of Galer is primarily Seattle Mixed with heights ranging from 85-125 feet. Zoning is entirely 65 feet height or taller on the south, east and west sides of the site. The majority of buildings are between four and seven stories with a few lower structures. Within walking distance from the site, services include restaurants, stores, shopping, and parks. Natural amenities in the area include Lake Union and the heavily landscaped Galer walk.

Dexter Avenue N is an arterial street and major Metro bus corridor providing service from Downtown Seattle to many districts north of Lake Union. Dexter Avenue N is also a designated bicycle route with cycle track improvements in the street. Galer Street is a local street, and the alley is improved.

An Exceptional Tree Grove (but no individual trees) was identified on the west parcel adjacent to the alley. A Potential Slide Environmentally Critical Area is located over the entire site. A Limited Exemption for this ECA was granted under permit application #6371977.

Public Comments

Three public comment periods and three notices of Design Review meetings were published. The last public comment period ended on November 18, 2015. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These other areas of public comment related to parking, traffic, proposed rezone and additional height, and private view impacts.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE (EDG) February 19, 2014

The Design Proposal includes materials presented at the meeting, and is available online by entering the project number at this website: <http://web6.seattle.gov/dpd/edms/>

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

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

Email: PRC@seattle.gov

PUBLIC COMMENT

At the EDG Meeting, the following comments, issues and concerns were raised:

- Concerned that the proposed structure, especially if rezone is approved at NC 65 foot height, will be too close to the Citiscape condominiums across the alley, and eastward views from lower units will get blocked (several mentioned this) [Staff Note: City code does not protect views from private property].
- Supported the proposed apartment uses and rezone height, as it will add residential units and choices directly on a high capacity transit street, adjacent to the urban center.
- Applauded the applicants for meeting with the Queen Anne Land Use Review Committee (LURC), and supported the massing as shown, the curb cut off Galer, setback amenity deck at level five, and the ground level setback along Galer.
- Concerned that all trash bins and pick-up be fully internalized, to not impact alley or steep Galer Street, and that the roots and branches of the existing trees on the adjacent lot be fully protected.
- Supported the project, uses and massing as compatible with the existing buildings along Dexter, and advised generous sidewalk lighting along both streets.
- Noted the steep sidewalks on Galer are a pedestrian safety issue, and suggested textured surfaces, assist rails, and careful selection of street tree species to minimize quantity and size of slippery leaves falling on sidewalks.
- Disagreed with the rezone height increase from 40 feet to 65 feet [Staff Note: Staff clarified that the Rezone process is a separate review and analysis, and a City Council decision].

FINAL RECOMMENDATION November 18, 2015

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PUBLIC COMMENT

At the Recommendation meeting, the following comments were raised:

- Generally supportive of the project to add residential units in this location.
- Concerned about security along the projects north and west sides, and advised lighting and careful landscape selection to not create adverse safety conditions.
- The Queen Anne Community Council, Land Use & Planning Committee (LURC) supported the project as revised since EDG, and the requested departures.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, the design revisions since EDG, and hearing public comment, the Design Review Board members (the Board) provided the following siting and design guidance:

FINAL RECOMMENDATION November 18, 2015

The Board identified the following Citywide guidelines as Priority Guidelines at the EDG meeting. The Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

All page references below are to the Recommendation booklet dated November 18, 2015.

CONTEXT & SITE

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

CS2-A Location in the City and Neighborhood

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

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

At the Early Design Guidance Meeting, the Board noted the site-specific features underlined above - the Dexter transit street and Galer pedestrian link - and endorsed the preferred massing option C (pg. 34), which had the following positive features which should be retained: deep setback south amenity deck at level 6, which improves eastward public views from the upslope Galer pedestrian walkways; absence of tall elevator overrides and penthouses on the roof; deep ground level setback along entire Galer frontage; and deep reveals/notches on the south, east and north facades.

At the Final Recommendation Meeting, the Board reiterated how the ground level stepback along Dexter supports the busy sidewalk of a transit & bike street, and the setback along Galer provides a lush landscape edge along the pedestrian 'hill climb'.

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

At the Early Design Guidance Meeting, the Board supported the vehicle access off Galer Street and the alley, not Dexter Avenue which is a primary bike and bus transit street. The Board endorsed the approximate 7 foot setback at the two live work units on Dexter, and the transparent lobby defining the southeast property corner. See DC1-B-1 for comments on how the Galer Street parking drive interacts with the streetscape.

At the Final Recommendation Meeting, the Board supported the proposed 6 ft. setback along the Dexter live/work units, and the patios and landscaping in front of those units, as shown on pgs. 49/50, with the condition #4 on the last pages.

CS2-C Relationship to the Block

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

At the Early Design Guidance Meeting, the Board supported the tall (about 14 ft. clear) and transparent lobby wrapping the southeast corner, which the Board agreed should be a strong design statement. The Board supported the parking portal and a small portion of blank wall located well off the corner on Galer Street. See PL3-A-1 for additional comments on the lobby doors.

At the Final Recommendation Meeting, the Board agreed the southeast corner has a suitably strong statement, because of the full-height glazing, low sills and legible entrance canopy with signage, as shown on pg. 45 and 52. To ensure the corner is a lit beacon and illuminates the adjacent sidewalks, provide interior perimeter lighting at the office corner glazing that is interconnected to the exterior lighting circuit.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

At the Final Recommendation Meeting, the Board reiterated the massing is bermed into the sloping site and the building height has been strategically reduced to not overscale the Galer Street pedestrian link or its lake views. See section on pg. 42.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board discussed how the proposed building, at the approximate 55 ft. height assumed within the rezone envelope (pg. 19), would be compatible with the surrounding structures along Dexter. The Board also commented that the western most façade of the proposed massing is approximately 55 feet from the adjacent Citiscape condominiums, which is comparable to a typical city street ROW. Because of this distance and screening, the Board did not advise further bulk reductions on this façade, but did advise typical levels of material and compositional interest, that unit balconies should be modest, and the shared amenity deck be oriented to the south and east, not west, to protect the neighbors' privacy.

At the Final Recommendation Meeting, the Board agreed the west elevation has an attractive composition and quality materials, both architectural and landscape. There are no balconies to impact privacy, and the private patios for level 2 units are in recessed light wells.

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

CS3-A Emphasizing Positive Neighborhood Attributes

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

At the Final Recommendation Meeting, the Board stated the project was a contemporary composition with modest means and quality materials. The Board agreed the dark brown wrapping elements on both the east and west facades (# B on pg. 45) were critical to the design success, and therefore recommended detailed conditions on the last page.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

At the Early Design Guidance Meeting, the Board supported the level 6 amenity deck and its associated setback on the south end of the massing, to improve public views eastward from the Galer Street pedestrian walkways to the west. This appropriate setback and other bulk modulation shown on pg. 54 are why Guideline DC2-A, Massing, was not cited as a priority. This deck location also supports DC1-A-4.

At the Final Recommendation Meeting, the Board agreed the massing setback, common roof deck, and highly transparent perforated metal guardrails (pg. 45/55) are well-located to maximize views for occupants and Galer Street pedestrians.

PL1-B Walkways and Connections

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

At the Final Recommendation Meeting, the Board agreed the voluntary setback along part of Dexter, and the proposed setback and building edge plantings enhanced the pedestrian experience along Dexter, a street busy with buses, bikes, and other modes.

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

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

At the Final Recommendation Meeting, the Board recommended reducing the height of the stepped planters along Galer to approximately 24" maximum at any location, and adding design-integrated railings along the property line to assist pedestrians walking up that sloping sidewalk.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

At the Early Design Guidance Meeting, the Board discussed safety concerns, especially along the steeply sloping Galer Street. See PL2-A-2 and DC4-D-2 for additional safety comments. The Board endorsed the idea that the adjacent tree lot have active uses and other methods to ensure it does not attract vagrants.

At the Final Recommendation Meeting, the Board recommended consistent lighting bollards along the alley parking, and along all four building walls at ground level; see conditions on last page.

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

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

PL3-A Entries

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

At the Early Design Guidance Meeting, the Board supported the primary residential lobby at the southeast corner, and requested studies to have the lobby door open directly onto Dexter, where it helps activate that street and storefront, rather than hidden around the corner. The Board also wanted that entrance to be level and welcoming, not crowded into the sloping sidewalk, and promoted a blade or other design element that marks this primary lobby entrance for southbound pedestrians and traffic, and distinguishes it from possible ground level live/work signage and doors.

At the Final Recommendation Meeting, the Board supported the lobby entrance, canopy and blade sign on Dexter, as shown on pg. 45, 51 and 59.

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

PL3-B Residential Edges

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

At the Early Design Guidance Meeting, the Board discussed how the live/work frontage will need to be a sophisticated design to ensure a strong commercial character along Dexter Avenue, yet incorporate some translucent and/or layering elements to afford privacy if the shallow, one-story spaces within become predominantly residential. The Board requested large scale elevations with materials, and perspectives including the adjacent landscape design; see comments under DC4-D-1.

At the Final Recommendation Meeting, the Board supported the ground level live/work facades, materials and landscaping as shown on pg. 45, 49 & 50, but recommended the metal planter edges shown on pg. 49 step with the slope to stay 8-16" maximum tall, and that plant species be layered in height up to the windows. See conditions on last page.

PL3-C Retail Edges

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

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

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

At the Final Recommendation Meeting, the Board supported the Dexter façade, patios and landscaping design, and a minimum depth departure, based on the high transparency of the storefronts and the interior walls being detailed to support retail/commercial activities. See conditions on last page.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site. PL2-B-3]

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

At the Final Recommendation Meeting, the Board reiterated that the common roof deck south location receives good sun exposure and provides good views.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

At the Early Design Guidance Meeting, the Board agreed to ensure safe pedestrian and vehicle sight-lines, the driveway should remain basically level at the exiting lane as it transitions to sloping Galer, and adjacent landscaping and walls (especially upslope) should maintain generous and clear sight-lines to the busy pedestrian link. The Board requested large scale sections and elevations with pedestrian sightlines indicated.

At the Final Recommendation Meeting, the Board supported the driveway as shown on pg. 36 and 44, and recommended an attractive mesh gate to augment the Galer Street elevation improvements described under DC2-B-2.

DC1-C Parking and Service Uses

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

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

At the Early Design Guidance Meeting, the Board requested a specific study and coordination with Seattle Public Utilities staff, to confirm internalized trash locations and the on-site pick-up routes and truck staging point.

At the Final Recommendation Meeting, the Board supported the trash room as shown on pg. 38.

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

DC2-B Architectural and Facade Composition

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

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

At the Early Design Guidance Meeting, the Board was accepting of the short blank west wall along Galer, assuming it will receive a treatment that provides pedestrian interest. The Board agreed a similar treatment is needed on the north facade corner exit wall, since it will likely be visible for the foreseeable future. The Board supported additional windows, reveals and material variation on the north façade.

At the Final Recommendation Meeting, the Board discussed the entire length of the Galer Street ground level façade at length, and as part of the blank wall departure request. The Board recommended a combination of art screens (similar to that shown on pg. 61) and green screens, on both sides of the garage opening, to provide pedestrian visual interest. See conditions on last page.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

At the Early Design Guidance Meeting, the Board discussed how important the reveals and notches shown in the preferred option (pg. 34) are to meeting this guideline, and the Board advised those key elements achieve substantial depth. The Board endorsed the shifted north stair described by the applicants, to provide windows on the north façade, visible from Dexter Avenue.

The Board did not cite ‘DC2-A, Massing’ as a priority guideline, because the preferred massing shown on pg. 34/right is promising and consistent with the established street wall along Dexter, but the Board expects high levels of fenestration composition, depth and material variation that provide human scale on all four elevations, especially the three seen obliquely from Dexter Avenue.

At the Final Recommendation Meeting, the Board supported the brown wrapping forms of the ‘shell’ (pg. 23), but was disappointed to learn they are projecting only 8” from the adjacent wall surfaces, as shown on plans and pg. 48. The Board recommended the applicants sincerely explore shifting the entire building mass slightly west, to gain more depth and interest at the critical Dexter frontage; the Board recommended 14 -20” total projection. The 8” projection is sufficient on the west elevation.

At the Final Recommendation Meeting, the Board also discussed the red vertical reveal on the Dexter façade as providing a valuable secondary feature, but agreed the slight chamfer in plan is confusing, and the reveal depth is insufficient to be legible. The Board recognized the width of the red reveal may have to be reduced to improve formal clarity, and supported the full wrap of the red color at the roof deck (pg. 23). The Board recommended several revisions to strengthen the legibility of this important reveal; see conditions on last page.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

At the Final Recommendation Meeting, the Board supported the proposed ‘stacked bond brick’ #K (pg. 45), as an important textural material at the street levels.

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

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

At the Final Recommendation Meeting, the Board supported the proposed materials, including the 15” metal faces of the critical brown wrapping forms, but recommended all soffits of that wrap also be metal for consistency, especially the ground level soffits on Galer and Dexter, as shown on pg. 49. NOTE: the soffit at the southwest corner of Galer appears to be about 6 ft. above the sidewalk at the property line (pg. 44); detail edges and corners to ensure adequate safety for pedestrians, especially the blind.

DC4-C Lighting

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

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

At the Final Recommendation Meeting, the Board supported the lighting concept shown on pg. 60, including the wall sconces and frequent soffit lights on Galer and Dexter, but recommended additional wall sconces along the north façade.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

At the Early Design Guidance Meeting, the Board endorsed the Dexter setback landscaping as shown, which is lush and creates sociable transitions to the sidewalk, incorporating stoops, seating walls and other layering techniques.

At the Final Recommendation Meeting, the Board recommended landscape conditions along Dexter Avenue described on the last page. The Board also recommended the planters along Galer be reduced in height and that the plant species be layered in height to help screen the blank wall occurring along most of that street facing wall.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

At the Early Design Guidance Meeting, the Board cautioned that the tree and landscape species along the Galer Street curb and setback zone should be selected to not shed an excessive amount or large slippery leaves, which could create safety issues on the steep Galer sidewalk. The Board also endorsed textured sidewalk surfaces, assist rails along the setback planters, and wayfinding devices to indicate the extent of the Galer pedestrian link. The Board also cautioned all landscape retaining walls along Galer to be stepped in order to keep walls 18-24 inches maximum height, and lower near the driveway sight lines. The Board requested large scale sections and elevations with all walls and shrub heights indicated.

At the Final Recommendation Meeting, the Board supported the dense landscape and ‘signature oak’ tree located at the southwest corner. The Board also supported the stepped landscape planters along Galer, but recommended all planter heights be reduced from those shown on pg. 56 and the plant species be revised; see conditions on last page.

The Board also recommended reduction of the width of the planter in the linear west light well to maximize the usable space for the adjacent units (see pg. 73). The Board recommended the planter be at grade, or staggered planters with a maximum 18” height curb, plus vines to help mitigate the 13 ft. tall concrete wall opposite the sunken units.

EXCEPTIONAL TREE GROVE DISCUSSION:

The applicants presented information from an ISA Certified Arborist; none of the 20 mature trees on the western portion of the site is individually city-classified as Exceptional, but they form a continuous canopy, and that is classified as an Exceptional Tree Grove, with 8,800 sf of canopy area. To retain the grove, the root protection zone

for the grove would leave a buildable depth of approximately 48 ft. off Dexter Avenue (see pg. 30).

Page 33 of the Recommendation booklet shows that preservation of the grove and its root zone would result in a 32% reduction of development potential on the east part of the site. To recover that development area, the building massing would need to increase nearly 3 full floors, to an approximate height of 80 feet. The Board agreed this height would be incompatible with the height, bulk and scale of neighboring buildings (contrary to guideline CS2-D-1), and the adjusted narrow massing would not blend into the urban pattern and form (contrary to guideline CS2).

For these reasons the Board *unanimously* agreed the tree-retention scheme had significant guideline impacts, and *unanimously* supported the proposed site plan that replaces the exceptional tree grove with on-site trees and lush understory plantings (booklet pg. 31), which create a canopy area of 9,746 sf at maturity (larger than the existing exceptional grove canopy).

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the **FINAL** Recommendation meeting the following departures were requested:

1. **Residential Uses at Street Level (SMC 23.47A.005.C.1):** The Code requires 20% maximum of the street-level, street-facing façade to be residential uses. The applicant proposes 56% to be live/work (classified as commercial use) and 44% to be residential lobby, managers office and other residential uses.

The Board agreed the lobby, entrance and managers office create a very transparent, commercial expression to Dexter Avenue and the corner with Galer, meeting the spirit of the Code. [PL3-A; PL3-C; CS2-C-1]

The Board unanimously recommended that Seattle DCI grant this departure.

2. **Minimum Depth of Non-residential Uses at Street Level (SMC 23.47A.008.B.3):** The Code requires non-residential street level uses to average a minimum of 30 ft. depth. The applicant proposes 29'-3" depth for all non-residential uses.

The Board agreed the voluntary 6 ft. setback along Dexter is a valuable buffer, and the consequent 9" reduction in live/work depth is supportable. [CS2-B-2]

The Board unanimously recommended that Seattle DCI grant this departure.

3. **Minimum Height of Non-residential Uses at Street Level (SMC 23.47A.008.B.3):** The Code requires non-residential street level uses to be 13 ft. minimum floor to floor. The applicant proposes one of the 3 live/work units to be 12'-7", and another to be 11'-9"; the third live/work unit is 13'-1".

The Board supported the three units stepping with grade, and the consequent reductions in height for two of the units, especially since the street facades are tall and highly transparent. [PL2-B-3]

The Board unanimously recommended that Seattle DCI grant this departure.

- 4. Maximum Length & Percentage of Blank Wall (SMC 23.47A.008.A.2):** The Code requires blank facades (between 2 and 8 ft. above grade) to not exceed 20 ft. in length or exceed 40% of the façade width along a street. The applicant proposes a blank façade on Galer that is 24'-2" long, and the total blank percentage on Galer to be 47%.

The Board supported the increase in this blank wall only if the design adds a combination of art panels and green screens to provide pedestrian scale and interest on this wall.

The Board unanimously recommended that Seattle DCI grant this departure. NOTE: subsequent to the meeting, the applicants submitted an exhibit pg. 72, which appears to meet the Board's guidance and meets Code, thus making this departure unnecessary.

- 5. Parking Adjacent to Street-level, Street-facing Facade (SMC 47A.032.B.1.b):** The Code prohibits parking uses inside a structure immediately adjacent to the street façade. The applicant proposes parking spaces along a 22ft long portion of the sloped Galer Street façade.

The Board agreed the wall treatment and stepped landscape planters adjacent to this portion of façade, reinforces the pedestrian experience along the Galer pedestrian link. [DC1-C-2]

The Board unanimously recommended that Seattle DCI grant this departure.

- 6. Parking Access from Non-Alley Location (SMC 23.47A.032.A.1.a):** The Code requires all parking access to be from the alley, if the site abuts an improved alley (this site does). The applicant proposes 16 parking spaces perpendicular off the alley (those are code compliant) and 14 parking spaces within the structure with access off Galer Street.

To provide all parking access from the alley, the Board agreed the 20% sloped ramps along the alley, and the resulting retaining walls and minimized landscape areas, would create a less compatible and pleasant transition to the Galer pedestrian link and neighboring properties. [PL1-A-1, CS2-D-2]

The Board unanimously recommended that Seattle DCI grant this departure.

- 7. Minimum Depth of Non-residential portions of Live/work Uses (SMC 23.47A.008.E.1):** The Code requires the full width and first 15 ft. from the street-facing street-level façade, to be only non-residential functions. The applicant proposes interior bedroom walls that are 7' 5" from the façade, and approximately half the width of each live/work unit.

The Board agreed the voluntary 6 ft. setback combines with the 7 ft. 5” proposed to create an acceptable depth of commercial character in the 13’5” distance from pedestrians on the sidewalk. The Board supported the stated intent for the street-facing bedroom walls to be detailed with shelves, lighting and other means for display of goods and/or artwork, that creates a backdrop with visual interest for pedestrians.

The Board unanimously recommended that Seattle DCI grant this departure.

BOARD RECOMMENDATION

The recommendation summarized above was based on the #3015682 design review packet dated Wednesday, November 18, 2015, and the materials shown and verbally described by the applicant at the Wednesday, November 18, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions (all page references are to the booklet dated 11/18/15) [guidelines referenced]: These conditions should be resolved prior to MUP issuance.

- 1) **‘WRAPS’ & SOFFIT MATERIAL:** Use metal material for the faces of the critical brown wrapping forms, and all soffits of that wrap for consistency, especially at the visible, ground level soffits on Galer and Dexter, as shown on pg. 49. [DC4-A-1]
- 2) **DEXTER AVENUE FAÇADE DEPTH:** Seriously explore shifting the entire building mass slightly west, to gain more depth and interest at the critical Dexter frontage; the Board recommended 14 -20” total projection between the face of the ‘wraps’ and the adjacent wall surface. [DC2-C-1]
- 3) **DEXTER AVENUE VERTICAL ‘REVEAL’:** To improve the clarity and legibility of this important reveal: a) recess the red plane to be 24-36” from the adjacent stair plane; b) continue that red plane consistently from grade all the way to top of level 6; c) delete the chamfer between stair and corridor, and replace it with a 90-degree corner that may afford a linear sidelight into the stair; and d) paint the ground level exit door to match the reveal color (see pg. 49). [DC2-C-1]
- 4) **DEXTER AVENUE PLANTERS:** Step the metal planter edges (pg. 49) with grade, to be 8-14” maximum tall, and specify plant species to be layered in height up to the windows. [DC4-D-1]
- 5) **GALER STREET LOWER WALLS:** Provide a combination of art screens (similar to that shown on pg. 61) and green screens, on both sides of the garage opening, to provide pedestrian visual interest. Specify a garage door to be an attractive, artful mesh design, providing visual interest to pedestrians. [DC4-D-2]
- 6) **GALER STREET PLANTERS:** Reduce the height of all stepped planters along Galer to approximately 24” maximum at any location, and add design-integrated railings along the property line to assist pedestrians walking up that sloping sidewalk. Specify plant

species to be layered in height to help screen the blank wall along most of that street facing wall. [DC4-D-1]

- 7) **WEST LIGHT WELL PLANTER & LANDSCAPING:** Reduce linear stepped planter to be at grade, or provide staggered planters with 18" maximum curbs, and add vines or other vertical plants to mitigate the tall concrete wall. [DC3-B-1]
- 8) **SITE & BUILDING PERIMETER LIGHTING:** Provide 5 wall sconces along the north façade, near grade level, and provide all bollard, soffit and wall sconce lights shown on pg. 60. [PL2-B-2]
- 9) **CORNER LIGHTING & PRESENCE:** Provide interior perimeter lighting at the southeast corner glazing that is interconnected to the exterior lighting circuit. [PL2-B-2; DC4-C-1]

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

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

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

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

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

At the conclusion of the Recommendation meeting held on November 18, 2015, the Board recommended approval of the project with conditions.

Four members of the West Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project design results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure with the conditions summarized at the end of this Decision.

II. 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), and 23.34.009 (height limits).

Applicable portions of the rezone criteria are shown in 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 height designation best meets the provisions of the chapter.

The proposal is to modify the height designation only, from NC3-40 (40' height limit) to NC3-65 (65' height limit). There is no proposed change to the Neighborhood Commercial (NC3) zoning designation, so the zone function of the site is not included in this analysis.

- 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 evaluates 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 Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.***

The proposed rezone is not a shoreline environment redesignation and so the Comprehensive Plan Shoreline Policies 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, including the parcel proposed for rezone, is located outside the South Lake Union Urban Center, and is not within any other urban center or residential urban village. The provisions of this chapter that pertain to areas outside of urban centers and villages shall apply to the proposal.

- E. The procedures and criteria for shoreline environment re-designations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.***

The subject rezone is not a re-designation of a shoreline environment and so is not subject to Shoreline Area.

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

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.

<p><u>SMC 23.34.007 Conclusion:</u> The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.</p>

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 not located within an urban center or urban village; therefore these criteria are not applicable. The proposed rezone would increase the development capacity at this site, and the proposal includes 10 more residential units than would be possible under the existing NC3-40 zoning.

- 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.***

As noted earlier in response to SMC 23.34.007.A, there is no requested change to the NC3 zone designation. This criterion does not apply.

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

There is limited evidence of recent zoning changes for the subject site. The most recent zoning change to the site to NC3-40 was in 1994.

In April 1995 the parcels south of Galer Street were zoned Commercial 1, C1-65 feet, and rezoned by Ordinance 117434 to be within an Urban Village. In April 2013, ordinance 124172 rezoned the property south of Galer Street from SM-65 to SM-85, and rezoned the site south and east of the subject site to allow commercial uses up to 85 feet height, and residential heights up to 125 feet.

In 2007, the Commercial zones across the City were updated through ordinance 122311, which included the addition of a Pedestrian Overlay to the parcel north of this site (changing the zoning from NC3-40 to NC3P-40).

There are no City-initiated zoning changes currently proposed for this parcel or sites surrounding the subject property, or contemplated changes to the Urban Center boundary south of the subject site.

D. Neighborhood Plans

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

The applicable Queen Anne Neighborhood Plan (adopted March 15, 1999, ordinance 119403) can be found in the City of Seattle Comprehensive Plan Neighborhood Plans, section B-25.

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

The subject property falls outside any urban center or village, and is covered by the adopted, portions of the Queen Anne 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 Queen Anne Neighborhood Plan include one policy that appears to relate to future proposed rezones. However, this policy is for proposals to rezone property to L3 and L4 inside urban villages.

Community Design policy QA-P10: *“The special L3 and L4 locational criteria for the evaluation of rezones to the L3 and L4 designations inside of urban villages, shall not apply in the Upper Queen Anne Residential Urban Village.”*

The proposed rezone is not within an urban village, and does not include rezoning any property to an LR2 or LR3 zoning. Therefore, this policy doesn’t apply to the proposed rezone.

Other sections of the adopted Queen Anne Neighborhood Plan include policies for future development, related to design and zoning regulations:

Policy QA-P1: *“Seek to create and maintain attractive pedestrian-oriented streetscapes and enhance Queen Anne’s community character with open space, street trees, and other vegetation.”*

Policy QA-P3: *“Seek to maintain and establish quality design in the QA area. Through neighborhood design guidelines and design review, consider unique or particular local design characteristics, and include consideration of signage, adjacent public ROW’s, and historic boulevards.”*

Policy QA-P5: *“Encourage an attractive range of housing types and housing strategies to retain Queen Anne’s eclectic residential character and to assure that housing is available to a diverse population.”*

Policy QA-P22: *“Strive to provide trails and non-motorized linkages throughout and around Queen Anne.”*

The proposed development associated with the rezone request has completed the design review process, as described earlier in this document. Consistent with SMC 23.41, that process includes consideration of the pedestrian-oriented streetscape, open space, landscaping, design context and signage. This process is intended to meet similar goals as policies QA-P1, QA-P3, and the character of housing development in policy QA-P5.

The proposal is for affordable housing, which responds to policy QA-P5.

The proposal includes design strategies to enhance the pedestrian areas at both street frontages, as described in the design review section of this document. While there are no trails or new pedestrian connections at the site, the proposed streetscape design provides some response to policy QA-P22.

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

The Council-adopted portions of the Queen Anne neighborhood plan do not identify any specific areas for rezone.

SMC 23.34.008.D Summary:

While there appears to be one specific Land Use policy to guide rezones to LR2 and LR3 zoning in the Queen Anne neighborhood, the proposed rezone does not include rezoning property to that zone designation.

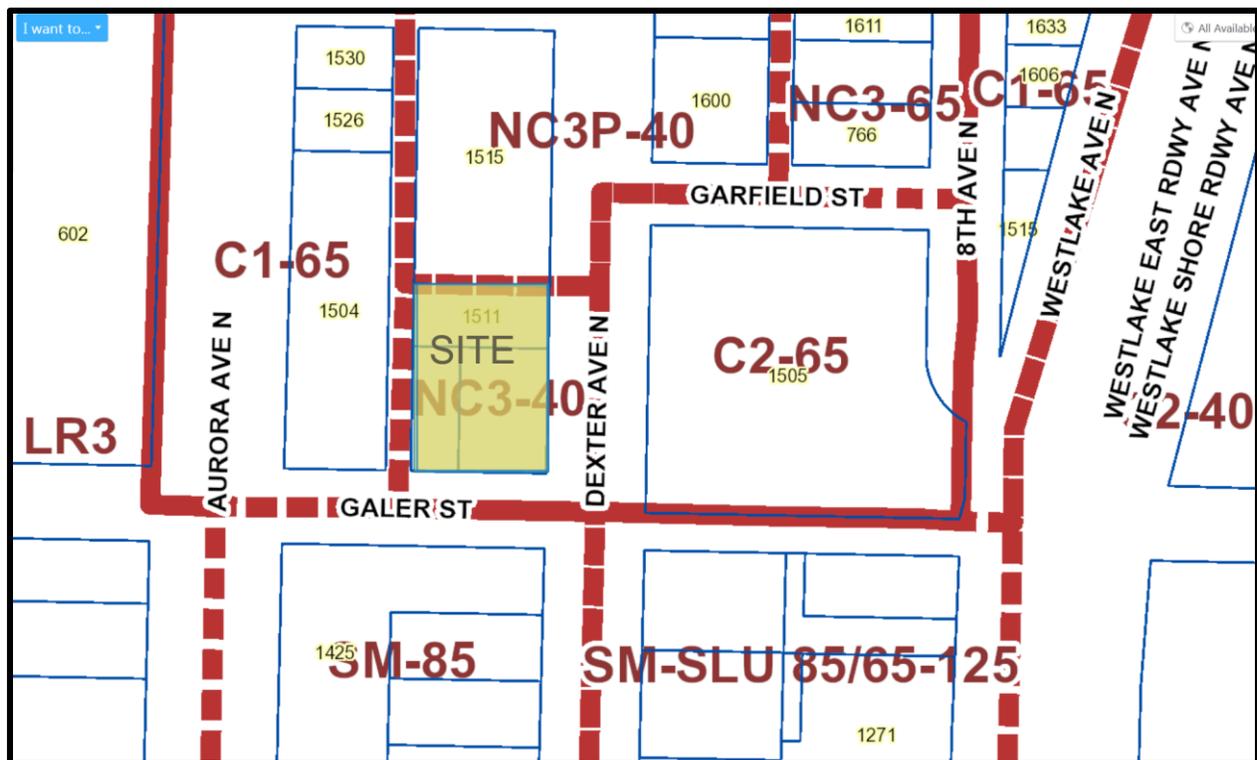
The proposed rezone and development are consistent with the adopted portions of the Queen Anne Neighborhood Plan, and will facilitate future development that will best accomplish the City’s planning objectives.

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 proposed rezone maintains the existing NC3 zoning designation and the existing transition between zoning designations. The proposal to increase the maximum height designation from 40 feet to 65 feet will change the transition between height limits at this site. This proposal adds 25 additional potential feet of building height. This increase will be analyzed relative to neighboring sites and zones (Subject “Site” and adjacent existing zoning shown below).

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The area slopes from west down to the east, toward Lake Union. The topography provides a transition between the commercially zoned corridors along Aurora, Dexter and Westlake Avenues, and the residential zoning west of Aurora Avenue N. The South Lake Union Urban Center boundary occurs down the center of Aurora Avenue and east along Galer Street, immediately south of subject site. North of Galer St, commercial zoning with a 65' height limit occurs on the west side of Aurora Ave N and the east side of Dexter Ave N, framing the subject site. A two-block node of NC3P-40 (40' height limit; Pedestrian overlay) occurs north of the subject site along Dexter Ave N. The NC3-40 and NC3P-40 zoning (40' height limit) is more common along Dexter Ave north of the Urban Center boundary.

From the intensive urban center to the south, moving to the north, there is a consistent pattern of commercial zoning along Dexter Ave N and stepping down height limits, from 85' south of Galer St, to 65' between Galer and Garfield Streets, to 40' further north along Dexter. The existing 40' height for the subject site is below the neighboring limits on three sides: east, south and west.

The proposed rezone would result in a zone edge of NC3-65 (65' height limit) adjacent to C2-65 (65' height limit) to properties to the east, across Dexter Ave N (78 feet wide).

The proposed rezone would result in a zone edge of NC3-65 (65' height limit) adjacent to SM-85 (85' height limit) to properties to the south, across Galer St (58 feet wide).

The proposed rezone would result in a zone edge of NC3-65 (65' height limit) adjacent to C1-65 (65' height limit) to properties to the west, across the alley (20 feet wide).

The proposed rezone would result in a zone edge of NC3-65 (65' height limit) adjacent to NC3P-40 (40' height limit) to properties to the north.

The resulting transition between zoned heights would provide a more gradual transition from properties to the south (85' height) to properties to the north (40'). Currently, there is no transition between those heights. The proposal would provide a 65' zoned height between the 85' zoned heights to the south and the 40' zoned heights to the north.

The proposal would result in the same zoned height as properties to the east and west.

Design review also considers height, bulk and scale transitions to lower adjacent zones and response to existing context. The proposed rezone includes a specific proposed development that has gone through the Design Review process consistent with SMC 23.41.

The design that has been recommended for approval by the Design Review Board includes design strategies to minimize the appearance of height, bulk, and scale, as described in the design review analysis portion of this document. The recommended design has a height of approximately 55 feet, below the proposed 65 foot zoning limit. The design also includes an upper floor setback on the south side (adjacent to Galer St), with a resulting south façade height of approximately 45 feet.

The north façade is proposed to be approximately 55 feet high and 3 feet from the north property line. The north façade includes windows, modulation, materials, and other design strategies to reduce the appearance of height, bulk, and scale. The adjacent property to the north is set back approximately 40 feet from this property line, with a surface parking lot between the property line and the 4-story office building on that site.

Summary: The proposed rezone includes an increase in height limit to 65'. The proposed design of the development, and the resulting transition between zoned heights in the area would be consistent with the criterion for "A *gradual transition between zoning categories, including height limits...*" as cited under 23.34.008.E.1.

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

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

The proposed rezone would result in a zone edge change at all four sides of the site as described in response to SMC 23.34.008.E.1. There are no natural features (a), block or street changes (c), or open space (d) buffers, but streets and alleys are located on three sides of the subject site.

The east edge of the subject property is adjacent to the 78' wide (right of way) minor arterial of Dexter Ave N. This street provides a physical buffer, although the proposed 65' height would be the same as the adjacent zoning of C2-65 to the east. A five story office building approximately 60' tall currently occupies the site on the east side of Dexter Ave N.

The south edge of the subject property is adjacent to the 58' wide right of way non-arterial at Galer St. This street provides a physical buffer, although the proposed 65' height would be 20' lower than the SM-85 allows on the block to the south. A five story residential building currently occupies the property on the south side of Galer St, opposite the subject site.

The west edge is separated from the subject property by a 20' wide alley, which provides a modest buffer. The property to the west is zoned C1-65 and is located upslope from the subject property. The structure on the property to the west is a 5 story residential building, above 2 levels of parking facing the alley. The Design Review process considered this adjacent residential use, and recommended a landscape design along the alley to enhance the buffer, and a building design intended to reduce the appearance of scale and mitigate the bulk through upper level setbacks. The specific proposed combination of design strategies is described in the Design Review section of this document.

The north edge of the subject property would create a zone edge with no physical buffer for a transition, other than a 3' building setback. As described in response to SMC 23.34.008.E.1, the adjacent property currently has a surface parking lot with a 4 story building on the north portion of the site, about 45' away from the proposed building at 1511 Dexter Ave N. The Design Review process recommended a design that is 55' tall, which is only 15' taller than the neighboring zone. The Design Review process considered the height bulk and scale transition to

the adjacent lower zone, and recommended a building design including windows, modulation, and other design strategies to reduce the appearance of height, bulk, and scale at the north façade. The specific proposed combination of design strategies is described in the Design Review section of this document.

Summary: The proposed rezone has street and alley buffers on three sides, although the proposed intensity is the same or less as the adjacent three zones. There is no physical buffer to the less intensive NC3P-40 zone to the north, however the recommended building height is only 15' higher than that adjacent zone allows, and the proposed design of the building is intended to reduce the appearance of height, bulk, and scale at this edge.

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.***

The proposed rezone would establish zoning boundaries with some physical buffers as described in response to 23.34.008.E.2 above. The rezone boundaries would coincide with existing platted lot lines.

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

The proposed rezone would maintain the pattern of commercially zoned properties facing each other across the street on which they are located. There are no residential zones adjacent to the subject 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.E.1 above, the proposed rezone is located outside of any urban village. The proposed height is for 65'.

The proposed rezone of 65' is consistent with the three existing buildings on the east, south and west sides, all of which are approximately 60-65' tall. The recommended building height of 55' is not largely out of scale with the 40' building located to the north. Thus the proposed height "would be consistent with the existing built character of the area." The site is also located just north of the boundary of the South Lake Union Urban Center, which is expected to have higher intensities and taller heights than urban villages.

The proposal is consistent with this criterion.

SMC 23.34.008.E Summary:

The proposed rezone would result in a zoning transition that is reflective of similar conditions along Dexter Ave N, both between existing 65' commercial zones, and north-south between zones of 85' and 40' height limits. The proposal would create a more gradual transition between 85' zoned heights (to the south) and 40' zoned heights (to the north), compared with the existing transition. The proposal would create a consistent zoned height with properties to the east and west (both 65').

There is some effective separation provided by adjacent streets/alley to the east, south and west. No physical buffer is present at the north edge.

The proposed rezone includes a specific proposed development that has gone through Design Review per SMC 23.41. The Design Review process recommended a design with specific strategies to reduce the impacts of additional height, bulk, and scale to the adjacent sites.

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 five floors of dwelling units. The total proposed development is 68 residential units, plus three street level live/work units fronting Dexter Ave N. The additional floor resulting from the proposed rezone would allow for 10 of the total residential units. The proposed development is for all units to be low-income housing.

b. Public services;

The proposed rezone and building would occupy a current parking lot with no structures or services. Though demand for public services will increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support transit and 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 rezone. With development in the future, noise will be limited to that typically generated by neighborhood commercial and residential activities.

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 25’ height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements.

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 Stormwater 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 mostly paved and has little storm water management. The proposed rezone would not create the potential for 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. The existing site includes a Grove of Trees (Exceptional Trees), which are proposed for removal and analyzed in the Design Review and SEPA portions of this document. The increase in zoned height does not affect the potential footprint of the building and therefore does not impact the existing vegetation. Additional vegetation is proposed to comply with Land Use Code requirements. The proposed vegetation exceeds the amount of existing vegetation to be removed, so habitat and natural features will be re-instated. 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. Non-reflective materials were part of the Design Review recommended building design, and west facing windows will be buffered by a consistent row of new, proposed trees.

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

Shadows – Potential development will create additional shadows. Design Review included consideration of shadow impacts from the proposal, and examined massing options to reasonably minimize shadow impacts, in particular on the Galer Street pedestrian path.

Energy – No noticeable change in impacts will result from a change in zoning. Development will be required to comply with the City of Seattle energy codes.

d. Pedestrian safety

The rezone and recommended building includes transparent and active uses on both street edges and generous pedestrian scaled lighting on all four sides. Pedestrian safety and quality will be better than the current condition. The proposed development includes public right of way improvements for pedestrian safety.

e. Manufacturing activity;

Not applicable; not permitted by the existing or proposed zoning.

f. Employment activity;

The existing and proposed zoning would both allow commercial uses at this site. The proposed zoning would allow slightly more and varied commercial uses, which could result in slightly more employment activity than the existing zoning.

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

There is a 700sf existing structure on the site, which is not landmark eligible. The nearest historic landmark is the Queen Anne High School at 3rd Ave N and Galer St, approximately 7 blocks west of the site. The site is not in a historic district.

h. Shoreline view, public access and recreation.

The proposed development and rezone are located a block and one half west of the Lake Union shoreline, and so will not directly impact shoreline public access or recreation.

Due to existing trees and vegetation on the west portion of the subject site and along Galer Street, there are limited views of Lake Union that are visible from ground level on Galer St or the uphill alley. Views of Lake Union are possible from the top of the pedestrian bridge over Aurora Ave that aligns with the Galer St public right of way. There are no nearby public parks with shoreline views across the subject property. There is a vegetated green belt on the west side of Aurora Ave flanking Galer St, but it is not public park, and any views to the east are blocked by existing buildings along Aurora on both sides of the Galer right of way.



For illustrative purposes only

The Land Use Code does not include criteria for protection of views from private property, but rezoning analysis requires consideration of view impacts from additional zoned heights. For the purpose of the Design Review site analysis, the applicant submitted a site cross section (#3015682 Recommendation booklet, dated 11/18/2015; pg. 42) showing private property views from the residential structure west of the alley that could be blocked by development built to current zoning (40'), and the private property views possibly blocked by the development proposed with the rezoning (55').

The proposed 55' structure might block windows for one level for one half the length of the adjacent residential building to the west. However, any possible views of the lake from those units are already blocked by the 65' existing building on the east side of Dexter Ave, east of the proposed building.

Design review considered the arrangement of rooftop features and the proposed top floor stepback along the south edge of the site, which impacts some uphill private views, and importantly the public views from the Galer St overpass. The Design Review Board recommended approval of a design that includes the top floor step back from the entire south face, 50' from the property line, to improve public views of the lake to the east as they use the overpass. This view is already impacted by the 65' office building to the east of the site, but the public view down the Galer right of way is enhanced with the proposed design.

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;***

The proposed development fronts on two streets: Dexter Ave N and Galer St. Dexter Ave N is an arterial. Galer St is a non-arterial street.

In response to criteria (c) –transit service, see the transportation section under SMC 23.34.008G below. In response to (a) (b) and (d), the street access, street capacity 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 proposed development 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 rezoning is not located within a shoreline environment so shoreline navigation is not applicable to this rezoning.

SMC 23.34.008.F Summary:

The proposed rezone will result in blockage of some views of Lake Union from private properties to the west, but will maintain public views of Lake Union from the Galer St public right of way and the Galer hill climb pedestrian overpass of Aurora Avenue.

All other impacts are anticipated to be relatively minor or not applicable.

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.

While this area is not inside of an urban village or urban center, it is adjacent to the boundary of an Urban Center, which is one of the areas of the City identified for the largest amount of growth.

Transportation: Since 1990, 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 within a Frequent Transit Overlay and the site is located in a Frequent Transit Overlay, and is well-served by transit lines. The nearest bus stop is on Dexter Ave N at Galer Street, immediately south of the subject site. This stop serves routes 62 (Sand Point to Green Lake to Downtown Seattle) with transit service approximately every 15 minutes between 6:54 am and 7:11pm on weekdays. In addition, the

Rapid Ride route E runs along Aurora Ave N, half a block west of the site; there is a stop at Galer St half a block west of the subject site. The stop serves routes 5, 26 and 28; route 5 runs from Shoreline to West Green Lake to Downtown Seattle, and has service approximately every 15 minutes between 6:08 am and 8:27 pm on weekdays.

Seattle Department of Transportation (SDOT), as part of *Bridging the Gap*, is making a number of improvements to the city transportation network. Some of these improvements are targeted to increase transit speed & reliability in the City of Seattle.

These transportation improvements are additional circumstances that have changed since the most recent zoning change for this area in 1986.

SMC 23.34.008.G Summary:

The proposed rezone responds to changed circumstances for this area, including the increased development capacity in the adjacent Urban Center and the increased transit mobility due to the location in a frequent transit overlay.

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

The site is not located in an Urban Center or Residential Urban Village Overlay. The boundary of the South Lake Union Urban Center is at Galer Street, adjoining the south edge of this site.

The site is located in a Frequent Transit Overlay, with transit service as described in response to SMC 23.34.008.G. Frequent Transit areas have reduced parking requirements, in anticipation of higher rates of transit and non-motorized transportation. The proposed development includes 39 parking spaces for 45 apartments, which reflects less than a 1:1 parking to residential unit ratio.

The site is not located in any of the following Overlay Districts defined in the Land Use Code:

- Pedestrian Overlay SMC (23.47A)
- Shoreline SMC (23.60A)
- Station Area Overlay SMC (23.61)
- Airport Height Overlay District (SMC 23.64)
- Special Review Districts SMC (23.66)
- Southeast Seattle Reinvestment Area (SMC 23.67)
- Major Institution Overlay (SMC 23.71)
- Northgate Overlay (SMC 23.71)
- Sand Point Overlay (SMC 23.72)
- Pike Pine Conservation Overlay District (SMC 23.73)
- Stadium Transition Area Overlay District (SMC 23.74)

SMC 23.34.008.H Summary:

The proposed rezone and development is consistent with the purpose of applicable overlays at this site.

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.

A Potential Slide Environmentally Critical Area is located over the entire site. The site is mapped with a Steep Slope Environmentally Critical Area, but a Limited Exemption for this ECA was granted under permit application #6371977. The SEPA analysis section of this document includes analysis of impacts to the Environmentally Critical Area. No significant impacts to the Environmentally Critical Area are anticipated.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:

- 1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or***
- 2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned***

The proposal is not located in a zone with an incentive zoning suffix, therefore this criterion does not apply.

SMC 23.34.008 Conclusion: The proposed rezone will result in a zoning pattern that reflects the zoning and height transitions along Dexter Ave N.

The proposed development has been reviewed through Design Review, including strategies to reduce bulk and scale, and ease the transition to less intensive adjacent zones. The proposed development could result in some blocked views of Lake Union from nearby private property, but will maximize public views of Lake Union from Galer St.

The proposed rezone meets all other 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:

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

The proposed rezone retains the Neighborhood Commercial (NC) zoning designation, and would allow an additional 25' height to 65' maximum (NC3-65). The proposed development associated with the rezone would be 55' high, and stepback the upper floor 50' deep along the south edge,

resulting in a 45' height on the south façade at Galer St. The proposal has gone through Design Review which included consideration of the scale of the development.

The existing zoning allows a combination of multi-family and limited commercial uses. The proposed rezone would increase the capacity for multi-family residential, and retain the same possible mix of uses as the existing zoning. There is no potential to displace preferred uses.

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

Generally, the surrounding neighborhood slopes from west down to east, towards Lake Union. The subject property includes a 24 foot drop in topography from the west property line at the alley down to the east property line at Dexter Ave N. The proposed rezone would result in a 25' higher zoned height than would be possible on the subject property under existing zoning, but would be the same as the existing 65' heights allowed by zoning to the east and west of the subject site. The proposed rezone would be consistent with the existing nearby zoning transitions along the Dexter Ave N corridor, as described in response to SMC 23.34.008.E.1.

Due to existing development and vegetation, there are no public views of Lake Union, the Olympic Mountains, or the Space Needle that are visible to pedestrians standing on Aurora Avenue N or at the alley west of the site. Due to existing vegetation along the Galer St right of way, west of Dexter Ave, pedestrian views of Lake Union from Galer St (which ends at the alley) are limited. The proposed rezone height would not impact these pedestrian level public views. There are no nearby public parks with views to Lake Union, the Olympic Mountains, or the Space Needle across the subject property.

Design Review considered the arrangement of rooftop features and the proposed top floor stepback along the south edge of the site, which improves some uphill private views, and more importantly public views from the Galer St overpass. The Design Review Board recommended approval of a design that includes the top floor step back from the entire south face, 50' from the property line, to improve public views of the lake to the east as they use the overpass. This view is already impacted by the 65' office building to the east of the site, but the public view down the Galer right of way is enhanced by this stepback.

The Land Use Code does not include criteria for protection of views from private property, however, the likelihood of view blockage needs to be considered with changes to zoned height limits. For the purpose of Design Review, the applicant submitted a site section (#3015682 Recommendation booklet, dated 11/18/2015; pg. 42) showing private property views that could be blocked by development built to current zoning and the private property views blocked by development proposed with the rezone. The only private views possibly impacted by the proposed rezone are from the lower floors of the southern half of the 65' tall residential building located uphill and to the west (the Cityscape Condominiums). These same views are already impacted by the existing 65' tall building located on the east side of Dexter Ave N.

The lowest residential level (1) of the Cityscape Condominium building to the west is elevated 20' above the existing alley grade, with 5 levels of units above facing east. Due to the consistent parapet of the existing 65' tall building on the east side of Dexter Ave N (West Lake Union Center), only levels 2-5 of Cityscape Condominium have possible views of Lake Union or

mountains beyond. Due to existing grade changes and buildings, the proposed rezone height of 65' would impact only Cityscape Condominium level 2 private views, but as described under the response to SMC 23.34.008.E.1, the Design Review recommended height of 55' allows the Cityscape level 2 views to be the same as they are now.

Comparing the proposed development height of 55' to the existing 40' zoned height, there are possible, limited angled views to the east down the Galer St right of way, from approximately the 2 southern units on level 1 of Cityscape Condominium. The Design Review process recommended the top floor stepback along Galer St to enhance public views from the Galer St pedestrian overpass. This stepback results in a 45' height along Galer St, which could also benefit the angled private views from a few units of Cityscape Condominium, nearly matching the views that would result from a development built to the currently zoned height of 40'.

C. Height and Scale of the Area.

- 1. The height limits established by current zoning in the area shall be given consideration.***
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.***

The existing zoning at this site is NC3-40. The proposed zoning is NC3-65.

NC3-40 allows buildings up to 40' tall. **NC3-65** zoning allows buildings up to 65' tall.

In 40-foot NC zones, an additional 4 feet of building height may be obtained through the requirements in SMC 23.47A.012.A, including provision of 13' floor to floor non-residential uses at the street level. The proposed development incorporates this provision for the three proposed live/work units (a commercial use designation). Other rooftop features are permitted above the 65' height limit per SMC 23.47A.012.C, including mechanical equipment and stair/elevator penthouses such as the ones proposed with this development. Zoning review for compliance with all building height provisions in SMC 23.47A.012 was conducted for this proposal.

The current zoned height limit at this site is 40'. Nearby zones on three sides of the subject site include height limits of 65' and 85', and the adjacent property on the fourth side to the north has a 40' height limit. Existing zoning along Dexter Ave N just to the northeast of the subject site has a height transition from 65' to 40' (C2-65 to NC3P-40, south to north).

The proposed rezone includes a specific proposed development that has gone through the Design Review process consistent with SMC 23.41. The design that has been recommended for approval by the Design Review Board has a height of approximately 55 feet, below the proposed 65' zoning limit. The design also includes an upper floor stepback on the south side, along all of Galer St, with a south facade height of 45 feet. The design has typical, small floor area rooftop features such as an elevator and stair overrun, which is kept to a maximum height of approximately 67'; per Land Use Code zoned 65' height limits, they could be as high as 80'.

The proposed development would be consistent with the predominant height and scale of nearby newer development. Early to mid-20th century development in the area tends to be 2-4 stories

tall (20'-45' estimated range). Later 20th century and recent development tends to be 5-8 stories tall (50'-85' estimated range). The older 2-4 story development is not representative of the development potential for zoning in this area. The 5 story multi-family residential buildings are closer in height to the area's overall development potential. There are several examples of both types of development in the blocks immediately north and south of the subject property.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.***
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2, are present.***

The subject property is not in or near a Major Institution. The proposed 65' height is the same or less than the existing zoned height and the existing building heights of 65' on three sides: east, south and west.

The pattern of zoning transitions is described in response to SMC 23.34.008.E.1. A zone allowing 65' heights is commonly found adjacent to the boundary of urban centers, where density is concentrated. The adjacent urban center zoning allows 85' height. Design Review recommended development with a 55' height, a 3'8" setback at the north edge, and a 30' landscaped setback along the west alley. A 20' alley is located at the west edge, a public right of way (Galer St) at the south edge, and a 78' wide arterial (Dexter Ave N) is located at the east edge.

The proposed rezone would be consistent with the transition of zoned heights and scale of existing development in the area.

E. Neighborhood Plans

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.***
- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.***

As described in response to SMC 23.34.008.D above, portions of the Queen Anne Neighborhood Plan were adopted by City Council and are included in the Seattle Comprehensive Plan. In the adopted neighborhood plan policies, there are none that require or explicitly address heights.

The proposed development has been designed to maximize public views from Galer St. The proposed development has gone through the Design Review process, which considered aspects of scale and context in the design recommendation.

SMC 23.34.009 Conclusion: The additional increased height that would result in a change of zoning from NC3-40 to NC3-65 would meet the criteria of SMC Section 23.34.009, as described above. Some views from private property would be partially blocked by the additional building height resulting from the 65 rezone. The Design Review recommended design has a 55' height, lower than NC3-65 zoning would allow, and therefore the views from private property would be only marginally affected.

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 Neighborhood Commercial 3-40 to Neighborhood Commercial 3-65 be **APPROVED**.

I. ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the updated environmental checklist submitted by the applicant and dated June 25, 2015. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The Seattle Department of Construction and Inspections (Seattle DCI) has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file. 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.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08)

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from

construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of: 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise, Midrise, High-rise, Residential-Commercial and Neighborhood Commercial zones (the subject site is zoned Neighborhood Commercial, NC).

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

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for

Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Earth/Soils

The site is mapped with a Potential Slide Environmentally Critical Area.

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Engineering Study, Geotech Consultants, 6/24/15). The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Environmental Health

The applicant submitted studies regarding existing contamination on site: "*Phase II Environmental Site Assessment (ESA) for the site was submitted by G-Logics, dated January 27, 2010*". This study identified potential areas of contamination exist on site at depths that might be excavated during the proposed project development. If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of 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 acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist and the *Phase II report*, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

The proposed strategies and compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. A SEPA condition at the end of this document, therefore requires the applicant to demonstrate that the Washington State Department of Ecology (Ecology) has accepted an application for the site into the Voluntary Cleanup Program, or to provide to Ecology a remediation plan prepared by a qualified professional, prior to any excavation. No further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the

Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, height bulk and scale, parking, traffic, plants and animals, and public views warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F.

Height, Bulk, and Scale

The development recommended by Design Review under the proposed rezone would result in an additional 15 feet of building height. This could result in additional shadowing to adjacent properties, and reduced light and air.

The Land Use Code includes setback requirements for commercial and mixed-use development adjacent to existing residential zones, intended to address some of the height, bulk, and scale impacts of new development.

The proposal has gone through the design review process described in SMC 23.41. 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 height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for a new project proposed on the site. No further mitigation is warranted pursuant to SMC 25.05.675.G.

Parking

The proposed development includes 68 residential units with 30 off-street vehicular parking spaces, 14 within the structure and 16 spaces perpendicular off the alley. Peak residential demand typically occurs overnight.

In terms of replacement for the existing 25 surface spaces, the parking analysis (Gibson Traffic Consultants, Correction Notice #1 Response Memo, dated 2/29/16) indicates there are

approximately 30 available parking spaces on-street or in lots within 1,000 feet of the proposed development. The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Traffic

The applicant submitted a Traffic Memo (dated 2/29/16, by Gibson Traffic Consultants, Inc.) with traffic impact analysis. The project includes 30 parking spaces. 14 within the structure and 16 spaces perpendicular off the alley. The existing site has a 25 space commercial parking lot, which would be 100% demolished with the new construction.

The traffic analysis indicated that the proposed use is expected to generate 21 AM peak hour trips, and 28 PM peak hour trips; this is similar to the existing surface parking lot and the adjacent street network can accommodate that traffic.

The traffic analysis and parking analysis were reviewed by the DCI Transportation Planner, who determined that no additional mitigation is warranted per SMC 25.05.675.R.

Plants and Animals

Some mature vegetation is located on the west third of the site, including an Exceptional Tree Grove located over the west portion of the site. This entire grove is proposed for removal, and would be replaced by 9 new trees and various understory shrubs and plantings along the west alley edge. These plants would recreate some of the buffering provided by the current tree grove, and provide animal habitat. This vegetation is a principal component of a Landscape Revegetation Plan, along with additional on-site landscaping, 8 new street trees and planters in the right of way.

Removal of the Exceptional Tree Grove as related to the proposed design is discussed in the Design Review section earlier in this analysis. The Design Review Board recommended that the proposed building and landscape design meets the Design Review Guidelines better than a design that retains the existing exceptional tree grove.

The Landscape Revegetation Plan for the site was reviewed by DCI staff and includes the proposal for new trees that will replace and exceed the canopy of the existing tree grove at maturity, in addition to street trees added in the public rights of way adjacent to the site. No mitigation beyond the Code-required landscaping is warranted pursuant to SMC 25.05.675.N.

Public Views

The length of Dexter Avenue N is listed as a SEPA Scenic Route, with public views to Lake Union. SMC 25.05.675.P lists policies to protect public views. Public views adjacent to this site include intermittent pedestrian level views of Lake Union from the sidewalks along Dexter Ave N, but the subject site is west of Dexter Avenue and will not block any public views from Dexter Ave.

Limited public views of Lake Union are visible from the Galer St public right of way, and the top of the Galer St pedestrian bridge over Aurora Ave. The top floor of the proposed development is therefore set back from the south property line, in order to maximize the public views of Lake Union. No further mitigation is warranted pursuant to SMC 25.05.675.P.

DECISION - SEPA

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

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

RECOMMENDED CONDITIONS – Design Review

For the Life of the Project

1. 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 (Garry Papers; garry.papers@seattle.gov or (206) 684-0916).

RECOMMENDED CONDITIONS – REZONE

None.

RECOMMENDED CONDITIONS - SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.
3. The applicant shall provide Seattle DCI with evidence that the site has been accepted into the Voluntary Cleanup Program of the Washington State Department of Ecology, or a Remediation Plan prepared by a qualified professional, demonstrating that contamination will be remediated consistent with the Model Toxics Control Act.

Garry Papers, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 14, 2016

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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