



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

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

Application Number: 3016369
Applicant Name: Bradley Khouri, B9 Architects
Address of Proposal: 743 N 35th Street

SUMMARY OF PROPOSAL

Council Land Use Action to contract rezone 9,314 sq. ft. of land from - Neighborhood Commercial 3 Pedestrian zone with a 40' height limit to Neighborhood Commercial 3 Pedestrian with a 65' height limit and to allow a five-story structure containing 54 residential units above 1,915 sq. ft. of retail in an environmentally critical area. Parking for 10 vehicles to be provided below grade. Existing structure to be demolished. CF#314115

The following approvals are required:

Design Review (Seattle Municipal Code 23.41)

Contract Rezone (Seattle Municipal Code Chapter 23.34)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

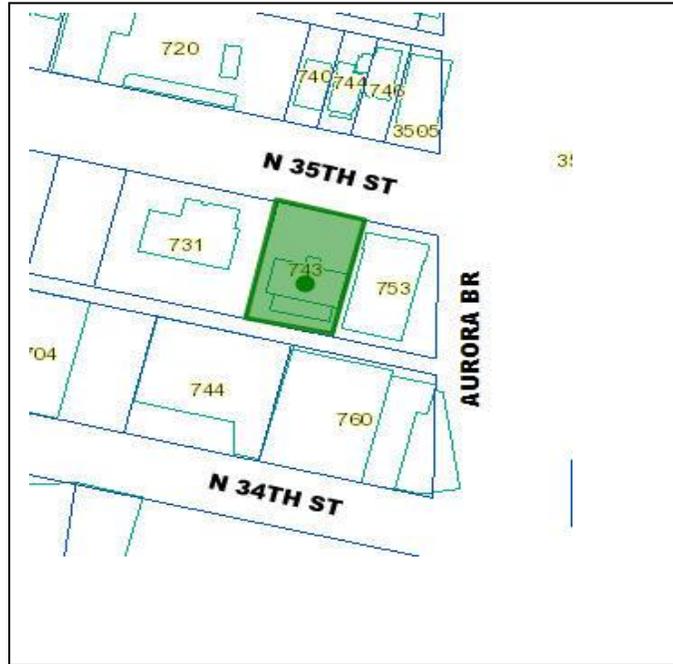
SEPA DETERMINATION:

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

BACKGROUND

The site was granted Relief on Steep Slope Development by the Seattle DCI Geotechnical Engineer on November 5, 2013 under Seattle DCI project #6387693: Environmentally Critical Areas (ECA) review is required for future permit applications. Based on a review of the submitted information, along with the City GIS system, Seattle DCI concludes that the steep slope areas on the property appear to have been created by previous legal grading associated with site development. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2b. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.



In November of 2015 City Council passed Ordinance 124895 establishing a new Chapter 23.58B of the Land Use Code (Commercial Program). The purpose of Chapter 23.58B is to mitigate certain adverse impacts of development of new commercial floor area on the need for affordable housing for the households of new workers having lower-wage jobs. The Chapter provides regulations for how a development must provide an affordable housing payment or affordable housing performance to mitigate affordable housing impacts.¹

In August of 2016 City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of Chapter 23.58C is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapter 23.58C specifies a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in residential development capacity.

Chapters 23.58B and 23.58C are applicable as follows:

- Where the provisions of a zone specifically refer to Chapter 23.58B or Chapter 23.58C, or
- Through the terms of a contract rezone in accordance with Section 23.34.004.

SITE AND VICINITY

Site Zone: Neighborhood Commercial Three with a Pedestrian Overlay (NC3P-40)

¹ The amount of floor area in commercial use proposed in this case is too low to trigger applicability of Chapter 23.58B, but final floor area calculations will occur at the building permit stage.

Nearby Zones: North: LR2
 South: NCP-65
 West: NC3P-40
 East: NC3P-40

ECAs: Steep Slope

Site Size: 9,314 square feet

PUBLIC COMMENT:

The public comment period ended on October 29, 2014. In addition to the comment(s) 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 areas of public comment related to parking, traffic, construction noise, building scale, light and air, views and density.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The subject site is located midblock on the south side of N 35th Street between Troll Avenue and Fremont Ave N. The subject lot and lots to the east and west are zoned Neighborhood Commercial Three (NC3-40). Lots to the south are zoned Neighborhood Commercial Three with a sixty-five-foot height limit (NC3-65). Lots to the north are zoned Lowrise Two (LR2) multifamily. The site contains one parcel with an existing one story office building. To the west is the Fremont Public Library, a City of Seattle Landmark structure. The library parcel also contains an existing Exceptional Tree located along the shared property line. The site contains an approximately 27-foot grade change from the north to south property line. To the north are existing single family and multifamily structures. To the east is an existing two story commercial structure. To the south across the alley is one story warehouse structure.

This neighborhood, located within the Fremont Hub Urban Village, includes multifamily housing, community services, restaurants and shopping. One block to the west is Fremont Avenue N which is a major vehicular, transit and pedestrian hub. Fremont Avenue N contains a number of multi-story multifamily mixed use structures and one story commercial structures. Directly to the west is the one story Fremont Library, a designated City of Seattle Landmark structure. One lot to east is the Aurora Bridge, a landmark structure, which includes the Fremont Troll. Uses along N 35th Street are varied and include single family homes, multifamily apartment buildings, multi-story mixed used building and commercial structures and the landmark Fremont Library. Zoning along N 385th Street is primarily Neighborhood Commercial Three with a forty-foot height limit (NC3-40). However, the majority of buildings are between one and two stories with a few 3 and four story structures. Within walking distance from the site, services include restaurants, grocery stores, shopping, library and parks. Natural amenities in the area include Lake Union.

Fremont Avenue N is a major Metro bus corridor providing service from Downtown Seattle to many districts north of Lake Union. The Burke Gilman Trail is located one block to the south providing pedestrian and bicycle service to the University of Washington and Ballard with connections to multiple locations. N 35th Street is designated as collector arterial Street.

NE 35th Street is characterized by one to four story multifamily, mixed use and commercial structures with generous street setbacks containing mature vegetation.

FIRST EARLY DESIGN GUIDANCE April 28, 2014

The packet includes materials presented at the meeting, and is available online by entering the project numbers (3016369) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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

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

Email: PRC@seattle.gov

PUBLIC COMMENT

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

- Concerned about the scale and design of the frontage on 35th Street and the viability of the courtyard as a quasi-public space set back from the sidewalk.
- Felt the building was located too close to the street, creating additional shadows on the sidewalk.
- Requested more information about the scale of the building in relationship to the residential structures in the Lowrise zone across the street.
- Concerned about the building blocking sunlight for the structure to the north across the street.
- Concerned the proposed building will include large blank walls that will face directly to the west side of the structure to the east.
- Preferred the residential entries off the central courtyard to maintain privacy for the building to the east.
- Felt building will have enormous impact during construction.
- Felt the building will have a detrimental effect on the character of the neighborhood.
- Concerned about traffic and pavement in the alley.
- Concerned about the scale and design of the frontage on 35th street and the function of courtyard as a quasi-public space away from the sidewalk.

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 April 28, 2014

2. N 35th Street. The Board felt Massing Option 3 provided the better design solution by providing the most successful ground plane design. The Board directed the applicant evolve the N 35th Street façade with the following guidance.

- a) The Board noted the ground level setback on N 35th Street and the substantial ground level transparency represented in the design concept were positive additions to the project. At the Recommendation Meeting the Board requested details showing the right-of-way landscape improvements, additional street setback, and first floor commercial treatment, and the entry to the semi-private courtyard space contribute and enhance the existing neighborhood character (PC1-A-2, PL2-B).
- b) The Board felt N 35th Street façade must evolve to provide a successful transition to the lower density lowrise residential uses across the street. The Board directed the applicant to review the adopted Design Guidelines, included CS2-D and DC-2, for direction on how to achieve an appropriate transition (CS2-D, DC2).
- c) The Board felt strongly that the street façade must include substantial modulation on the street facade, as represented in the packet and presentation, to mitigate the uniform six story street wall (CS2-D, DC2).

4. East Façade. The Board noted concern for the relationship of the six story building next to the existing two story office structure.

- a) The Board agreed that the proposed building must provide a better transition to the massing, scale and use of the existing structure to the east. The Board directed the applicant to review Height, Bulk and Scale Guidelines CS2-D and DC-2 to develop an appropriate response to the existing context. The Board noted that the transition may be achieved in a variety of ways and felt the applicant should develop an appropriate response (CS2-D, DC-2).
- b) The Board requested a privacy study in elevation views documenting existing windows whose privacy will be impacted by proposed development. The location of existing windows should inform the location of proposed windows. (CS2-D5).

5. West Façade. The Board focused guidance on the preferred massing option.

- a) The Board felt the design presented at the Recommendation meeting must have a better transition to the massing, scale and use of the existing structure to the west. The Board directed the applicant to review Height, Bulk and Scale Guidelines CS2-D and DC2 to develop an appropriate response to the existing context (CS2-D, DC-2).
- b) The Board directed the applicant to work with the Fremont Library to investigate whether the trash and recycling spaces may be treated to provide a visual extension of the plaza and public walkway on the subject lot (CS1-D, PL1-A-2, PL3-A-2).
- c) The Board would like to see a site section of showing the relationship of the proposed structure to the landmark structure and site, including the Exceptional Tree to

demonstrate the relationship between the two buildings and the courtyard and the tree (CS1-C and CS1-D).

- d) The Board noted that the central courtyard space was integral to the success of the building concept. At Recommendation, the Board requested additional information about the treatment and programming of the space as a semi private space for use by residents. The Board felt the courtyard should be enlivened by the primary residential entry location and treatment (PL3-A-2).
- e) At the Recommendation Meeting the Board requested additional information and detail about the entry sequence and courtyard treatment including pavement, landscaping, lighting and signage (PL3-A-2).

6. Alley Façade. The Board felt the parking and back of house service location off the alley provided the better design solution.

- a) The Board felt the alley façade will benefit from the location of units which will bring eyes and residential life onto the alley (PL2-B).
- b) The Board would like to see more information at the Recommendation meeting on the treatment of the alley at ground level including the garage door and lighting and also the activation of that façade to respond to the context at that edge (PL2-B)

7. Architectural Context and Materials. The Board noted the proposed building is located within a neighborhood with a strong eclectic material and architectural character.

- a) The Board supported the proposed architectural concept which includes a more contemporary design consistent with the electric neighborhood character (CS3-A).
- b) The Board would like more information showing how the design parti and material application will reduce the scale of the building, particularly on the facades facing the north, east and west (DC2-A, B and D DC4-A).

FINAL RECOMMENDATION MEETING: March 2, 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 Seattle DCI:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124
Email: PRC@seattle.gov

DESIGN DEVELOPMENT

At the Final Recommendation Meeting, the applicant presented the Board's preferred massing option, developed in response to the Early Design Guidance, and described the massing, pedestrian experience and material refinement.

The revised project proposal removes the sixth floor facing N 35th Street. The street façade also provides an upper level setback at the 5th story to reduce the bulk of the structure facing the street. Modulation, setbacks and material application have been used on all four facades to reduce the scale of the structure and add visual interest.

The applicant is engaged in ongoing coordination efforts with the adjacent historic Seattle Public Library to enhance the setback space on the library site to provide a visual connection between the two buildings.

PUBLIC COMMENTS

There were multiple members of the public in attendance at the Recommendation meeting held March 2, 2015. The following comments were offered:

- Public Library staff is pleased with the design of the structure and the ongoing efforts to develop the space between the library and the new building. The space should be developed to meet the library's needs while also providing an enhanced visual connection between the two buildings.
- Library staff expressed concerns regarding the illicit activity at the rear of the library site. The addition of living units at the rear of the site will help provide eyes into the space.
- Concerned about parking impacts, the size of the structure, and construction noise impacts.
- Building should be set back further from the street.
- Building is out of scale with the neighborhood.
- Larger units should be provided.
- Additional, easily accessible bike parking should be included.
- Supported the brick material on the street façade.
- Larger commercial spaces should be provided.
- Local artist should paint the blank wall facing the library.

PRIORITIES & BOARD RECOMMENDATIONS

At the Recommendation 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 was pleased with the design development of the preferred massing option in response to the existing context on the north, east and west facades. The Board agreed the use of strategic setbacks, modulation, fenestration, architectural details and material application were successful in reducing the mass of the structure to achieve a better scale with the adjacent structures.
 - a) The Board noted the removal of the 6th floor, and the upper level setback of the 5th floor facing N 35th Street, was a particularly successful response to the Early Design Guidance to reduce of the scale of the structure in response to the existing lowrise context across the street (CS2-D, CS3-A, DC2).
 - b) The Board agreed the structure is substantially larger than the structures on either side. However, the Board also stated the structure is also part of a larger fabric that includes the new 65-foot structure proposed across the alley (CS2-D, CS3-A, DC2).

2. **Courtyard.** The Board was pleased with the design of the courtyard in relationship to the library. The Board noted the west façade and courtyard units will provide additional eyes on the rear of the library site which will help discourage illicit activity.
 - a) The Board applauded the ongoing design efforts with the library to enhance the library setback space to create visual porosity but maintain some physical separation for library functions (PL1-A, PL2-B).
 - b) The Board expressed concern about the bedroom windows facing the courtyard space and recommended the applicant switch the living and bedroom spaces to encourage visual interaction (PL2-B).
 - c) The Board recommended a local artist enhance the blank walls along the courtyard pedestrian walkway facing the library (PL1-A, PL3-A).
 - d) The Board recommended a condition to work with SDOT to include visitor bike parking within the right-of-way (PL1-A, PL3-A).

3. **Architectural Concept and Materials.** The Board was very pleased with the proposed design and its progression since the last meeting. The Board agreed that the design was attractive and contemporary, while including strategic setbacks, modulation and fenestration to reduce the mass of the structure. The high quality material palette featured a predominance of ebony brick with dark mortar at ground level facing the street and a combination of standing seam metal siding, Ceraclad, corrugated siding, and a limited use of cement panel. The facades include expansive fenestration and strategic deck positioning to add substantial visual interest and complexity to the massing. In addition to these features, the Board also agreed that the design provided a responsiveness to the context with the courtyard configuration and setbacks to preserve the Exceptional street tree on the library site.
 - a) The Board questioned the use of cement panel on the east façade near the alley but determined that the façade would not be visible from the sidewalk. The Board agreed the street and library façade would be more visible and should be prioritized for the quality material application (DC4).
 - b) The Board recommend that the applicant consider windows on the 5th floor east façade (DC2).

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-C Topography

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

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-B Adjacent Sites, Streets, and Open Spaces

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

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-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-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-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

PUBLIC LIFE

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

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-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.

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

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.

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

DC2-C Secondary Architectural Features

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

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

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

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.

DEVELOPMENT STANDARD DEPARTURES

At the time of the Recommendation no departures were requested.

BOARD DIRECTION

At the conclusion of the RECOMMENDATION meeting, the Board recommended approval of the project with conditions.

Board Recommended Conditions:

1. Work with SDOT to include visitor bike parking within the right-of-way (PL1-A, PL3-A).

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

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

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

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

Subject to the recommended 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 March 2, 2015, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four members of the Northwest 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 and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Condition:

1. The applicant responded with a memo on May 26, 2016, noting, "The plans have been updated to reflect a proposed bike rack in the right-of-way. An application has been submitted to SDOT for this work and is currently under review. The annual permit application number is 306097." The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

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 23.34.004 (contract rezones), 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria) and 23.34.009 (height limits).

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

SMC 23.34.004 Contract Rezones.

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.***

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The PUDA shall require that development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3016369.

- B. *Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.***

As noted on page 2, in August of 2016, the City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). As also noted on page 2, SMC 23.58B and SMC 23.58C are applicable through the terms of a contract rezone in accordance with Section 23.34.004. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of

applying Chapter 23.58C in this case. A Director's Rule is being prepared pursuant to SMC 23.34.004.B that will, when adopted, govern the payment and performance calculation amounts for purposes of Chapter 23.58C for a contract rezone where Chapter 23.58C does not yet provide payment and performance amounts for the zone designation resulting from a contract rezone.

- C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.***

A PUDA will be executed and recorded as a condition of the contract rezone.

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

At the time of Seattle DCI recommendation no waivers to requirements were requested.

SMC 23.34.007 Rezoning 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 rezoning is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezoning, 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 rezoning 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 rezoning considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.***

This analysis evaluates the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) as they apply to the subject rezoning (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 Fremont Hub 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.

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

SMC 23.34.008 General rezone criteria.

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

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

The growth target listed for this Hub Urban Village in Urban Village Appendix A of the Comprehensive Plan is for 500 additional dwelling units between the year 2004 and the year 2024.

The established density target for this Hub Urban Village in the Urban Village Appendix A of the Comprehensive Plan is a density of 12 dwelling units per acre by the year 2024. In 2004, the density in this Urban Village was listed at 10 dwelling units per acre.

The proposed rezone will not reduce the zoned capacity for the Fremont Hub Urban Village. 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 54 apartments. The existing zoning would allow approximately 40 similarly-sized apartment units, leading to an increase in zoned capacity of approximately 14 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.

This rezone does include any changes to the zone designation and so an analysis of the zone type and locational criteria are not required.

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

The following is a chronological list of historical zoning for the subject parcel:

- 1923 to 1947 : Second Residence District with a 65' height limit.
- 1947 to 1957 : Business District with a 65' height limit
- 1957 to 1959 : Multiple Residence Low-Density (RM) with a 35' height limit
- 1959 to 1988: General Commercial (CG) with a 60' height limit
- 1988 to Present: Neighborhood Commercial 3 with a 40' height limit

The project site became a part of the City of Seattle with the annexation of 1891 which included the neighborhoods of Fremont, Green Lake, Eastlake, and north Queen Anne among others. In 1923, the City of Seattle adopted Ordinance 45382 which established regulations on the height and size of buildings. The project site was designated a Second Residence District, essentially a multi-family zone which also allowed hotels, clubs or fraternal societies, and hospitals. According to the height map, the subject parcel had a height limit of 65 feet.

The subject parcel was involved in a previous rezone. Ordinance 88466, passed in 1959, established the subject parcel as well as several adjacent parcels (including the Fremont Public Library) as "General Commercial" (CG). The parcels had previously been designated Multiple Residence Low-Density (RM). The owners of the Fremont Tabernacle petitioned the City Council in April of 1959 for the rezone (see Comptroller File 237082) and the ordinance was approved in August of the same year. Under the provisions of Ordinance 86300, which governed issues of land-use after its passing in 1957, a General Commercial designation limited the height

of construction to 60 feet (see Section 18.61, Ordinance 86300). The height limit for RM zones was 35 feet (see Section 12.51).

With the passage of Ordinance 110381, the City of Seattle established Title 23 in the Seattle Municipal Code. Starting with Residential Zones, the City began to adopt in phases a new Land Use Code. The zoning designation of the project parcel, initially “Mixed Use Area” in 1981, was developed as a part of the business and commercial zone phase of the policy development. By the time the 1988 zoning map is published, the project had been designated as Neighborhood Commercial 3 with a 40 foot height limit. This is the current zoning designation.

In 2015, the Commercial zones across the City were updated through ordinance 124770, which included the addition of a Pedestrian Overlay to N 35th Street.

There are no City-initiated zoning changes currently proposed for the Fremont 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 Fremont Neighborhood Plan were adopted by City Council October 4, 1999. The adopted portions can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section.

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

The subject property falls within the Fremont Hub Urban Village and is covered by the adopted portions of the Fremont 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 Fremont Neighborhood Plan do not include any policies related to future proposed rezones.

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

Community character policies

F-P3 Encourage the development of public art, cultural amenities, and unique design treatments consistent with Fremont’s character for the enjoyment and enrichment of users.

The project will develop public art and unique design treatments consistent with Fremont's character by engaging 4Culture to select a local artist who will collaborate with the design team to create and install art in two locations on the Project (on the property line walls on the east and west sides of the building). The Project will fund \$75,000 to pay for the artist and design solution that will be integral to the architecture of the project;

F-P4 Strive to provide street amenities that will create an attractive urban environment and that recognize the importance of both vehicular and pedestrian uses.

The project will provide commercial spaces along the N 35th Street right-of-way. The street level uses will activate a designated pedestrian corridor. In addition to the required street level uses the project will include an activated interior courtyard accessible to both residents and the public. A vestibule interior to the structure's lobby will visually connects the two commercial spaces and provides physical access between the lobby and the two commercial spaces;

F-G4: A neighborhood that encourages the retention of important scenic view opportunities throughout the neighborhood.

F-P10 Strive to protect public view corridors and scenic opportunities throughout Fremont.

A comprehensive view analysis has completed as part of the rezone analysis performed with the criteria of SMC 23.34.008 F1g and h.

Housing Goals and Policies

F-G6 A neighborhood with a mix of housing affordability and types that enhance Fremont's unique character.

F-P16 Encourage the development of housing in commercial areas.

F-P24 Encourage high density housing to locate in mixed-use areas and in close proximity to transit corridors.

The Project will create 54 additional housing units within the Fremont Hub Urban Village. The project will create a mix of housing units by providing five (5) 2-bedroom units. The project site is located 1 block from a frequent transit service corridor.

F-P21 Encourage neighborhood design quality, creativity, and character consistent with Fremont neighborhood design guidelines.

F-P23 Support the creation of public art at key sites in the community.

The project has been reviewed by the Northwest Design Review Board for consistency to adopted City Design Guidelines. As noted above the project is supporting the creation of public art next to the City of Seattle landmark the Fremont Library.

Transportation: transit service & transportation modes policies

F-P32 Seek to establish safe and convenient pedestrian circulation to, from, and within the downtown Fremont commercial area.

Ground level retail spaces will provide a strong connection to the street and public realm along a key pedestrian street.

Fremont Art Goals and Policies

F-G20 A neighborhood that supports the existing infrastructure of arts organizations to promote and fund public art.

F-G21 A neighborhood with public access to art.

F-G22 A neighborhood that encourages employment and small business development in conjunction with the arts.

F-P42 Strive to ensure the inclusion of art in all public and private development.

The project is supporting the creation of public art as detailed above.

- 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 Fremont neighborhood plan do not identify any specific areas for rezone.

SMC 23.34.008 D Conclusion: There are no specific Land Use policies to guide rezones within the Fremont neighborhood.

The proposed rezone is consistent with the density anticipated in and around the Hub Urban Village as contemplated in the Seattle Comprehensive Plan. The development is consistent with the adopted portions of the Fremont Neighborhood Plan. The proposal will facilitate future development that will best accomplish the City's planning objectives.

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

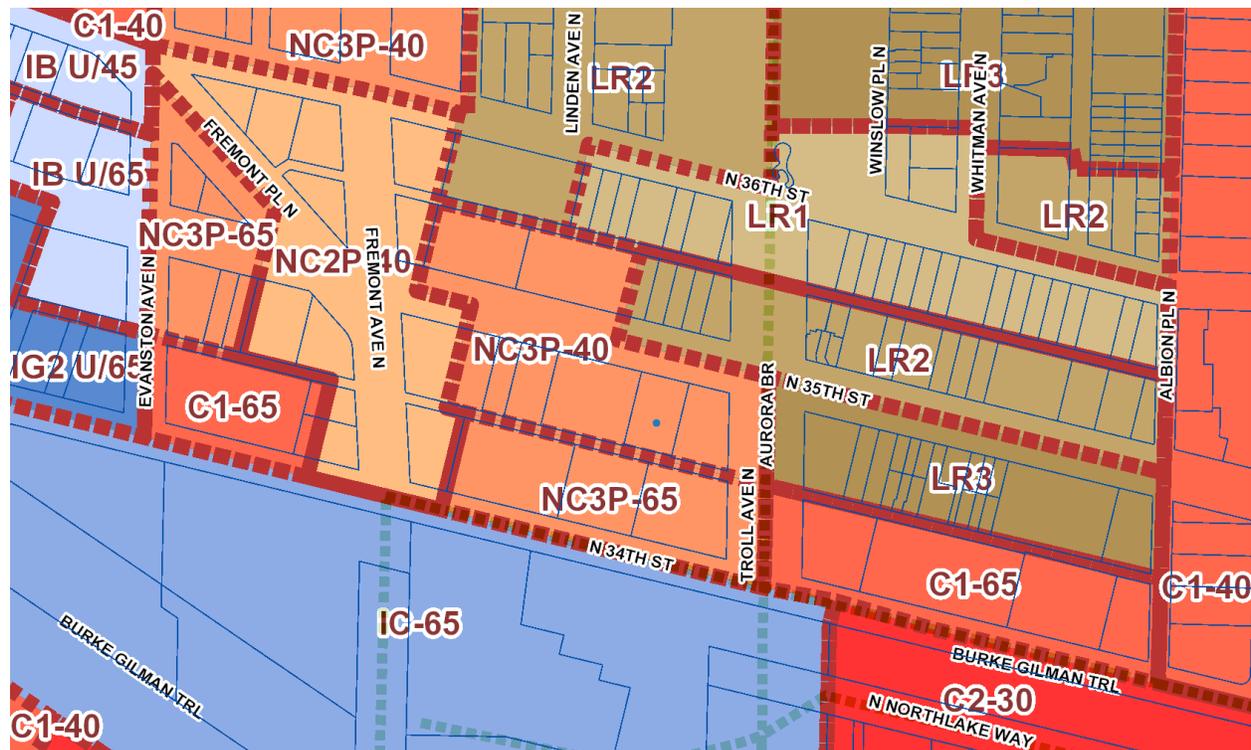
- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.***

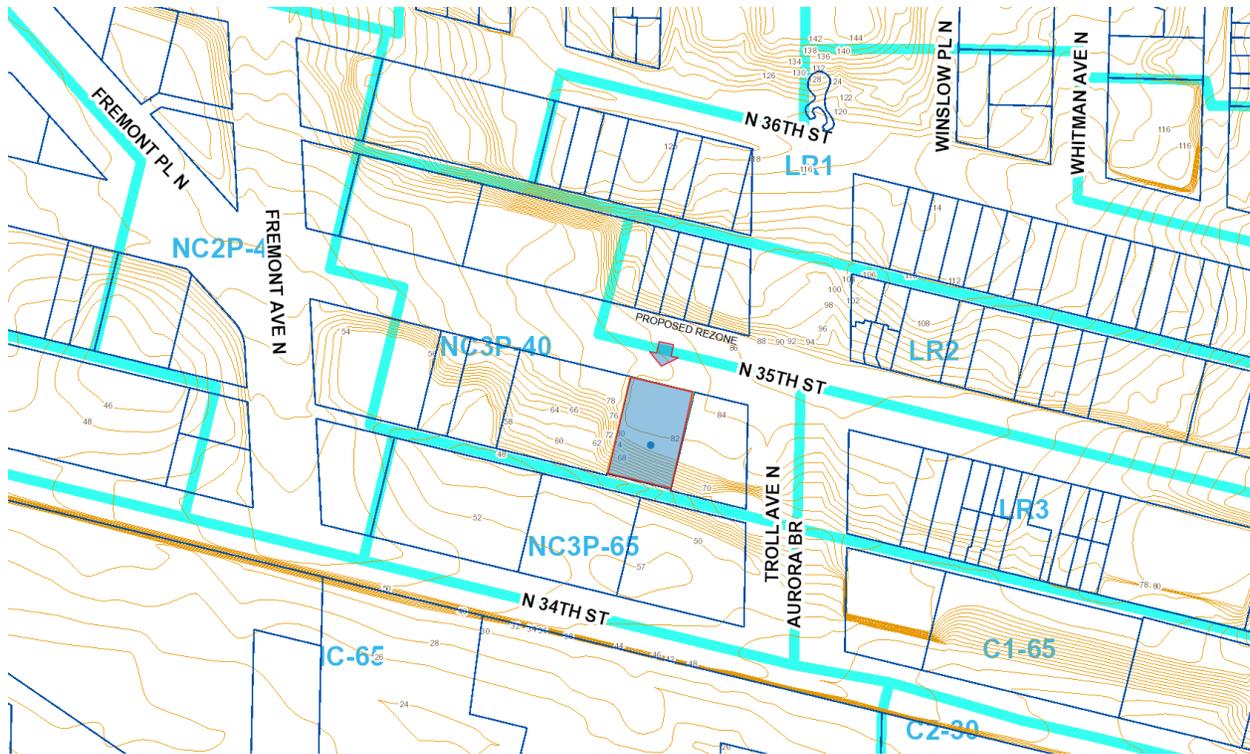
The rezone proposal does not include any changes to the existing zoning designation. The existing pattern of lowrise zoning, commercial and industrial zoning will continue to exist. The proposed rezoned does propose a change from the existing 40 foot height limit to 65 feet in height. Therefore an analysis of the transition between heights is warranted.

The Fremont neighborhood includes many zoning designations including multifamily, commercial and industrial zones of varying intensity and heights. Two prominent zoning patterns exist in the immediate proximity.

The subject lot is located north of the ship canal and east of Fremont Avenue N. The overall development pattern suggests a decrease in zoning intensity and height as properties continue north from the ship canal. Properties located along the ship canal are zoned Industrial Commercial with a 65' height limit. To the north of N 34th Street zoning then transitions to a lower intensity Neighborhood Commercial zone, with a pedestrian overlay. The height limit is maintained at 65'. As topography increases up the hill the zoning then transitions to a 40' height limit, which is the current zoning designation for the site. Continuing north zoning continues as Neighborhood Commercial with a 40' height limit, and also Lowrise 2 Multifamily zoning.

The second zoning pattern exists along Fremont Avenue N. Properties along Fremont Avenue N are zoned Neighborhood Commercial with a 40' height limit. Between N 34th Street and N 35th Street properties generally transition to a 65' height limit east and west of the Fremont Avenue N corridor, except for the portion of the block containing the subject property. The transition from a 40' height to a 65' height often occurs along a shared property line but also occurs in a parcel creating a split zoned lot condition.





Within the Fremont neighborhood there are many transitions in zoning intensity and height. In the immediate proximity industrial zones are located adjacent to commercial, commercial to residential. There are multiple examples of a 40' height zone located adjacent to a 65' height zone. In some instances, the transition does include buffers, such as a right-of-way street or alley, but in many instances the transition occurs along a shared property line.

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 three sides of the site.

The proposed rezone would result in a zone edge of NC3P-65 (65' height limit) adjacent to Lowrise Two multifamily (30' height limit) to properties to the north. Multiple buffers are present between the two proposed zone designations. The two zoning designations are separated by N 35th Street, an arterial street with an 80' right-of-way width. Within the right-of-way there are large established street trees that will be maintained with the proposed development. The existing structures located in the Lowrise Two zone are located on a topographic berm, approximately 10 feet above the street property line for the subject lot. The allowed height difference between the two zones is approximately 35'. However as noted in response to SMC 23.34.008 E. the north edge includes an arterial street, N 35th Street, with 80' right-of-way width and substantial topography to provide physical buffers.

The proposed rezone would also result in a zone edge of NC3P-65 (65' height limit) adjacent to NC3P-40 to the east and west, with no street or topography separation. The east and west zone edge will be adjacent to other commercially zoned properties, but the proposed rezone would allow 25' more height than those properties.

The adjacent building to the east is an existing two story commercial building. 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 east and west 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.

The adjacent to building to the west is the Fremont Public Library, a City of Seattle Landmark structure. The site is also located in proximity to the George Washington Memorial Bridge. The Department of Neighborhoods has reviewed the project proposed on behalf of the Landmarks Preservation Board, the review concluded "proposed building would afford some additional height to be visible above that of the massing diagram shown under the currently allowed NC3-40 zoning, but would not appear to significantly affect sightlines from public rights-of-way along North 35th Street either to, or from, both landmarks. Similarly, the increased sun and shadow effect of the proposed building on the Fremont Library appears to be relatively small compared to that of the massing diagram shown under the current zoning" (LPB 122/16).

The subject development maintains a 44-inch Big Leaf Maple Exceptional Tree as defined by SMC 25.11 between the proposed structure and the Fremont Public Library as shown on Sheet A1.1 of the Master Use Permit Plan Set. The exceptional tree and tree preservation area will provide a buffer between the subject development and the adjacent NC2P-40' site.

The proposed rezone will remove an existing zone edge to the south. A 20' wide alley separates the subject property from the properties to the south. There is also a drop in topography from the north to south. The subject lot proposes NC3P-65 zone consistent with the adjacent property.

3. *Zone Boundaries*

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

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

The proposed rezone would establish zoning boundaries with some physical buffers as described in response to subsection E2 above. The proposal would rezone the entire platted lot to NC3P-65 zoning.

- 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 existing pattern of commercially zoned properties facing multifamily properties across the street on N 35th Street. The proposed rezone will not create a new boundary between commercial and residential areas.

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 Fremont Hub Urban Village. The proposed rezone is also for NC3P-65. The proposal is consistent with this criterion.

SMC 23.34.008 E Summary: The proposed rezone would result in a zoning transition that currently exists in the Fremont Avenue N. A 65' commercial zone is located adjacent to a 40' zone commercial zone in multiple areas of Fremont including the existing block. The rezone would align with platted lots consistent with rezone criteria.

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

The rezone has been reviewed by the Department of Neighborhoods who concluded the proposed building would afford some additional height to be visible above that of the massing diagram shown under the currently allowed NC3-40 zoning, but would not appear to significantly affect sightlines from public rights-of-way along North 35th Street either to, or from, both landmarks.

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 54 residential units. The additional floors resulting from the proposed rezone would allow for 14 of the total residential units. The PUDA will ensure that the provisions of Chapters 23.58B and 23.58C will apply to the project proposal. Participation in the program under Chapter 23.58C will yield affordable housing within the project or an equivalent in lieu payment.

b. Public services;

The proposed rezone would result in an increase of 14 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;

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

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

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater 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. Stormwater 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 development has been designed to maintain existing mature street trees and an Exceptional Tree located on the adjacent library property. 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. The increased shadows that would result from the proposed design are relatively small compared to that massing permitted in a 40-foot zone.

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 a 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. No change will result from the change in zoning.

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

The nearest historic landmarks are the Fremont Public Library to the west and the George Washington Memorial/Aurora Bridge to the east. 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 693/14), and no further analysis was required.

As noted previously in response to the rezone criteria in SMC 23.34.008 E2 the Department of Neighborhoods has reviewed the project for an assessment of any adverse impacts to the designated landmarks. The Department of Neighborhoods determined the proposed building would afford some additional height to be visible above that of the massing diagram shown under the currently allowed NC3-40 zoning, but would not appear to significantly affect sightlines from public rights-of-way along North 35th Street to either identified landmark. Similarly, the increased sun and shadow effect of the proposed building on the Fremont Library appears to be relatively small compared to that of the massing diagram shown under the current zoning (LPB 122/16).

h. Shoreline view, public access and recreation.

The proposed development and rezone are located approximately 500 feet from the shoreline, and so will not directly impact shoreline public access or recreation.

Due to existing development and vegetation, there are no views visible from the N 35th Street right-of-way to Lake Union. There are no nearby public parks with shoreline views across the subject property. Some views of Lake Union are possible from the Troll Avenue N public right-of-way. The proposed rezone will not impact existing public views from Troll Avenue N.

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 private properties to the north have obscured views of Lake Union and the Aurora Bridge 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. The

proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

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 N 35th Street, an 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.

SMC 23.34.008 F Summary: The proposed rezone will result in minor shadow impacts for the existing City of Seattle Landmark Fremont Library. The rezone will not block any additional views of lake Union beyond what would occur with the existing zoning designation.

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 Fremont Hub Urban Village was given a 2024 growth target of 500 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 Fremont Hub Urban Village, and the adoption of the 2024 growth target for Fremont Hub Urban Village (2004) are all circumstances that have changed since the most recent zoning change for this area in 1988 (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 alternatives to single occupancy vehicles.

The area surrounding the subject property rezone proposal is well-served by transit lines. The nearest bus stops are located on Aurora Avenue N and on Fremont Avenue (approximately 2 blocks to the north and 1 block to the south respectively). These stops serve routes 5, 26, 28, 31, 32, 40, 62, 82 with transit service every 15 minutes throughout the majority of the day and night.

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 1988 (described in response to 23.34.008.C above).

SMC 23.34.008 G Summary: 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.

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 Fremont Hub Urban Village Overlay. The Comprehensive Plan Urban Villages element notes that 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 Fremont Hub Urban Village 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 10 parking spaces for 54 apartments, which reflects less than a 1:1 parking to residential unit ratio.

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

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

SMC 23.34.008 H Summary: The proposed rezone and development is consistent with the purpose of applicable overlays at this site.

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

A Steep Slope Environmentally Critical Area is located on the south portion of the site. A Limited Exemption for this ECA was granted under permit application #6387693. The SEPA analysis section of this document includes analysis of impacts to the Environmentally Critical Area; no significant impacts 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 any of the zoning transitions in the Fremont Urban Village. The proposed rezone will also align the zone edges with the parcels on site.

The proposed development has been reviewed through Design Review, including strategies to ease the transition to less intensive adjacent zones.

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 25' 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 Fremont Hub Urban Village 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 topography map in response to SMC 23.34.008 E above. Generally, the Fremont neighborhood slopes from north down to the south, towards Lake Union. The subject property includes a drop in topography from the north property line down to the west property line. The proposed rezone would result in an 8’ taller building than what would be possible along the north, high property line. The majority of the structure will be located adjacent to the south property line. The south property line is low point of the site and it is also located adjacent to same zoning height requested, 65 feet. The proposed rezone would result in a north to south zoning transition that reflects similar transitions within the immediate proximity as noted in the analysis of SMC 23.34.008 E1 and E2.

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 Lake Union, with lower height zoning adjacent as properties gain in elevation. The proposed rezone would not change this pattern.

Due to existing development and vegetation, there are no views of Lake Union that are visible to pedestrians standing across the site from N 35th Street. There are no nearby public parks with views to Lake Union across the subject property.

As noted in response to SMC 23.34.008 F1h: 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 obscured views of Lake Union and the George Washington/Aurora Bridge are visible from private properties uphill to the north, as described in response to SMC 23.34.008 F1h. The majority of the private property views would be blocked by development built to the current maximum zoning at the site. There is no appreciable difference in the amount of views that will be blocked with the proposed rezoned height of 65’.

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 NC3P-40. The proposed zoning is NC3P-65.

NC3P-40 allows buildings up to 44' tall. **NC3P-65** zoning allows buildings up to 65' tall.

In 40-foot NC zones an additional 4 feet of building height may be obtained through the requirements in SMC 23.47A.012 A, including provision of 13' floor to floor non-residential uses at the street level. A 65-foot NC zone does not allow additional height per SMC 23.47A.012 A. Other rooftop features are permitted above the 40' and 65' 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 40 feet. Nearby zones include height limits of 30', 40' and 65'.

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 2-4 stories tall (20-45' estimated range). Later 20th century and recent development tends to be 4-6 stories tall (40-65' estimated range). The older 1-2 story development is not representative of the development potential for zoning in this area. The 4-6 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 vicinity.

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 D2. As noted in that response, a zone allowing 40' heights are commonly found adjacent to a zone allowing 65' heights for many properties on either side of the Fremont Avenue N corridor. The proposed development includes increased setbacks and modulation at the north, west and east property lines, an open space setback with an Exceptional Tree along the west property line an 80' wide arterial (N 35th Street) abuts the north 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 Fremont Neighborhood Plan were adopted by City Council and are included in the Seattle Comprehensive Plan. The adopted portions of the Fremont Neighborhood Plan do not include height recommendations that relate to future proposed rezones.

SMC 23.34.009 Conclusion: The additional increase height that would result in a change of zoning from NC3P-40 to NC3P-65 would meet the criteria of SMC Section 23.34.009, as described above. No additional views from private property would be blocked by the additional building height resulting from the rezone.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposed rezone from Neighborhood Commercial Three with a Pedestrian designation (NC3P-40) to Neighborhood Commercial Three with a Pedestrian designation (NC3P-65).

APPROVED WITH CONDITIONS.

ANALYSIS – SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 5/18/2016. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the

The SEPA Overview Policy (SMC 25.05.665 D) 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

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

Construction Impacts - Parking and Traffic

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

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

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for

Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

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

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

A Construction Management Plan will be required prior to issuance of the demolition permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by PanGEO, dated July 24, 2014. The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, parking, and traffic warrant further analysis.

Greenhouse Gas Emissions

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

Historic Preservation

The existing structure(s) on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 693/14). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

The site is located adjacent to and nearby two designated historic landmarks, the Fremont Public Library and the George Washington Memorial/Aurora Bridge. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and did not recommend changes to the proposed design (Landmarks Preservation Board Letter, reference number LPB 122/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

The project is within the U. S. Government Meander Line buffer that marks the historic Lake Union shoreline – an area with the potential for discovery of pre-contact and early historic period resources. The applicant submitted a Cultural Resources Report by Cascadia Archaeology dated March 7, 2014, which indicated that no native sediments remain on the subject property; therefore, no specific mitigation measures were recommended.

Since the information showed there was no probable presence of archaeologically significant resources on site, Section A of Director’s Rule 2-98 applies. Conditions are warranted to mitigate impacts to potential historic resources, per SMC 25.05.675.H, and are included at the end of this document.

Height, Bulk, and Scale

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. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate

impacts to historic resources are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 54 residential units and approximately 1,900 square feet of retail commercial space with 10 off-street vehicular parking spaces. The traffic and parking analysis performed by William Popp Associates dated January 6, 2015 indicates a peak parking demand for approximately 30 vehicles for the residential uses and 3 vehicles for commercial uses. Peak residential demand typically occurs overnight and peak commercial demand typically occurs mid-day.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 54 % during the evening and 84% during the day within 800' of the site. The proposed development peak demand of 33 parking spaces would not be accommodated by the proposed 10 parking off-street spaces in the development, resulting in a spillover demand for 23 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 64% during the evening and 94% during the day when including all 23 vehicles. As noted previously the peak parking demand for residential uses occurs at night and peak parking demand for commercial uses occurs mid-day.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation if the proposed project is located within an Urban Villages within 1,320 feet of frequent Transit service. This site is located in the Fremont Hub Urban Village and it is located in a frequent Transit service corridor. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

Transportation

The Traffic Impact Analysis prepared by William Popp Associates dated January 6, 2015 indicated that the project is expected to generate a net total of 260 daily vehicle trips, with 21 net new PM Peak Hour trips and 13 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

Plants and Animals

Mature vegetation is located on the adjacent Fremont Public Library site, including one exceptional tree. The location of this tree is described in the Master Use Permit drawing set sheet A1.1. The applicant submitted an arborist report prepared by Greener TreeWorks LLC dated April 17, 2014. Seattle DCI's Arborist has reviewed the information.

The proposal includes retention of the Exceptional Tree(s). A condition for a tree preservation plan is warranted, to ensure that impacts to the Exceptional Tree(s) are sufficiently mitigated under SMC 25.05.675.N. The tree preservation recommendations provided within the arborist report will be required on any demolition, excavation, shoring, and construction permit plans.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. The George Washington Memorial/Aurora Bridge is a SEPA Scenic Route. The applicant provided view studies showing the proposed development in relation to the designated public views in SMC 25.05.675.P. The proposed development will not block any existing views of Lake Union along The George Washington Memorial/Aurora Bridge.

The proposed development does not block views of any nearby historic landmarks.

Mitigation is therefore not warranted under SMC 25.05.675.P.

SUMMARY

Several adverse impacts on the environmental are anticipated from the proposal. The conditions below are recommended to mitigation construction related impacts. No mitigation is warranted for long-term impacts.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

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

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – DESIGN REVIEW

Prior to Certificate of Occupancy

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 (Lindsay King (206) 684-9218 lindsay.king@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 30-2015, 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 (Lindsay King (206) 684-9218 lindsay.king@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 (Lindsay King (206) 684-9218 lindsay.king@seattle.gov).

CONDITIONS – REZONE

The Director recommends approval of the contract rezone subject to the following conditions, which shall be contained in the PUDA:

Prior to Issuance of a Master Use Permit

4. Development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58C.

Prior to Issuance of a Building Permit

5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3016369.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

6. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.
7. The owner and/or responsible parties shall provide Seattle DCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.
8. The plans shall show the tree preservation plan, consistent with the Greener TreeWorks LLC dated April 17, 2014 report on file with Seattle DCI.

During Construction

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

Lindsay King, Land Use Planner
Seattle Department of Construction and Inspections

Date: September 19, 2016

LK:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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