City of Seattle
Edward B. Murray, Mayor

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

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

Application Number:	3016024
Applicant Name:	Maria Barrientos
Address of Proposal:	2203 Eastlake Avenue East
Council File:	314127

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a parcel of land from NC1P-30' and LR2-RC to NC2P-40' (CF #314127). Project includes construction of a 5-story structure containing 45 residential units and 3,423 sq. ft. of commercial space at ground level. Parking for 39 vehicles to be provided below grade. Existing structures to be demolished.

The following Master Use Permit components are required:

Rezone - To rezone from NC1P-30 and LR2 RC to NC2P-40 (Seattle Municipal Code 23.34)

Design Review with Departures (Seattle Municipal Code 23.41)

Development Standard Departure to reduce the floor to floor height requirement for non-residential uses at street level. (SMC 23.47A.012.A)

Development Standard Departure to allow a setback less than 15' from the abutting residential zone at the intersection of a front and side property line (SMC 23.47A.014.B.1)

Development Standard Departure to allow setback less than 15' for portions of the structure greater than 13 feet in height. (SMC 23.47A.014.B.3)

Development Standard Departure to allow windows and openings within 5' of a residentially zoned lot (SMC 23.47A.014.B.5)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

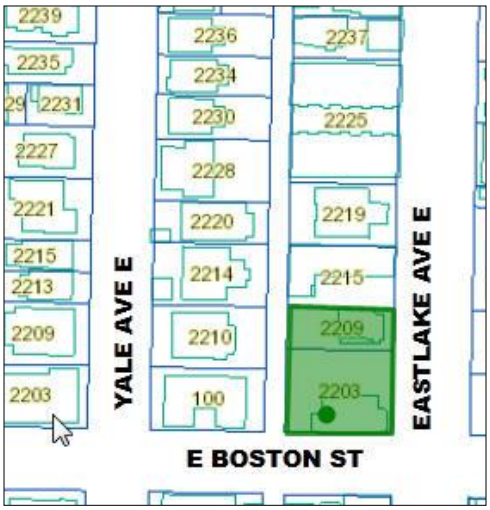
SEPA DETERMINATION:

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:	Split zoned Neighborhood Commercial One (NC1-P30) and Lowrise Two (LR2 RC)
Nearby Zones:	North: LR2 RC South: NC1P-30 East: NC1P-30 West: LR3
Lot Area:	12,296 sq. ft.
Current Development:	Retail store and office building.

<u>Surrounding Development and Neighborhood Character</u>

The subject site is located on the northwest corner of Eastlake Avenue E and E Boston Street. The subject lot is currently split zoned Neighborhood Commercial One with a Pedestrian Overlay (NC1P-30) and Lowrise Two multifamily with a Residential Commercial Overlay (LR2 RC). Lots to the south and east are zoned NC1P-30. Lots to the north are zoned LR2 RC. Lots to the west, across the alley are zoned Lowrise Three (LR3). The site contains two parcels with two existing commercial buildings. The site contains an approximately 10 foot grade change from the east to the west property line. The west lot line, along the alley, is the low point of the site. To the north is a two story motel. To the south is a one story restaurant and to the east is an office building and a multistory residential structure. To the west across the alley is a multifamily structure.

This neighborhood, located within the Eastlake Residential Urban Village, includes multifamily housing, community services, restaurants and shopping. Eastlake Avenue E contains a number of multi-story multifamily mixed use structures and one story commercial structures. To the west, three blocks, is Lake Union. Two blocks to the east is Interstate 5. Uses along Eastlake Avenue Street are varied and include single family homes, multifamily apartment buildings, multi-story mixed used building and commercial structures. Zoning along Eastlake Avenue E is primarily Neighborhood Commercial with heights ranging from 30-40 feet. Pockets of Lowrise multifamily zoning are also located on Eastlake Avenue E particularly south of the Eastlake Avenue E and E Boston Street intersection. Zoning is almost entirely multifamily one half block to the east and west of the Eastlake corridor. The majority of buildings are between one and two stories with a few three and four story structures. Within walking distance from the site, services include a restaurants, grocery stores, shopping, and parks. Natural amenities in the area include Lake Union.

Eastlake Avenue E is a major Metro bus corridor providing service from Downtown Seattle to many districts north of Lake Union. Eastlake Avenue E provides connections to the Burke Gilman Trail. Eastlake Avenue E is designated as a principal arterial street.

An Exceptional Tree was identified near the north property line. A Steep Slope Environmentally Critical Area is located on the west portion of the site. A Limited Exemption for this ECA was granted under permit application #6378644.

Public Comments

Three public comment periods, one notice of a public comment meeting, and seven notices of Design Review meetings were published. The last public comment period ended on April 8, 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, views, and density. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: May 14, 2014
DESIGN PRESENTATION

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number (3016024) at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The EDG packet is also available to view in the project file (project number 3016024), by contacting the Public Resource Center at DPD:

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

Email: PRC@seattle.gov

PUBLIC COMMENT

The following comments, issues and concerns were raised during the public comment portion of the Early Design Guidance meeting:

- Would like to see the height of the structure reduced to maintain existing views.
- Would like to see the retail spaces located partially below grade to reduce the overall structure height.
- Felt an upper level setback should be provided on the south façade at the 3rd floor level to preserve views adjacent to the right-of-way.
- Noted the building would benefit from an additional ground level setback on the south facade, adjacent to the sidewalk to provide additional landscaping.
- Felt proposal is out of scale with the existing structures.
- Concerned building will reduce available sunlight on Eastlake Ave E.
- Felt proposal should contribute to the historic character of the neighborhood by providing thoughtful streetscape, planting, signs, and lighting.
- Preferred high-quality materials used throughout the building.
- Preferred massing Scheme One which is a story lower.
- Would like to see landscaping maximized at ground level.
- Would like to see a more traditional building and material application respectful of the surrounding neighborhood.

SECOND EARLY DESIGN GUIDANCE MEETING: July 23, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp
or contacting the Public Resource Center at DPD:

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Seattle, WA 98124
Email: PRC@seattle.gov

PUBLIC COMMENTS

Several members of the public were in attendance at the Second Early Design guidance meeting held on July 23, 2014. The following comments, issues and concerns were raised:

- Felt the maximum allowed building height should be measured from the low point of the site to the top of the stair and elevator penthouse.
- Would like to see the courtyard designed to be open and inviting.
- Felt a third massing option which maintains both the tree and courtyard should be provided.
- Felt the tree massing option can incorporate an appropriate corner treatment.
- Expressed concern about the reduced north setback, noting the smaller setback would impact light and air to adjacent properties.
- Expressed concern regarding the height and bulk of a four story façade on Eastlake Ave E.

FINAL RECOMMENDATION MEETING: APRIL 8, 2015

The packet includes materials presented at the Recommendation meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp
or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
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Seattle, WA 98124
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DESIGN DEVELOPMENT

The applicant noted that the proposed development design is focused on providing large windows and curated retail spaces to complement the Eastlake neighborhood.

There is an Exceptional Tree on site near the alley, which is currently growing in a structure. The applicant noted that the project arborist evaluated the tree and found that due to the existing conditions, the tree would be unlikely to survive adjacent development. The applicant showed graphics demonstrating the impacts tree retention would have on the proposed development, and explained that the proposal is to remove the tree in favor of providing better landscaped usable open space on the site.

The applicant summarized changes to the design in response to the Second EDG meeting and DPD staff input, including modified setbacks and departure request for the north façade, extending the building near the northeast corner to create a strong street wall, with an upper level setback of 3'3" above the base. A 5'3" upper level setback was shown at the Boston St (south) façade, to preserve public views toward Lake Union to the west. The alley façade would also be setback 8'3" above the base. The applicant explained that landscaping and paving will be designed to provide public seating opportunities in the plaza and street edges, with layered landscaping at the south edge and adjacent to the alley residential units. The Boston St façade was shown with a cable rail system for climbing vines.

The applicant noted that the intent of the proposed design concept is to create a heavy masonry base with a lighter top, in response to similar nearby context. Dark bronze metal accents would be used at windows and balcony railings. The intent of the signage and lighting plans express minimalism and integration with the building design. In response to Board questions, the applicant further clarified that the north façade treatment would possibly include green screens with climbing vines, or art.

Two of the departures were clarified at the meeting. The floor to floor height was requested to be 12'3" in order to have commercial spaces with entries at the same grade as the sidewalk. The departures for setbacks were in response to the increased setbacks at the south, west, and northwest edges and the Board's request to hold the street edge at Eastlake Ave E.

PUBLIC COMMENTS

Several members of the public were in attendance at the Final Recommendation Meeting held on April 8, 2015. The following comments, issues and concerns were raised:

- The analysis of the context in the presentation should have focused on the subject property block rather than sites further north and south on Eastlake Ave E. The immediate context is lower height buildings.
- The proposed development should be designed with minimal or no structures on the roof, similar to nearby context.
- The proposed development massing should step down on all sides, in response to the lower height buildings and the change in topography to the west.
- The public notice of the meeting location was confusing.
- Concerned about traffic and vehicular circulation in the alley.
- The entry ramp in the southeast plaza should be lower or flat to make the plaza more usable.
- The departure to reduce the floor to floor height for the commercial spaces should not be granted in order to make the commercial spaces more viable for future uses.
- Concerned with the review process that requires design review meetings in advance of a rezone decision.
- Any commercial parking provided in the garage should have proper signage and easy circulation.
- The overhead pedestrian weather protection should be deeper than 3'.
- The overall development is too large for the neighborhood.

The DPD Planner also summarized public comment that related to design review, and was received by DPD prior to the Recommendation meeting:

- The building should be designed to transition to lower nearby buildings and zones (CS3 and DC2)
- The proposed design should be designed using the examples in Guideline CS2 to:
    - Reduce height, bulk, and scale
    - Maintain light and air to nearby buildings and streets
    - Preserve public views from adjacent streets to Lake Union
    - Step down to the west, with the topography
- Rooftop stair towers should be oriented east-west to maximize views across the site and minimize appearance of building height
- Support for the proposal's increased retail along Eastlake
- Support for the proposal's positive impact on pedestrian activity
- Support for the overall design
- Support for the removal of existing curb cuts that impact pedestrians and bicyclists
- Development along Eastlake should focus on the streetscape as a hub of the neighborhood, rather than a corridor
- Support for the proposed southeast corner plaza

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project.

EARLY DESIGN GUIDANCE May 21, 2014

1. **Massing. The Board felt Massing Option 3 should move forward to MUP submittal with the following guidance:**
    a) The Board preferred Massing Option 3 which locates the central entry courtyard at the corner of Eastlake Avenue E and Boston Street. The Board agreed the corner courtyard promotes pedestrian activity, provides a gateway to the community, and sets a precedent for a more open intersection (CS2-C, PL1-A2, PL3-A2).
    b) The Board noted Massing Option 3 was preferable with commercial uses on each street and live work uses wrapping onto the alley. At the Recommendation Meeting, the Board requested vignettes of each façade to show how the commercial spaces relate to the pedestrian experience (CS2-B2, PL3-B3).

2. **Eastlake Avenue. The preferred massing proposal includes commercial space at ground level with residential units above.**
    a) The Board provided guidance to maintain a strong street wall along Eastlake Ave E to the north property line in the area of the required setback (CS3-A).
    b) The Board also noted they were amenable to additional departure requests along the north setback. The Board felt the structure adjacent to Eastlake Avenue E should be located adjacent to the north property line. The Board provided guidance that further reduction in the north setback should facilitate a generous south setback to provide a

larger courtyard space and landscape buffer along the south street property line (CS2).

c) The Board encouraged the applicant to consider an optional second EDG meeting to resolve any proposed changes to the massing location along the north and south property lines (CS2).

d) The Board provided guidance stating the ground level street façade must maintain a strong street edge, but that the upper levels should be setback. The Board felt the provided setback should provide relief from the large façade on Eastlake Ave E. The Board did not state a setback requirement but thought an investigation of successful upper level setbacks in the neighborhood could inform an appropriate setback (CS2-D4 and D5).

e) The Board felt the applicant should investigate use of the setback as a private amenity feature for residents (CS2-B).

3. **Entry Courtyard. The preferred massing option locates a common entry courtyard at the corner intersection.**
   a) The Board felt the courtyard provides the opportunity for the building to transition from the commercial Eastlake façade to the quieter more residential Boston street. At the Recommendation Meeting, the Board requested information on the design of the courtyard to create a quality open space activated by spillover of commercial uses and resident's path of travel (PL1, PL3).
   b) The Board noted the applicant should study existing neighborhood developments such as the Cloe and Eastlake lofts for examples of successful activation of space (PL3).

4. **Boston Street. The preferred massing option locates live work units at the ground level with residential units above.**
   a) The Board noted the south façade needed a more successful transition to the residential neighborhood. The Board felt this transition could be achieved in a variety of ways, but felt the applicant should investigate an upper level setback above the live work units. Board provided an example of a two story live work base with a setback above as potential solution (CS2-D).
   b) The Board noted the live work entry off Boston was important to break the up the ground level massing while providing additional opportunities to incorporate landscaping. At the Recommendation Meeting, the Board requested vignettes of the pedestrian experience and the live work entry treatment (PL3-B).

5. **Roof. The Board noted the overall grade transition down to Lake Union will provide views onto the roof surface.**
   1. The Board felt the roof should be developed as a 5th façade. The Board noted that the addition of the green roof would help add visual interest to the roof plane (CS2)
   2. At Recommendation, the Board would like to see additional detail on the development of the roof as a common amenity space maximizing the existing views to the lake (CS2-B).

6. **Material and Architectural Context. The Board felt the architectural and material concept should be informed by existing building context.**
   a) The Board felt the proposed building should incorporate material cues, such as brick, to reference the existing context (CS3-A4, DC4-A).

b) The Board noted the application should include durable long lasting materials at the base. The Board requested complete material demonstration at the Recommendation Meeting (CS3-A-4, DC4-A).
c) The Board would like to see the architectural concept evolve to include large windows (DC2).
d) At the Recommendation Meeting, the Board requested street level vignettes demonstrating the material application on Eastlake Ave E and Boston Street facades (DC4).

SECOND EARLY DESIGN GUIDANCE: July 23, 2014

A second EDG meeting was held to determine whether the exceptional tree should be maintained on site with a revised massing alternative.

At the Second Early Design Guidance meeting, the Board discussed the response to the EDG and offered the following recommendations for the proposal to meet the applicable Design Review Guidelines identified at the EDG meeting.

1. **Massing. The Board unanimously preferred massing scheme 1 which maintains an open entry courtyard at the intersection of E Boston Street and Eastlake Ave E.**
   a) The Board felt the courtyard massing option provides a more substantial public benefit than maintaining an Exceptional Tree that cannot be seen from either right-of-way (CS2-A, CS2-B, CS2-C).
   b) The Board agreed the preferred massing option provided the better design solution by incorporating a more generous setback at ground level along E Boston Street and the alley. The Board felt the additional setback space should be treated to provide a visual amenity to passing pedestrians (PL1-A).
   c) The Board was pleased with the upper level setbacks provided on floors 2-4 adjacent to the right-of-way. The Board agreed the revised street facade massing provided an appropriate response to the First Early Design Guidance provided (CS2-D).
   d) At the Recommendation Meeting the Board would like to see rendering and perspectives taken from each side of the building (CS2-D).

2. **Courtyard. At the Recommendation Meeting, the Board would like to see a fully designed courtyard space with hardscape material, landscape plantings, materials, lighting and signage identified.**
   a) The Board felt the entry courtyard should include a substantial tree canopy to soften the hard edge of the building and provide human scale (PL1-A, PL3-A, DC4-D).
   b) The Board agreed the example courtyard imagery provided within the 2nd Early Design Guidance packet suggested a positive direction for the courtyard treatment (PL1-A, PL3-A).
   c) The Board did not fully understand the use and design of the trellis within the courtyard area. If the trellis is maintained moving forward the Board would like to see more detail on the materials and landscaping proposed. The Board was particularly concerned with how the trellis will look in winter (DC4-D1).
   d) The Board noted the context has a small neighbor character. The Board would like to see the courtyard space developed with a sense of intimacy (PL1-A, PL3-A0, DC4-D).

3. **Live Work Unit Along the Alley. The Board supported living spaces along the alley with entrances to live work and residential units.**
    a) The Board noted the applicant should explore how the live work entry on the alley will function if the space is ever converted to a residential use. The Board felt the entry should be visible but also maintain a sense of privacy (PL3-A).
    b) The Board expressed support for slightly elevated terraces along the alley to provide a sense of separation between the alley and the residential uses (PL2-B).

4. **E Boston Street. The Board discussed the substantial grade change on E Boston Street and noted the live work unit is two stories. The Board felt additional efforts were necessary to define the relationship between the live work unit and the adjacent sidewalk.**
    a) The Board provided guidance to explore how the building, live work floor levels, and fenestration meet the adjacent sidewalk grade. At the Recommendation Meeting, the Board would like to see how the live work unit is designed to create a comfortable transition between the unit, sidewalk, and the alley (PL3-B).
    b) At the Recommendation Meeting, the Board would like to see a detailed landscape plan which provides a multilayered landscape buffer within the setback space provided on E Boston Street (DC4-D).

5. **Architectural Concept. The Board supported the modern, highly transparency architectural and material concept presented with the 2nd Early Design Guidance Packet.**
    a) The Board felt the architectural and material concept should be informed by existing building context. The Board did note they support the use of masonry at ground level (CS3-A4, DC4-A).
    b) The Board noted the level of transparency and size balconies presented within the 2nd Early Design Guidance packet created a handsome building that should be maintained as the design progresses (DC4-A).

FINAL RECOMMENDATIONS: APRIL 8, 2015

1. **Height, Bulk, and Scale. The Board discussed the design response to the nearby context, including the adjacent block and the context of the Eastlake neighborhood beyond that block, based on images in the packet and the Board's experience visiting the site and neighborhood.**
    a) The Board noted that the question of building massing and related analysis had been previously addressed in the Early Design Guidance meetings, and the design is consistent with the Board's guidance on massing. (CS2-D, DC2-A)
    b) The setbacks as shown for the upper building levels help to ease the massing transition to adjacent development and address the change in topography from east to west. (CS1-C, CS2-D)
    c) The Board acknowledged that the sloped topographical conditions of the Eastlake neighborhood can be challenging, but the proposed setback at the alley creates a sufficient transition to the west. (CS1-C, CS2-D, DC2-A)
    d) The Board agreed that the upper level balconies were designed to provide visual interest without adding additional bulk to the building. (CS2-D)

2. **Exceptional Tree.** The Board felt the design with the southeast courtyard and related landscape plan provided a more substantial public benefit than maintaining the Exceptional Tree. As the Board noted in the Second Recommendation meeting, the tree can only be seen from the alley, but the street facing courtyard will have open space available for public use (CS2-A, CS2-B, CS2-C, DC4-D)

3. **Materials. The Board recommended approval of the materials palette, which provides a quiet façade, elegant overall composition, and expresses the architectural concept.** (CS2-C, CS3-A, DC2-B, DC4-A)

4. **Courtyard. The proposed southeast courtyard is designed to clearly identify the primary building entry and provide usable open space adjacent to the street.**
   a) The Board recommended approval of the courtyard design, with the ramp to provide direct access to the residential entry. The ramp serves to delineate the potential outdoor seating area from the entry route. (PL3-A)
   b) The Board recommended approval of the courtyard design, removal of the trellis that was proposed at EDG, and the overall design response to the corner. (CS2-B, PL1-A)

5. **Alley. The Board recommended approval of the vehicular alley access, and noted that the 20' public right of way in the alley is wider than many other alleys with garage entries. Therefore, the Board did not recommend any additional design measures related to safety.** (PL2-B)

6. **Roof Deck. The Board recommended approval of the roof deck design. The Board suggested the applicant consider expanding the roof deck to the east edge of the building to activate the street frontage and provide visual interest for neighbors uphill to the east, but declined to recommend a condition for that change.** (DC2-B, DC4-D)

7. **North Façade. The Board noted the applicant's proposal to include green screens with climbing vines or art at the north façade, in the area without fenestration. The Board suggested that the applicant consider a variation in siding or other visually interesting treatment, since the façade is visible from Eastlake Ave E. However, the Board declined to recommend a condition for this item.** (CS2-D-5)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines are summarized below. For the full text please visit the Design Review website.

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-A Energy Use

CS1-C Topography

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the 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-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

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.

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

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

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.

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.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

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.

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

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

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.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

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

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.

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.

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-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

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.

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-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

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.

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.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

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.

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.

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.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. **Street Level (SMC 23.47A.012.A):** The code requires a minimum commercial floor to floor height of 13 feet in order to obtain an additional four feet in height. The applicant proposed a floor to floor height of 11'-4 to 12'-2" in order to allow for commercial entries to be level with the adjacent sidewalk and avoid stairs or ramps to the commercial spaces.

   This departure would provide an overall design that would better meet the intent of Design Review Guideline PL-3 by providing entries that are more directly connected with the adjacent sidewalk, and Design Review Guideline CS2-B by designing the commercial spaces to connect to the sidewalk and respond to the change in topography.

   The Board unanimously recommended that DPD grant the departure, based on the proposed design with direct connections between the sidewalk and commercial spaces. The Board also observed that if the Director approves the additional 4' of building height, and a 13' floor to floor base were required, the overall building would be 10" taller than the proposed development.

The proposed departure is for the floor to floor height only. The DPD Director will make the decision whether to grant the additional 4' height as a Type I decision, based on several criteria in SMC 23.47A.012.

2. **Setbacks (SMC 23.47A.014.B.1):** The code requires a setback at the intersection of a side and front lot line in a residential zone. The resulting setback is a 15 foot triangular area at the northeast corner of this site. The applicant proposed a zero-foot setback in this area.

   This departure would provide an overall design that would better meet the intent of Design Review Guideline CS3-A by maintaining a strong street wall along Eastlake Ave E, consistent with the Board's first Early Design Guidance for this proposal.

   The Board unanimously recommended that DPD grant the departure.

3. **Setbacks (SMC 23.47A.014.B.3):** The code requires 15 foot setback for structures over 13 feet in height abutting a lot in a residential zone. The applicant proposes to eliminate the setback along the north property line for a length of 30'9" near the east edge, and provide a 5'3" setback for the north façade in the western portion of the property.

   The proposed design with a reduced setback on the north, courtyard on the southeast corner, strong street wall on Eastlake Ave E, and upper level setbacks better meets the intent of PL1-A and CS2-D. The Board clarified that the proposed design creates a strong street wall, provides windows on a portion of the north façade, and results in a design that transitions well to nearby context.

   The Board unanimously recommended that DPD grant the departure.

4. **Setbacks (SMC 23.47A.014.B.5):** The code states no entrance, window, or other opening is permitted closer than 5 feet to an abutting residentially zoned lot. The applicant proposed windows and openings within 5 feet of a residentially zoned lot to the north of the site. The residentially zoned lot is currently occupied by a lodging use with a surface parking lot adjacent to the subject site. Windows on the east façade would be within 1'5" of the north property line.

   This departure would provide an overall design that would better meet the intent of Design Review Guideline CS3-A by maintaining a strong street wall along Eastlake Ave E, consistent with the Board's first Early Design Guidance for this proposal. The addition of windows on the east façade will not create privacy impacts to the existing neighbor to the north or any future development at that site. The addition of windows on the east façade is consistent with the rest of the design concept and expression of the building design, and therefore better meets the intent of DC-2.

   The Board unanimously recommended that DPD grant the departure.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated April 8, 2015, and the materials shown and verbally described by the applicant at the April 8, 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 with no conditions.

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 DPD Director's decision reads in part as follows:

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

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

Subject to the 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 April 8, 2015, the Board recommended approval of the project with no conditions.

Four members of the East 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), 23.34.009 (height limits), 23.34.013 (designation of multifamily zones), 23.34.018 (LR2 zone, function and locational criteria), 23.34.070 (Residential Commercial zone, function and locational criterial), 23.34.072 (Designation of Commercial zones), 23.34.074 (NC1 zones, function and locational criteria), and 23.34.076 (NC2 zones, function and locational criteria).

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 zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

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

This analysis evaluates the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezones) 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 within the Eastlake Residential Urban Village. The provisions of this chapter that pertain to areas inside of urban villages shall apply to the proposal.

E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.

The subject rezone is not a redesignation 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.

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

SMC 23.34.008 General rezone criteria.

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

1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.
2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The proposed rezone parcel is located within the Eastlake Residential Urban Village Overlay, as described in the response to SMC 23.34.007.D.

The growth target listed for this Residential Urban Village in Urban Village Appendix A of the Comprehensive Plan is for 250 additional dwelling units between the year 2004 and the year 2024.

The established density target for this Residential Urban Village in the Urban Village Appendix A of the Comprehensive Plan is a density of 15 dwelling units per acre by the year 2024. In 2004, the density in this Urban Village was listed at 14 dwelling units per acre.

The proposed rezone will not reduce the zoned capacity for the Eastlake Residential Urban Village. In fact, the proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The applicant intends to develop the site with 45 apartments. The existing zoning would allow approximately 22 similarly-sized apartment units, leading to an increase in zoned capacity of approximately 23 residential units.

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

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

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

Analyses comparing the characteristics of the area to the locational criteria for Multi-family Lowrise (LR2, LR3), Residential Commercial (RC), and Neighborhood Commercial (NC1, NC2) zoning can be found in the responses to SMC 23.34.018, 23.34.020, 23.34.070, 23.34.072, 23.34.074, and 23.34.076 below. The parcels proposed for rezone seem to generally better match the NC2 locational and functional criteria, for the reasons stated in the analysis in the responses to those sections of SMC.

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 in the immediate area. On June 8, 1986, the south parcel, 2203 Eastlake Avenue E., was rezoned from a Neighborhood Business Zone (BN) to an NC1-30 (currently known as NC1P-30). On June 8, 1986, the northern parcel, 2209 Eastlake Avenue E., was rezoned from a Multiple Residential Low Density Zone (RM) to L2-RC (currently known as LR2-RC).

The most recent zoning change occurred in 2011, but included an update of development standards and naming conventions for Lowrise Multi-family Residential zones across the City, rather than a change in zoning patterns near this site. Ordinance 123495 changed L-2 RC zoning to LR2-RC at this site and similarly zoned sites across the City.

In 2007, the Commercial zones across the City were updated through ordinance 122311, which included the addition of a Pedestrian Overlay to the south portion of this site (changing the zoning from NC1-30 to NC1P-30, both of which allow 30' zoning heights).

There are no City-initiated zoning changes currently proposed for the Eastlake neighborhood or sites surrounding the subject property.

D. Neighborhood Plans

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

Portions of the Eastlake Central Area Action Plan were adopted by City Council December 14, 1998. The adopted portions can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section.

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

The subject property falls within the Eastlake Residential Urban Village and is covered by the adopted portions of the Eastlake 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 Eastlake 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 (since combined into LR3 zones). The proposed rezone does not include rezoning any property to or from LR3 zoning.

> Community Design policy EL-P3: "*In the Eastlake Residential Urban Village, special L3 and L4 locational criteria for the evaluation of rezones to the L3 and L4 designations inside of urban villages, shall not apply.*"

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

> Community Design policy EL-P3: "*Anticipate and minimize, through zoning regulations and/or design review guidelines, to be prepared for the Eastlake area, the potential for impacts on residential uses from the close proximity, orientation, or incongruent scale of commercial development, including the loss of privacy, sunlight or air, or increased noise, artificial light or glare.*"
>
> Community Design policy **EL**-P5: "*Through design review, promote interaction between the community, developer, designers, and decision-makers to help ensure buildings contribute to and enhance Eastlake's character.*"
>
> Community Design policy **EL**-P7 *Buildings are an important part of Eastlake's views and residential and commercial streetscapes, and their designs should reflect the neighborhood's lowrise, finely textured scale, comparatively small development sites, and the individuality of its architectural expressions.*
>
> Community Design policy **EL**-P9 *Promote interesting, safe, and diverse pedestrian connections that are compatible with and sensitively designed for abutting land uses.*

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 Eastlake neighborhood plan do not identify any specific areas for rezone.

<u>SMC 23.34.008.D Summary:</u>

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

The proposed rezone is consistent with zoning changes anticipated in and around the neighborhood and Residential Urban Village as contemplated in the adopted portions of the Eastlake Neighborhood Plan, and will facilitate future development that will best accomplish the City's planning objectives.

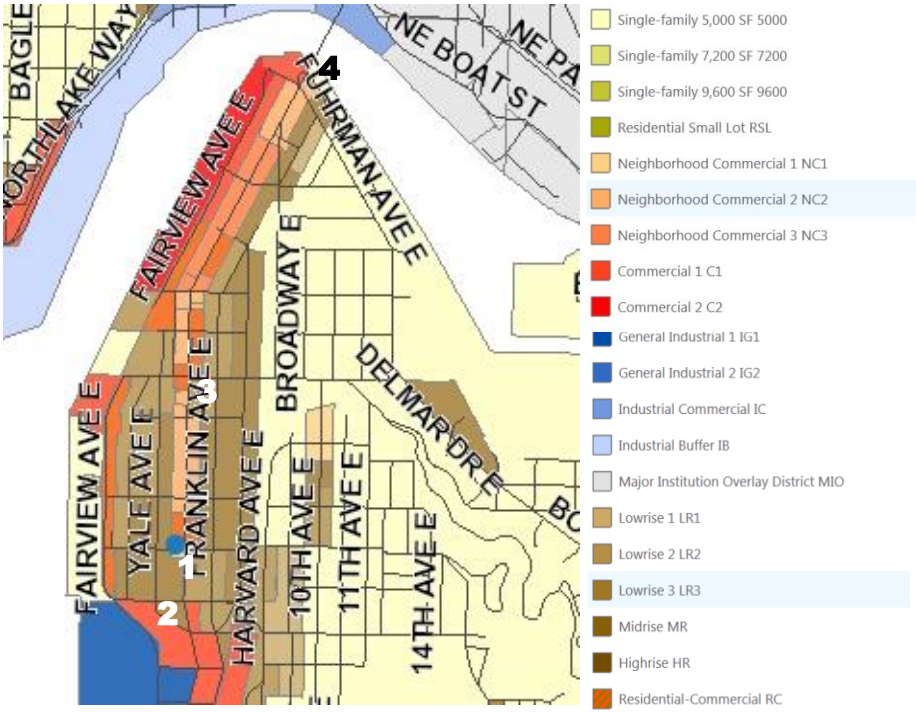
E. Zoning Principles. The following zoning principles shall be considered:

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 Eastlake neighborhood between E Howe St and the ship canal exhibits a pattern of Neighborhood Commercial and Multi-family/Residential Commercial zoning in a linear pattern from north to south along Eastlake Ave E, with Lowrise Multi-family zoning to the east and west, and Single Family zoning a few blocks further to the east and west.

South of E Howe St, the zoning changes to reflect the industrial and more intensive commercial zoning transition. Commercial 1 zoning with a 40' height limit is located immediately south of E Howe St. Industrial General zoning (IG1) with a 45' height limit is located approximately two blocks to the southwest. A few parcels of Lowrise Multi-family residential zoning (LR3) are located between two areas of C1-40 zoning.

The Eastlake neighborhood shows a strong pattern of zoning to allow commercial uses along Eastlake Ave E. The only parcels facing Eastlake Ave E where properties are zoned solely for multi-family commercial uses include:

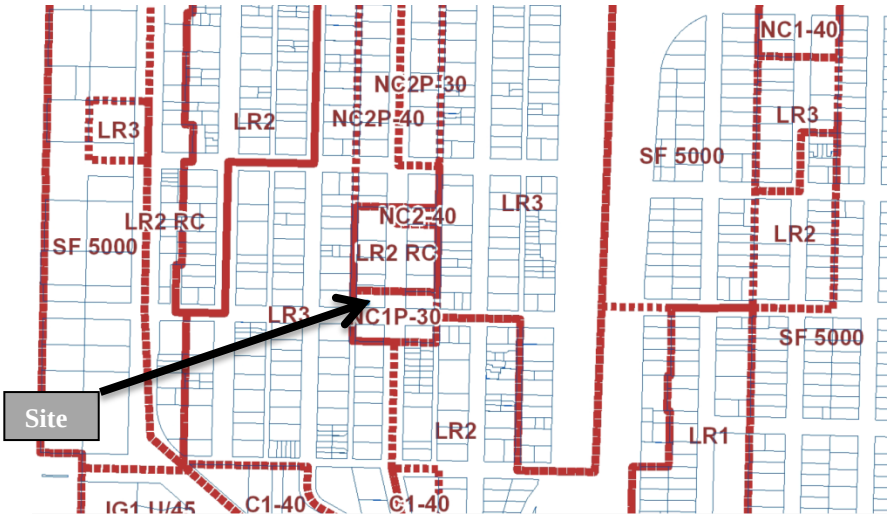


1. Part of the block immediately south of the subject property on both sides of Eastlake Ave (zoned LR2);
2. The west side of Eastlake Ave E , between E Newton St and E Howe St (two blocks south of the subject property, zoned LR2);
3. The public park on the east side of Eastlake Ave E, between E Louisa St and E Roanoke St (two blocks north of the subject property; zoned LR2); and
4. Shoreline property at the north edge of the neighborhood (zoned Single Family 5000).

Transitions between commercial Eastlake Ave E properties and residential properties to the east and west are generally eased by the presence of an alley separating the commercial zoning from the multi-family zoning to the east and west.

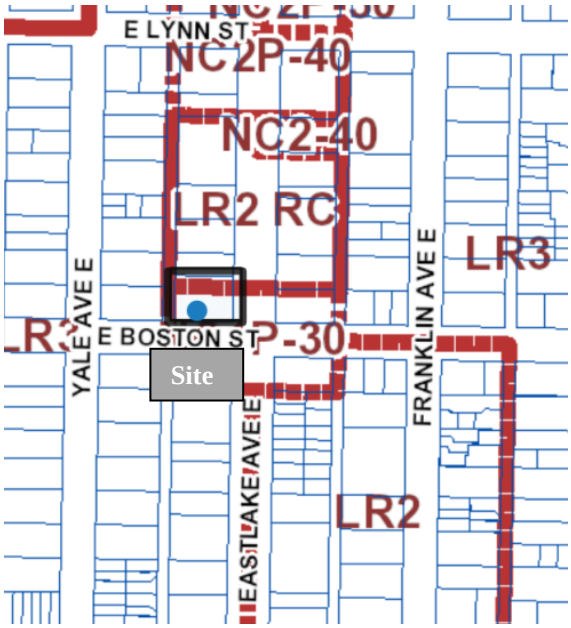
Where there are transitions between the residential zoning and commercial zoning adjacent to Eastlake Ave E, zone edge transitions may include a street or intermediate zone (such as NC2-30). However, many zone transitions facing Eastlake Ave E include no street or intermediate zone between multi-family and NC2-40 zoning.

For illustrative purposes only



The area slopes from east down to the west, toward Lake Union. The topography provides another transition between the commercially zoned Eastlake Ave E corridor and the adjacent residential zoning to the east and west. NC2P-40 zoning (40' height limit) appears to generally be more common on the west side of Eastlake Ave E, with NC2P-40 (30' height limit) more common on the east side of Eastlake Ave E. This zoning pattern responds well to the change in topography, allowing taller buildings in response to the lower elevations west of Eastlake Ave E.

From north to south, there is a relatively consistent pattern of commercial zoning along Eastlake Ave E and multi-family residential zoning to the east and west, with the exception of the block immediately north and south of the subject property.



The immediate zoning pattern surrounding the subject property includes Neighborhood Commercial 1 with a Pedestrian overlay and a 30' height limit at the properties facing the intersection of Eastlake Ave E and E Boston St. Lowrise Multi-family Residential with Residential Commercial is located immediately to the north of this intersection, and Lowrise Multi-family Residential to the south.

The proposed rezone would result in a zone edge of NC2P-40 (40' height limit) adjacent to NC1P-30 (30' height limit) to properties to the east and south.

Eastlake Ave E is an arterial with a 75' right of way width. An older residential building is located in the NC1P-30 zoned parcel across the street to the east of the subject property. While this site is located east of the subject property, the shadow studies provided by the applicant showed that the specific proposed development would not cast additional shadow on this site, even with the additional potential height.

E Boston St is a non-arterial street to the south, with a 60' right of way width. This site is located to the south of the subject property, so will not experience any additional shadowing from the proposed development with additional height.

The proposed rezone would also result in a zone edge of NC2-40 (40' height limit) adjacent to LR2 RC zoning to the north (Multi-family Residential Commercial, 30' height limit), with no street or topography separation. The adjacent building to the north is a mid-20th century hotel with a surface parking lot adjacent to the north edge of the proposed rezone site. Early 20th century multi-family residential buildings are located north of the hotel in the remainder of the LR2-RC zone. These buildings are adjacent to the NC2P-40 zone to the north, with no transition at that zone edge.

The proposed rezone would result in a zone edge of NC2P-40 (40' height limit) adjacent to LR3 zoning to the west. A 20' wide alley separates the subject property from the properties to the west. There is also a drop in topography from the east to the west. This zone transition is similar to many other similar zone edges along the west side of Eastlake Ave E.

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. The design review process also considered the transition to the property to the north and east edges of the site, to mitigate the impacts of the zone edge facing the neighboring properties. The details of that process and analysis are described in the Design Review section of this document.

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 at all four sides of the site.

The south and east edges would be adjacent to other commercially zoned properties, but the proposed rezone would allow 10' more height than those properties. However, as noted in the response to SMC 23.34.008.E, the south and east edges include streets to provide physical buffers. The east edge is adjacent to Eastlake Ave E, an arterial with a 75' right of way width. The south edge is adjacent to E Boston St, a non-arterial with a 60' right of way width.
The east and north edges would include a transition from commercial to residential zoning, and a 10' change in maximum zoning height.

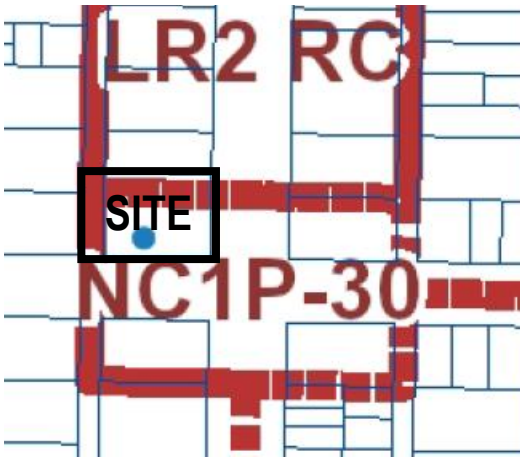
The west edge is separated from the subject property by a 20' wide alley and a change in grade (approximately 10' grade change from the mid-point of the subject property to the mid-point of the property to the west). The property to the west is lower than the subject property, which can result in the appearance of additional bulk and scale from the proposed development. The Design Review process considered this impact, and recommended a 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. The Design Review process considered this impact, and recommended 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.

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 existing site is currently split zoned with NC1P-30 zoning on the south portion of the site, and LR2 zoning on the north portion of the site. The proposal would rezone the entire platted lot to NC2P-40 zoning, which would provide a better response to this criterion.

The proposed rezone would establish zoning boundaries with some physical buffers as described in response to subsection E2 above.

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, with the exception of aligning the commercially zoned property with the platted lot lines. Currently the commercial zones face each other directly across Eastlake Ave E, but the platted lines do not align across the same street. The rezone would result in a small piece of the platted lot being zoned commercial, with residential zoning directly across Eastlake Ave E. As noted in earlier analysis, Eastlake Ave E is a busy 75' wide arterial, which provides an effective separation between this small misalignment of commercial and residential zones.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

As described in response to SMC 23.34.007.D above, the proposed rezone is located within the Eastlake Residential Urban Village. The proposed rezone is also for NC2P-40, which allows 40' height limits. The proposal is consistent with this criterion.

<u>SMC 23.34.008.E Summary:</u>

The proposed rezone would result in a zoning transition that is reflective of similar conditions along Eastlake Ave E, both between commercial/residential zones, and between zones of 30' and 40' height limits. The rezone would align with platted lots, replacing the existing split zoning on the site.

There is some effective separation provided by topography changes and adjacent streets/alley to the east, south and west, although the separation is limited by narrower rights of way at the south and west edges. 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 an additional floor of new dwelling units. The total proposed development is 44 residential units. The additional floor resulting from the proposed rezone would allow for 12 of the total residential units. The proposed development is for market rate housing, and doesn't include provision of low-income housing.

b. Public services;

The proposed rezone would result in an increase of 12 residential units at this site. Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. The increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact, and may be seen as mitigating the increased demand.

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

<u>Noise</u> – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by neighborhood commercial and residential activities.

<u>Air quality</u> – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 10' height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements.

<u>Water quality</u> – 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 entirely paved and

developed. 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. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation is proposed to comply with Land Use Code requirements. The proposed vegetation exceeds the amount of existing vegetation, to be removed. The change in zoning would not reduce the vegetation requirements for future development.

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

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

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

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

d. Pedestrian safety

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

e. Manufacturing activity;

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;

The nearest historic landmark is the Seward School at Franklin Ave E and E Louisa St, approximately 3 blocks northeast of the site. The site is not in a historic district.

The existing buildings on the development site are more than 50 years old and were examined for potential eligibility for a historic landmark. The Department of Neighborhoods determined that the existing buildings weren't likely to be eligible for landmark nomination (LPB 79/15), and no further analysis was required.

h. Shoreline view, public access and recreation.

The proposed development and rezone are located a little over two blocks from the shoreline, and so will not directly impact shoreline public access or recreation.

Due to existing development and vegetation, there are no views of Lake Union that are visible across the site from Eastlake Ave E or other nearby uphill streets. There are no nearby public parks with shoreline views across the subject property. Some views of Lake Union are possible from the East Boston St public right of way.

The Land Use Code does not include criteria for protection of views from private property. For the purpose of the rezone analysis, the applicant submitted view analysis 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.

Some nearby private properties to the east of the site have views of Lake Union that will be blocked by development at this site. Most of the private property views of Lake Union would be blocked by development built to the current maximum zoning at the site. Some of the upper floors of nearby properties to the east have views of Lake Union that would not be blocked by development built to the maximum current zoning, but will be blocked by the proposed development and rezone of the site.

Design review considered the arrangement of rooftop features and the combination of proposed setbacks at the north and south edges of the site, which impacts private property views to the east. The Design Review Board recommended approval of a design that includes a departure for a reduced north setback in combination with a larger than required south setback. The development recommended for approval results in approximately the same amount of Lake Union views blocked as a Code compliant option, but the additional view is captured on the south side of the site, extending the width of the public views possible along E Boston St.

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: Eastlake Ave E and E Boston St. Eastlake Ave E is an arterial. E Boston St is a non-arterial street.

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

e. ***Utility and sewer capacity;***

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the 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 rezone is not located within a shoreline environment so shoreline navigation is not applicable to this rezone.

<u>SMC 23.34.008.F Summary:</u>

The proposed rezone will result in blockage of some views of Lake Union from private properties to the east, but will maximize public views of Lake Union from the E Boston St public right of way.

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.

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

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

In the 2004 Comprehensive Plan update the Eastlake Residential Urban Village (RUV) was given a 2024 growth target of 250 additional households.

The Comprehensive Plan is subject to updates and is currently in the process of being updated to guide the next 20 years of growth in the City of Seattle.

The adoption of the Comprehensive Plan (1994), the designation of the Eastlake RUV, and the adoption of the 2024 growth target for Eastlake RUV (2004) are all circumstances that have changed since the most recent zoning change for this area in 1986 (described in response to 23.34.008.C above).

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 well-served by transit lines. The nearest bus stop is on Eastlake Ave E between E Lynn St and E Boston St (approximately ½ block to the north). This stop serves routes 66 and 70 with transit service approximately every 15 minutes between 6:45am and 7:15pm; Express routes 71, 72, and 73 during peak commute hours; and route 83 with Night Owl travel times (approximately 2:30am and 3:45am).

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 (described in response to 23.34.008.C above).

<u>SMC 23.34.008.G Summary:</u>

The proposed rezone responds to changed circumstances for this area, including the intent for increased development in areas designated as Urban Villages and the intent to maximize the benefits of transit and pedestrian investments in Urban Villages.

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

The south portion of this site is located in a Pedestrian Overlay which restricts the types of commercial uses to those more suited to the pedestrian environment (ex. No drive-through businesses). The proposed development will conform to the development standards and uses applicable to Pedestrian Overlays.

The site is also located in the Eastlake Residential Urban Village Overlay. The Comprehensive Plan Urban Villages element notes that Residential Urban Villages are intended to take the second highest amount of residential growth in the City (the highest growth intended for Urban Centers). Comprehensive Plan Goal UVG33 states, "Encourage growth in Seattle between 2004-2024, to be generally distributed across the city as shown in Figure 8." Figure 8 shows that Residential Urban Villages such as the Eastlake RUV are expected to accommodate 25% of the residential growth across the City. The proposed rezone would support this goal.

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 <u>not</u> located in any of the following Overlay Districts defined in the Land Use Code:

- 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)

<u>SMC 23.34.008.H Summary:</u>

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 Steep Slope Environmentally Critical Area is located on the west portion of the site. A Limited Exemption for this ECA was granted under permit application #6378644. 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 most of the zoning transitions along Eastlake Ave E. The proposed rezone will also align the zone edges with the parcels on site, removing a split zone condition.

The proposed development has been reviewed through Design Review, including strategies to ease the transition to less intensive adjacent zones. The proposed development will result in some blocked views of Lake Union from nearby private property, but will maximize public views of Lake Union from E Boston 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 would allow an additional 10’ height.

As Seattle's Comprehensive Plan states, "The preferred development character is to be achieved by directing future growth to mixed use neighborhoods, designated as "urban villages", where conditions can best support increased density." These villages should "function primarily as compact neighborhoods providing opportunities for a wide range of housing types and a mix of activities that support the residential population". The proposed rezone lies within the boundaries of the Eastlake RUV and would allow increased density in this urban village.

The existing zoning allows a combination of multi-family and limited commercial uses. The proposed rezone would increase the capacity for multi-family residential uses and would slightly increase the variety and size of commercial uses that are allowed. 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.

Topography of the surrounding area is described with a site plan in response to SMC 23.34.008.E.2 above. Generally, the Eastlake neighborhood slopes from east down to west, towards Lake Union. The subject property includes a drop in topography from the east property line down to the west property line. The proposed rezone would result in a 10' higher building possible on the subject property than would currently be permitted. The proposed rezone would result in an east to west zoning transition that reflects similar transitions along the Eastlake Ave E corridor.

The existing zoning transition pattern in this area does not necessarily reinforce the natural topography of the area. Zoning to allow taller buildings is typically closer to Eastlake Ave E, with lower height zoning adjacent to Lake Union and east of I-5. The proposed rezone would not change this pattern.

Due to existing development and vegetation, there are no views of Lake Union, the Olympic mountains, or the Space Needle that are visible to pedestrians standing across the site from Eastlake Ave E or other nearby uphill streets. There are no nearby public parks with views to these items across the subject property. Some views of Lake Union, the Olympic mountains, and the Space Needle are possible from the East Boston St public right of way.

As noted in response to SMC 23.34.008.F.1.h: The Land Use Code does not include criteria for protection of views from private property. For the purpose of the rezone analysis, the applicant submitted view analysis 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.

Some views of Lake Union, the Olympic mountains, and the Space Needle are also visible from private property uphill to the east, as described in response to SMC 23.34.008.F.1.h. Some nearby private properties to the east of the site have views of Lake Union, the Olympic mountains, and the Space Needle that may be blocked by development at this site. Most of the private property views would be blocked by development built to the current maximum zoning at the site. Some of the upper floors of nearby properties to the east have views that would not be blocked by development built to the maximum current zoning, but will be blocked by the proposed development and rezone of the site.

Design review considered the arrangement of rooftop features and the combination of proposed setbacks at the north and south edges of the site, which impacts private property views to the east. The Design Review Board recommended approval of a design that includes a departure for a reduced north setback in combination with a larger than required south setback. The development recommended for approval by the Design Review Board results in approximately the same views blocked as a Code compliant option without departures. The additional views blocked by the area of departure near the north property line are off-set by additional views provided by setbacks on the south side of the site. This configuration maximizes the width of the public views adjacent to E Boston St.

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 LR2-RC and NC1P-30. The proposed zoning is NC2P-40. This rezone analysis also considers the possibility of LR3 zoning.

LR2 zoning allows the following heights for the applicable uses:

Type of Development	**LR2 Height (feet)**
Cottage housing developments	18
Rowhouse and townhouse developments	30
Apartments	30

The site is located within an Urban Village and is not within 50 feet of Single Family zoning. **LR3 zoning** would therefore allow the following heights for the applicable uses at this site:

Type of Development	**LR3 Height at this site (feet)**
Cottage housing developments	18
Rowhouse and townhouse developments	30
Apartments	40

NC1P-30 allows buildings up to 30' tall. **NC2P-40** zoning allows buildings up to 40' tall.

In both 30-foot and 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. Other rooftop features are permitted above the 30' height limit per SMC 23.47A.012, 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 is a Type 1 review as defined in SMC 23.76.004.

The current height limit at this site is thirty (30) feet. Nearby zones include height limits of 30' and 40', with the exception of the Industrial General 1 zoning approximately two blocks to the southwest (height limit of 45').

The proposed development would be consistent with the predominant height and scale of nearby newer development, which is representative of the area's overall development potential. Early to mid-20th century development in the area tends to be 1-2 stories tall (10'-25' estimated range). Later 20th century and recent development tends to be 3-4 stories tall (30'-45' estimated range). The older 1-2 story development is not representative of the development potential for zoning in this area. The 3-4 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 pattern of zoning transitions is described in response to SMC 23.34.008.D.2. As noted in that response, a zone allowing 30' heights is commonly found adjacent to a zone allowing 40' heights for many properties along Eastlake Ave E. The proposed development includes increased setbacks and modulation at the north edge, increased setbacks and a 20' alley at the east edge, a public right of way (E Boston St) at the south edge, and a 75' wide arterial (Eastlake Ave E) at the east edge.

The proposed rezone would be consistent with the transition of zoned heights and scale of 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 Eastlake Neighborhood Plan were adopted by City Council and are included in the Seattle Comprehensive Plan. Policies that relate to views in the Eastlake neighborhood include:

Community Design Policy EL-P3 " Identify, preserve, enhance and create a variety of attractive and interesting views from and of public spaces."

Community Design Policy EL-P7 "Buildings are an important part of Eastlake's views and residential and commercial streetscapes, and their designs should reflect the neighborhood's lowrise, finely textured scale, comparatively small development sites, and the individuality of its architectural expressions."

Community Design Policy EL-P11 "Enhance Lynn Street between Eastlake and Boylston Avenues East as a gateway to the Eastlake neighborhood, a view corridor, and an important pedestrian connection without expanding its existing street or right-of-way width."

The proposed development has been designed to maximize public views from E Boston St. The proposed development has gone through the Design Review process, which considered aspects of scale and context in the design recommendation. The proposed development is not adjacent to E Lynn St, which is the only view corridor identified in the neighborhood plan policies.

SMC 23.34.009 Conclusion: The additional increase height that would result in a change of zoning from LR2-RC and NC1P-30 to NC2P-40 would meet the criteria of SMC Section 23.34.009, as described above. Some views from private property would be blocked by the additional building height resulting from the rezone.

SMC 23.34.013 Designation of Multifamily Zones:

A. An area zoned single family that meets the criteria of Section 23.34.011 for single-family designation, may not be rezoned to multifamily except as otherwise provided in Section 23.34.010 B.

The proposed rezone would not rezone any properties from single-family to multifamily.

SMC 23.34.018 Lowrise 2 (LR2) Zone, Function and Locational Criteria.

A. Functions. The dual functions of the LR2 zone are to:

1. ***Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and***
2. ***Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.***

The area includes a mix of densities. Nearby structures include multi-family housing ranging from 1-4 stories, 3-4 story mixed-use residential and commercial development, and 1-2 story commercial structures.

The site is located in the Eastlake Residential Urban Village. The proposed rezone would allow an additional floor of residential development at this site, for total of four stories.

B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

a.located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or

The site is located in the Eastlake Residential Urban Village. The nearby neighborhood is predominantly multi-family, with a mix of multi-family and commercial development along Eastlake Ave E. The immediate neighborhood ranges from 1-4 stories in height.

b.located in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:

1. small-scale structures generally no more than 35 feet in height that are compatible in scale with SF and LR1 zones;

2. the area would provide a gradual transition between SF or LR1 zones and more intensive multifamily or neighborhood commercial zones; and

The site is located on an arterial (Eastlake Ave E) in the Eastlake Residential Urban Village. The immediate neighborhood ranges from 1-4 stories in height (approximately 10' to 40'). Several nearby structures are 4 stories (approximately 40') tall, a moderate scale and height.

As described in response to SMC 23.34.008.E.1, the nearby zoning is predominantly a mix of NC2-40, NC2-30, NC1-30, and LR3. The nearest Single Family (SF) or Lowrise Multi-family 1 (LR1) zoning is three blocks to the west, and separated from the site by LR3 zoning. Zoning of LR2 at this site does not provide a gradual transition to nearby SF or LR1 zoning.

2. The area is characterized by local access and circulation conditions that accommodate low density multifamily development;

Access and circulation to the west of the subject property is more limited, with street ends at Lake Union three blocks to the west. Access at the east edge of the subject property and areas to the east is characterized by arterial connectors with frequent transit service, and heavy vehicular, bicycle, and pedestrian use. Eastlake Ave E provides access between South Lake Union and the University District. Other nearby arterials (E Lynn St, one block to the north, and Boylston Ave E, two blocks to the east) provide connections to Capitol Hill and I-5.

The predominant pattern of access and circulation at this site typically accommodates a broader range of densities and uses than just low density multi-family development.

3. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and

As noted in response to the previous criterion, the site is adjacent to Eastlake Ave E, with frequent transit service, and heavy vehicular, bicycle, and pedestrian use. The proposed vehicular access to the site is from the alley as required by the Land Use Code. In order to

access the alley, vehicles must travel the length of the subject property along E Boston St, a non-arterial. However, this route does not require travel through any residential zone. A residential zone (LR3) is located across the alley to the west of the site.

> ***4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.***

The surrounding area includes a mix of multi-family, mixed-use multi-family and commercial, and single family structures. A limited range of retail services are located along Eastlake Ave E. The nearest parks include some small parks at Lake Union (two blocks to the west) and Rogers Playground two blocks to the north. The surrounding area includes sidewalks at most street frontages, and a trail at Lake Union. The area is well supported by existing facilities and services.

SMC 23.34.018 Conclusion: The proposed rezone site appears to meet some of the zone, function, and locational criteria for LR2 zoning. Overall, it appears that the area around the proposed rezone site may be at or beyond the overall density and scale intended for LR2 zones.

<u>SMC 23.34.020 Lowrise 3 (LR3) Zone, Function and Locational Criteria.</u>

A. Functions. The dual functions of the LR3 zone are to:

> ***1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and***
> ***2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.***

The site is located in the Eastlake Residential Urban Village. The nearby neighborhood is predominantly multi-family, with a mix of multi-family and commercial development along Eastlake Ave E. The immediate neighborhood ranges from 1-4 stories in height, a moderate scale and density.

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

> ***1. The area is either:***
> > ***a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or***
> > ***b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial***

street, and characterized by a mix of structures of low and moderate scale;

The site is located in the Eastlake Residential Urban Village, one of the excepted urban villages called out in response to this criterion. The criterion suggests LR3 zoning is not the most appropriate zone for the Eastlake Residential Urban Village.

The nearby neighborhood is predominantly multi-family, with a mix of multi-family and commercial development along Eastlake Ave E. The immediate neighborhood includes a range of 1-4 stories in height, a low to moderate scale.

2. ***The area is near neighborhood commercial zones with comparable height and scale;***

The site is adjacent to NC1-30, LR2-RC, LR3 zones. LR2-RC and NC1-30 zones (adjacent to the north, east, and south edges of the site) allow 30' heights. LR3 zones (adjacent to the west edge of the site) allow 40' heights, but are residential zones. One block north of the site, the zoning transitions to NC2P-40, which allows 40' heights.

The site is near neighborhood commercial zones that allow both 30' and 40' heights and allow comparable scale to the proposed development and rezone to allow 40' heights.

3. ***The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;***

The parcels to the north are zoned LR2-RC. The parcels to the south and east are zoned NC1P-30. The parcels to the west are zoned LR3.

Scale:

LR3 zoning at this site could only provide a transition between LR2-RC parcels to the north and NC1-30 parcels to the south. However, given that both the NC1-30 and LR2-RC zones have a 30' height and allow commercial uses, it does not appear that an LR3 zone would provide any perceptible transition in scale or intensity between these zones.

Uses:

LR3 would allow similar residential uses to the LR2 zoning to the north (predominantly multi-family residential). LR3 would have more restrictive uses than the LR2-RC zoning to the north, if the site were rezoned to LR3 without the RC designation.

LR3 would be more restrictive than the NC1 zoning to the south, since NC1 zoning allows commercial uses. LR3-RC zoning would also be more restrictive than NC1 zoning to the south, since NC1 zoning allows a wider variety and size of commercial uses than the RC designation.

Therefore, LR3 or LR3-RC zoning would provide some transition between less intensive uses permitted in the LR2-RC zoning to the north and more intensive uses permitted in the NC1-20 zoning to the south.

4. ***The area has street widths that are sufficient for two-way traffic and parking along at least one curb;***

Eastlake Ave E is an arterial with a 75' right of way width, with sufficient width for two-way traffic and parking along at least one curb.

E Boston St is a non-arterial street to the south, with a 60' right of way width, with sufficient width for two-way traffic and parking along at least one curb. Most nearby non-arterial streets are 60' or wider.

5. ***The area is well served by public transit;***

As described in response to SMC 23.34.008.G, the area is well served by public transit with frequent transit service (stops within 1 block which include routes with transit service approximately every 15 minutes during the day, express routes with limited travel times, and Night Owl service).

6. ***The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;***

As described in response to SMC 23.34.018.B.3, the site is adjacent to the arterial Eastlake Ave E, and vehicular access to the alley and site does not require travel through any residential zone. A residential zone (LR3) is located across the alley to the west of the site.

7. ***The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.***

As described in response to SMC 23.34.018.B.3, the area is well supported by existing facilities and services.

C. The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

The proposed rezone is not in the Delridge High Point Neighborhood Revitalization Area, therefore this criterion does not apply.

D. Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:

1. ***was created by human activity, or***
2. ***is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.***

The proposal does not include a request to rezone to LR3 zoning; however, this analysis includes the possibility of that zoning to determine whether another zone is better suited to this site.

A Steep Slope Environmentally Critical Area is located on the west portion of the site. A Limited Exemption for this ECA was granted under permit application #6378644, but did not clarify if the slope was created by human activity.

SMC 23.34.020 Conclusion: The proposed rezone site appears to meet some of the zone, function, and locational criteria for LR3 zoning. Overall, it appears that the area around the proposed rezone site may be at or beyond the overall density and scale intended for LR3 zones, LR3 zoning is suggested as not appropriate for the Eastlake Residential Urban Village, and an LR3 zone at this site would not provide any effective transition between more and less intensive zones nearby.

23.34.070 - Residential-Commercial (RC) zone, function and locational criteria.

The RC zoning designation is part of the LR2-RC zoning that covers the north portion of the subject property and most of the block to the north.

A. Function.

1. Purposes. Areas that serve as the following:

a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;

b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;

Nearby development shows some amount of commercial development. Some nearby sites include mixed-use residential and commercial buildings with commercial at the ground floor. Some nearby sites include 1-story commercial buildings.

The proposed rezone would not downzone any properties.

c. To provide opportunities for needed parking in areas where spillover parking is a major problem;

On-street parking is well utilized in the Eastlake neighborhood as it is in most Urban Villages. However, the RC zoning designation does not directly provide any opportunities for needed vehicular parking in the area. Residential uses at sites with Frequent Transit service in Urban Villages (such as this site) are not required to provide any vehicular parking. Small commercial businesses are exempt from vehicular parking requirements, and commercial uses in residential zones have a maximum limit on number of vehicular parking spaces. Specific parking requirements are described in SMC 23.54.015.

d. As a means of supporting an existing commercial node.

As noted in response to SMC 23.34.008.E.1, the nearby pattern of zoning and commercial uses is linear in the Eastlake neighborhood, with commercial uses focused along the length of Eastlake Ave E.

2. ***Desired Characteristics. Areas that provide the following:***
    a. ***Physical appearance resembling the appearance of adjacent residential areas;***
    b. ***Mixed use with small commercial uses at street level.***

As noted in response to SMC 23.34.018, the immediate neighborhood ranges from 1-4 stories in height (approximately 10' to 40'). Several nearby structures are 4 stories (approximately 40') tall, a moderate scale and height. The overall appearance and scale of development in nearby RC zone resembles nearby multi-family scale and appearance.

Mixed-use development along Eastlake tends to be 4 stories tall, with small commercial uses at the street level. Older one-story commercial structures also include small commercial uses at street level.

B. ***Location Criteria.***
    1. ***Requirement. A residential-commercial designation shall be combined only with a multifamily designation.***

The existing zoning is combined with a multi-family designation (LR2-RC). The proposed rezone does not include any RC zoning.

2. ***Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:***
    a. ***Existing Character.***
        1. ***Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or***

The area includes both residential and commercial uses, with predominantly residential uses on the blocks east and west of Eastlake Ave E. A pattern of mixed residential commercial development is present.

        2. ***Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.***

The site is in and adjacent to a commercial area that extends north and south along Eastlake Ave E. This street includes a mix of both commercial and residential uses. As described in response to SMC 23.34.070.A.1.c, parking requirements are minimal in this zone and Urban Village. An RC zoning designation would not result in additional parking requirements at this site.

    b. ***Physical Factors Favoring RC Designation.***
        1. ***Lack of edges or buffer between residential and commercial uses;***

As described in response to SMC 23.34.008, properties along Eastlake Ave E frequently transition directly from Neighborhood Commercial to Lowrise Residential zoning with limited or no buffers.

2. Lack of buffer between major arterial and residential uses;

The arterial (Eastlake Ave E) is generally separated from LR2 and LR3 zoning to the east and west by a combination of NC1-30, NC2-30, NC2-40, and LR2-RC zoning for properties fronting Eastlake Ave E. The RC zoning designation at this site serves to separate Eastlake Ave E arterial from nearby LR3 zoned sites and residential uses.

3. Streets with adequate access and circulation;

The arterial (Eastlake Ave E) provides capacity for a larger number of vehicles, transit, bicycles, and pedestrians. Other nearby streets provide neighborhood access or access to nearby neighborhoods, commercial centers, and I-5.

4. Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

As described in earlier analysis, existing on-street parking is heavily utilized in this neighborhood, as in most Urban Villages.

SMC 23.34.070 Conclusion: The proposed rezone site and immediate area meet some of the functional and locational criteria for RC zoning. Overall, it appears that the area around the proposed rezone site is at or beyond the scale and range of development intended for RC zones. However, if the site were to remain zoned for residential multi-family (either LR2 or LR3), then an RC designation may be appropriate at this location.

23.34.072 - Designation of commercial zones.

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

The existing zoning on site is Neighborhood Commercial, with the exception of a small amount of LR2-RC zoning at the north edge (approximately the north 20' of the lot). The LR2-RC zoning also allows limited commercial uses. The proposed rezone would extend the commercial zoning 20 feet north of the current commercial zoning, into a residentially zoned area (LR2) with Residential Commercial (RC) designation. While the site to the north is zoned LR2-RC, it is developed with a commercial use (motel).

As described in response to SMC 23.34.008.E.1, the pattern of development along Eastlake Ave E is predominantly commercial zones facing Eastlake Ave E and multi-family residential zones to the blocks east and west of Eastlake Ave E. The proposed rezone would continue this linear neighborhood pattern.

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

The existing zoning is not Single Family; therefore this criterion does not apply.

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

SMC 23.34.010 and 23.34.011 describe protections for Single Family zones. The existing zoning is not Single Family and is not adjacent to any Single Family zoning; therefore this criterion does not apply.

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

As described in response to SMC 23.34.008.E.1, commercial development in the Eastlake neighborhood is a linear pattern facing Eastlake Ave E. The proposed rezone from LR2-RC and NC1P-30 to NC2P-40 would continue this pattern of focusing commercial zones and uses on Eastlake Ave E.

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

The proposed rezone would extend the Neighborhood Commercial zoning 20' to the north, into an area currently zoned for Residential Commercial. The proposal does not constitute creation of a new business district.

SMC 23.34.070 Conclusion: The proposed rezone site meets all of the criteria for designation of commercial zones and reinforces the neighborhood pattern of commercial zones facing Eastlake Ave E.

<u>23.34.074 - Neighborhood Commercial 1 (NC1) zones, function and locational criteria.</u>

A. Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:
1. A variety of small neighborhood-serving businesses;
2. Continuous storefronts built to the front lot line;
3. An atmosphere attractive to pedestrians;
4. Shoppers walk from store to store.

The Eastlake Ave E street frontage includes several small neighborhood-serving businesses within the blocks to the north and south of the subject property. Most of the businesses are built to the front property line. Some businesses are built with a parking lot separating the business from the front property line. Continuous sidewalks and several bus stops line Eastlake Ave E, with a small scale of development that is attractive to pedestrians and allows pedestrian activity between stores.

The subject property is part of an intersection that is zoned for commercial uses (NC1P-30). Expanding this commercial zoning slightly to the north would support the ability of this intersection to function as a small shopping area for the adjacent residential neighborhood, as described in the function for NC1 zones.

A. Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;

The subject property is within the Eastlake Residential Urban Village.

2. Located on streets with limited capacity, such as collector arterials;

The subject property is located on Eastlake Ave E, a Principal Arterial. This type of arterial is designated for a higher capacity than collector arterials.

The subject property is also located on E. Boston St, which is a non-arterial street with limited capacity.

3. No physical edges to buffer the residential areas;

The buffers and edges between the existing NC1-30 and the adjacent multi-family residential zoning are described in response to SMC 23.34.008.E. As noted in that analysis, little or no physical separation between NC and multi-family zones is a common occurrence in the Eastlake neighborhood. The existing edges include no separation between commercial and residential zones to the north, an alley to separate commercial from residential zones to the west. Commercial zones are located across the streets to the south and east. The proposed rezone would continue this pattern of separation and shared edges between commercial and Lowrise Multi-family zones.

4. Small parcel sizes;

Existing nearby parcels and the parcels at the subject property are relatively small in size. The proposed development does not include a change in parcel sizes. The proposed development includes two parcels developed with one building, as a single permitted development site. The north parcel is approximately 4,100 square feet and the south parcel is approximately 8,200 square feet, per dimensions on the plat. Other parcels on this block of Eastlake Ave E and the block to the south are of a comparable size, ranging from approximately 2,040 to 12,300 square feet. A few parcels that have been subdivided for sale of townhomes are as small as 1,220 square feet in size.

5. Limited transit service.

As described in response to SMC 23.34.008.G, the area is well served by transit.

SMC 23.34.074 Conclusion: The proposed rezone site appears to meet some of the zone, function, and locational criteria for NC1 zoning. Overall, it appears that Eastlake Ave E and the area around the proposed rezone site is at or beyond the maximum development anticipated by NC1 zones.

<u>23.34.076 - Neighborhood Commercial 2 (NC2) zones, function and locational criteria.</u>

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

1. A variety of small to medium-sized neighborhood-serving businesses;

2. Continuous storefronts built to the front lot line;

3. An atmosphere attractive to pedestrians;

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

Nearby businesses tend to be smaller neighborhood-serving businesses. Businesses within one block of the site include small restaurants and coffee shops, convenience stores, small office uses, and other small retail. Other Neighborhood Commercial 2 zones are located in the blocks to the north of the site, as described in response to SMC 23.34.008.E.

As noted in response to SMC 23.34.074, most of the businesses are built to the front property line, the area has pedestrian scale and amenities, and pedestrians can walk from store to store.

NC2 zones allow a wider variety of uses and larger business sizes for some uses, compared with NC1 zones.

NC2 zones allow the following uses that are not allowed in NC1 zones, per SMC 23.47A.004:

- Adult cabarets
- Theaters and spectator sports facilities
- Lodging uses
- Sales and rental of motorized vehicles
- Vehicle repair, major automotive
- Marine service stations
- Light manufacturing
- Dry boat storage
- Principal use parking

The following uses are permitted in both NC1 and NC2 zones, but larger areas of these uses are permitted in NC2 zones, per SMC 23.47A.004:

- Aquaculture
- Horticulture
- Drinking establishments
- Restaurants
- Sports and recreation, indoor
- Food processing and craft work
- Laboratories, research and development
- Medical services
- Offices
- Retail sales and service
- Marine service stations

- Sales and rental of small boats, boat parts and accessories
- Some institutions
- Work-release centers
- Utility services uses

B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;

The subject property is located within the Eastlake Residential Urban Village. Eastlake Ave E is home to the vast majority of the businesses in the Eastlake neighborhood. Eastlake Ave E is characterized by predominantly business uses extend for several blocks to the north and south. Zoning patterns along Eastlake Ave E are described in response to SMC 23.34.008.E.

The largest concentration of businesses appears to begin a few parcels north of the subject property and continue north to approximately E. Louisa St. Another concentration of businesses is located further north between approximately E. Hamlin St and the University Bridge. Other businesses are located more sporadically along Eastlake Ave E for the entire neighborhood.

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;

The site is located on a Principal Arterial (Eastlake Ave E).

3. Lack of strong edges to buffer the residential areas;

As described in earlier analysis, there is a lack of strong edges to buffer commercial from residential zones along Eastlake Ave E. In most situations along Eastlake Ave E, these zones either have no buffer or separation, or are separated by an alley.

4. A mix of small and medium sized parcels;

As described in response to SMC 23.34.074, the parcels on this block of Eastlake Ave E are generally smaller than in other commercial areas of the City, but larger than many residentially zoned parcels nearby. Some smaller parcels are located on the block to the south on the other side of Eastlake Ave E (zoned LR2). Some parcels to the north are larger than the subject property parcels (zoned LR2 and NC2).

5. Limited or moderate transit service.

As described in response to SMC 23.34.008.E, the area is well served by transit routes along Eastlake Ave E.

SMC 23.34.076 Conclusion: The proposed rezone site appears to meet all the zone, function, and locational criteria for NC2 zoning. The businesses within a block of the site are generally smaller and the parcels are generally smaller. However, the immediate area and subject properties are well served by transit and offer pedestrian amenities and smaller scale of development. The properties are adjacent to Lowrise Multi-family Residential zones and residential uses, but little to no transition between these zones is a common condition along Eastlake Ave E.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposed rezone from Lowrise 2-Residential Commercial and Neighborhood Commercial 1-30 with a Pedestrian designation to Neighborhood Commercial 2-40 with a Pedestrian designation be **APPROVED.**

III. 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 May 27, 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 Department of Planning and Development 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Construction Parking and Traffic

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

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The immediate area is subject to significant traffic congestion during the PM peak hours on nearby arterials, and 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.

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

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

To mitigate construction parking impacts, the applicant shall submit a Construction Parking Plan for approval by DPD. This plan shall demonstrate the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site. This plan shall be reviewed by DPD. Approval of the plan is required prior to the issuance of demolition, grading, and building permits.

Earth/Soils

The site is mapped with a Steep Slopes Environmentally Critical Area. The ECA Ordinance and Directors 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 report for review. The proposal was granted relief from the development standards for steep slopes under permit application #6378644, with the note, “The Steep Slope Critical Area is less than 20 feet in height and is farther than 30 feet from other Steep Slope Critical Areas. For this reason, the project qualifies for relief from the prohibition on development in the Steep Slope Critical Area and its buffer, and no ECA Steep Slope Variance is necessary. This determination is based on the

submitted topographic survey and the geotechnical engineering report (Geotech Consultants, September 2013). Except as described herein, the remaining critical areas criteria apply."

The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Noise

Construction activities for the proposed development, including demolition, site excavation, truck and equipment idling and use, materials movement, and construction personnel could adversely affect residents in the vicinity. The Noise Control Ordinance is intended to control the level of noise to '*protect, promote and preserve the public health, safety and welfare'… 'in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment'* (SMC 25.08.010). The Ordinance contains regulations for sound level limits from construction equipment, allowing exceedances from non-construction limits during limited hours and days. The noise levels are based on the zoning of both the source and the receiving property, and the hours that the exceedances are allowed is based on the zoning of the source property.

Mitigation for construction impacts is subject to the SEPA Overview Policy. Construction activities are subject to the Noise Ordinance; so in order to require SEPA mitigation, there must be unusual circumstance that results in adverse impacts that "substantially exceed" those anticipated by City codes and regulations. No such unusual circumstances are identified; therefore, no addition mitigation is warranted.

<u>Long Term Impacts</u>

Long term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; obstruction of private views, increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Height, Bulk, and Scale

Development under the proposed rezone would result in an additional 10 feet of building height. This could result in 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 any new project proposed on the site. Additional mitigation is not warranted under SEPA.

Historic Landmarks

The existing structures on site are more than 50 years old. The Department of Neighborhoods reviewed the proposal for potential impacts to historic resources, and indicated the existing structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board, reference number LPB 79/15). Therefore, no mitigation is warranted for historic preservation.

Parking and Traffic

The applicant submitted a Transportation Analysis (dated December 22, 2014, by Heffron, Inc.) with traffic impacts and parking estimates and an updated Parking Analysis (dated May 19, 2015, by Heffron, Inc.).

The revised Parking Analysis indicated that the proposed use in the Eastlake neighborhood is expected to generate a demand for approximately 32 vehicles, which would be accommodated by the 39 parking spaces in the proposed development.

The Transportation Analysis and revised Parking Analysis reports were reviewed by the DPD Transportation Planner, who determined that no mitigation is warranted for traffic and parking impacts.

Plants and Animals

Some mature vegetation is located on the site, including an Exceptional Tree located in the northern portion of the site (30" DBH Japanese maple). This tree is proposed for removal.

The applicant identified the Exceptional Tree on the MUP plan set and noted that while the tree is in good health, the proposal is to remove the tree due to the location on the site and the design review recommendation to provide open space at the southeast corner rather than the north edge of the site.

Removal of the Exceptional Tree as related to the proposed design is discussed in the Design Review section earlier in this decision. 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.

Another tree meets the Exceptional Tree threshold but is located in the public right of way on Eastlake Ave E. The applicant shows retention of this tree in the MUP plans. Trees within the public right of way are street trees and are regulated by Seattle Department of Transportation.

The landscape plan for the site includes the proposal for new trees that will replace and exceed the canopy of the existing tree at maturity, in addition to street trees retained in the public right of way adjacent to the site. No mitigation beyond the Code-required landscaping is warranted.

Public Views

Eastlake Avenue East is listed as a SEPA Scenic Route, with views to Lake Union. SMC 25.05.675.P lists policies to protect public views. Public views adjacent to this site include limited pedestrian level views of Lake Union from Eastlake Ave E, with the exception of open views to Lake Union at the intersection of E. Boston St. The site is currently zoned for buildings up to 30' tall. Even one-story development at this site would block all public views across the site, as viewed from Eastlake Ave E.

Public views of Lake Union are most visible from the E. Boston St public right of way. The proposed development is therefore set back from the south property line, in order to maximize the public views of Lake Union. Additional mitigation is not warranted under SEPA.

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

Prior to Building Final

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

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

RECOMMENDED CONDITIONS – REZONE

None.

RECOMMENDED CONDITIONS – SEPA

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

4. The applicant shall provide a copy of a Construction Haul Route, approved by Seattle Department of Transportation.

5. A Construction Parking Plan, approved by the Land Use Planner (Shelley.bolser@seattle.gov), shall be required. The plan shall demonstrate the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site.

Signature: retagonzales-cunneutubby for Date: September 28, 2015
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

SB:rgc
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