



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 2306651  
**Applicant Name:** Rod Butler, Chaos Architecture  
for Robert Woodard, Pacific Domains  
**Address of Proposal:** 500 12<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTIONS**

Master Use Permit for future construction of a four-story building containing 5,900 sq.ft. of retail at ground level and 18 apartments above. Parking for 29 vehicles to be provided within the structure.

The following approvals are required:

**Design Review** – SMC Chapter [23.41](#), involving design departures from the following Land Use Code development standards:

- residential lot coverage, SMC [23.47.008 D](#),
- residential setback, SMC [23.47.014 B2](#).

**SEPA** - Environmental Determination – SMC Chapter [25.05](#)

**SEPA DETERMINATIONS:**     Exempt    DNS<sup>1</sup>    MDNS    EIS  
  
 DNS with conditions  
  
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

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<sup>1</sup> Early DNS published February 10, 2005.

## **BACKGROUND DATA**

### Project Description

The applicant proposes a four-story mixed-use structure with approximately eighteen (18) residential units and commercial space at ground level. Parking is to be located inside the structure, at and below grade.

### Vicinity and Site

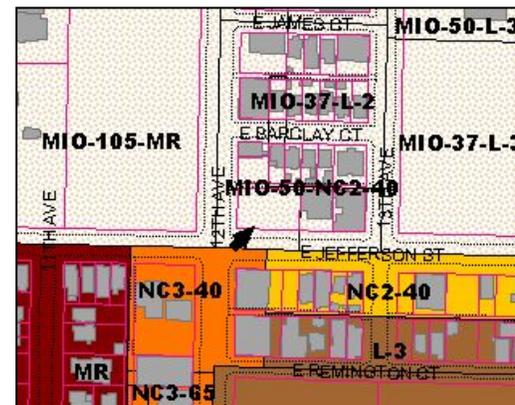
The site is located in the Squire Park neighborhood, at the northeast corner of 12<sup>th</sup> Ave and E Jefferson St. The City of Seattle classifies 12<sup>th</sup> Avenue as a minor arterial at the site, and E Jefferson as a collector arterial. While the site is relatively flat, it is located in the low ground of a basin rising westward toward First Hill, eastward toward the Central Area, and gradually northward. The property is located in the Central Residential Urban Village.

The site is located within the Seattle University (SU) Major Institutional Overlay (MIO). The Land Use Code provides for modified use and development standards in an MIO, subject to a Master Plan, for projects that are functionally integrated with, or substantively related to, the central mission of the Major Institution. As the proposal is not related to SU, the project is therefore subject to use and development standards of the underlying zone: Neighborhood Commercial 2 with a 40-foot base height limit (NC2-40').

To the north of E Jefferson St, all nearby properties are within the MIO, subject to varying height limits shown in Figure 2. Underlying zoning in the MIO is a patchwork of multifamily residential and neighborhood commercial zones. Land across 12<sup>th</sup> Ave to the west is zoned residential Midrise (MR). Along 12<sup>th</sup> Avenue on the east side is NC2-40, modified by a Pedestrian 1 (P1) overlay. Immediately to the west along Jefferson land is also zoned NC2-40, but is outside the P1 overlay. Further to the north and east, properties transition to residential Lowrise 2 and 3 (L2, L3). To the south, across E Jefferson St, properties are zoned NC3-40 around the 12<sup>th</sup> Ave E intersection, NC2-40 along the



**Figure 1.** Local topography



**Figure 2.** Vicinity Zoning



**Figure 3.** Aerial View

south side of E Jefferson toward the east, and NC3-65 further south along the west side of 12<sup>th</sup>. Up the hill to the southeast is an MR zone, and downhill to the southwest is an L3 zone.

Development in the vicinity largely reflects its zoning, though most does not approach full zoning potential, suggesting that the area could experience substantial future redevelopment. Much of the area is devoted to structures, open spaces, and uses associated with nearby institutions, including two SU playfields on blocks to the east and west of the site. The area is also predominantly residential, ranging from large multistory apartment complexes to single family homes on narrow lots. A few mixed use structures are recent additions to the 12<sup>th</sup> Ave streetfront to the north.

Nearby structures include neighborhood restaurants to the north and east, residences across the alley to the northeast, a 4-story office across Jefferson to the south, and a gas station kitty-corner across the intersection. The northwest corner of the intersection, opposite the site across 12<sup>th</sup>, is a high retaining wall for an athletic field.

The 12<sup>th</sup> Avenue corridor shows several signs of change, much of it in line with neighborhood planning efforts associated with the 1992 “Mayor’s 12<sup>th</sup> Avenue Plan”, affecting 12<sup>th</sup> Avenue from E. Union to Yesler. Road crews are currently installing new street improvements adjacent to the site and in the vicinity, including sidewalks, landscaping, lighting, textured crosswalks, and curb bulbs. As part of the 12<sup>th</sup> Avenue Plan, the City has offered up for bid properties once owned by SU. The subject property and a nearby property – 564 12<sup>th</sup> Avenue, located 500 feet to the north and subject to review under MUP #2306653 – are both subject to a contract of sale coordinated by Seattle Department of Neighborhoods.

The site is two legal lots, subject to a 1980 subdivision. Combined they measure approximately 122' along Jefferson by 80' along 12<sup>th</sup>. Due to the substandard 10' alley width, the applicant must dedicate three feet of the northern portion of the property to the alley per Seattle Municipal Code (SMC) [23.53.030 B2 & F1](#), which results in a site area of 9415 square feet. The site slopes gently to the southeast, about 6' in all (See Figure 1). No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently vacant, fenced in with chain link, and used to stage construction equipment related to the ongoing improvements to the right-of-way. One mature deciduous tree (a poplar, apparently) is located at the northwest corner.

The site is served by public transit. Metro routes 3 and 4 pass in front of the site along E Jefferson Street.

### Public Comment

DPD heard public comment at two Design Review meetings conducted in the neighborhood, and these comments were considered and addressed in the design recommendations report, available in the project file. The file also contains letters from the public, raising concerns related primarily to design review.

## **ANALYSIS OF THE DIRECTOR – DESIGN REVIEW**

The Early Design Guidance meeting for this project took place on February 24, 2004, located in the Seattle Vocational Institute. The applicant submitted for the Master Use Permit on January 5, 2005, and the Design Recommendations meeting took place on January 25, 2005, again located at the Seattle Vocational Institute. DPD has previously issued and distributed the Design Recommendations report, and the Board's principal recommendations are summarized below. The full report is available in the project file, located on the 20<sup>th</sup> floor of Seattle Municipal Tower.

**1/25/2005 Recommendations – Site Planning.** Board members unanimously agreed with public concerns related to the recessed residential and commercial entries on 12th Ave. They noted that the commercial entry proposed on E. Jefferson St. is much more successful. While a recess of 3-5 feet is appropriate, they stated that the design should be updated to provide visible entries adjacent to the sidewalk. Planters currently proposed in front of ground-level windows and in the vestibule area should either be moved to the outside edge of the sidewalk (if allowed by SDoT), or should simply be eliminated.

The Board recommended that the design provide more residential windows facing the courtyards, particularly on the north side, in order to enhance a sense of ownership over these outdoor spaces. They felt the respective scales of the courtyard designs are appropriate as proposed.

**1/25/2005 Recommendations – Architectural Elements and Materials.** The Board identified portions of the design where residential balconies have no windows behind them. They recommended that the design team resolve this incongruity by providing windows or working with DPD staff to identify another appropriate treatment to achieve a good human scale.

Board members discussed the overall fenestration pattern, expressing concerns that residential windows should be larger on the portions of the principal façades shown to be finished in stucco. They also stated that the design's southeast corner needs further architectural treatment, such as windows that wrap the corner to the east-facing façade. While the design's east wall is adjacent to a site that may eventually be fully redeveloped, it's possible that this blank wall will be visible for years to come. They recognized that such a treatment may be limited by building code requirements for fire separation; and they suggested a possible shift in the massing to provide a 5' setback along a portion of the east façade to facilitate windows, understanding that such a shift may involve a proportionate reduction in the proposed south-facing terrace. They recommended that the design team work with DPD staff to further enhance the fenestration pattern of the principal facades and to improve the architectural treatment of the design's southeast corner.

Board members noted that the design's residential bays extend above the corniceline, interrupting what could otherwise be an effective unifying element that caps and resolves the repeating vertical modulations. They recommended that the architect update the design to show bays that terminate below the corniceline. The design team should further consider how the bays resolve the design's corners at the northwest and southeast of the site.

Board members approved of the colors as proposed, and recommended against any color shift toward beige.

**1/25/2005 Recommendations – Pedestrian Environment.** The Board recommended that the applicant provide operable windows at the ground level. They identified the site’s southwest corner as the best place to locate such windows, and recommended that at least half of the windows at the corner be operable.

The residential entry should not be as deep as currently designed. The Board recommended that any proposed recess from the sidewalk be of a scale with the proposed entry on Jefferson St.

**1/25/2005 Recommendations – Landscaping.** The Board recommended that the final landscape design be prepared by a licensed landscape architect, subject to further input by DPD staff.

The Board shared neighbors’ stated concerns that planters proposed between the sidewalk and ground floor windows would likely present more of an obstacle than an amenity for effective engagement of the pedestrian zone. They recommended that the plantings at the sidewalk level either be relocated to the outside of the sidewalk and planting strip, or that it be eliminated altogether.

On the above-ground terraces the landscape design should incorporate plants that spill over the side. This is particularly important for the north-facing terrace, where plants might also grow up along the wall adjacent to the alley.

## **DECISION – DESIGN REVIEW**

The Director concurs with the recommendations of the Southeast Seattle Design Review Board, delivered January 25, 2005, and **CONDITIONALLY APPROVES** the project’s Design Review component and the requested departures for residential lot coverage and the residential setback (refer to Appendix A on page 10 below), subject to the conditions listed at the end of this report.

## **ANALYSIS – SEPA**

The applicant provided the initial disclosure of this development’s potential impacts in an environmental checklist signed and dated on January 5, 2005. The file also contains letters from the public, generally concerned with how the project relates to neighborhood planning for the 12<sup>th</sup> Avenue corridor. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states “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 limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the

Stormwater, Drainage, and Erosion Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some short and long term impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction and demolition; potential soil erosion during grading, excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

**Construction noise.** Due to the close proximity of residential properties to the north and east, the limitations of the Noise Ordinance are likely to be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section [25.05.675 B](#), the hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m., and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or his successor). Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon whether the owner(s) and/or responsible party(ies) provide three days' prior notice to allow DPD to evaluate the request. See Table 1 and Condition #4, below.

**Parking.** Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. The applicant has provided limited information related to short-term construction related parking impacts on the vicinity. However, various drive-by site visits indicate that parking utilization of the surrounding streets is generally low enough that parking by construction workers will not constitute an impact warranting mitigation.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: marginally increased surface water runoff from greater site coverage by increased impervious surfaces; increased bulk and scale on the site; increased traffic and parking demand due to residents and visitors; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption.

The expected long-term impacts are typical of medium- to high-density residential development and are expected to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Stormwater, Drainage, and Erosion Control Code (storm water runoff from additional site coverage by impervious surface); the Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

**Parking.** The Seattle SEPA policy for parking impacts (SMC [25.05.675 M](#)) provides authority to mitigate parking impacts of multifamily development when on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity as so defined. Capacity has been defined as a condition where 85% of the existing on-street spaces are occupied at peak hours.

The proposed project incorporates 29 parking spaces, more parking than would otherwise be required by the Land Use Code, and also enough to fully accommodate the project's peak evening and nighttime demand. No further mitigation is warranted.

**Other impacts.** The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

### 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 [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

## **DESIGN REVIEW CONDITIONS**

The following Design Review conditions 1-3 are not subject to appeal.

### Prior to Issuance of Any Permit to Construct

1. The applicant shall update the Master Use Permit plans to reflect drawings shown after the Design Review Board meeting on January 25, 2005, and the recommendations and conditions of this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.

### Prior to and/or during construction

2. Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the project planner prior to construction.

### Prior to issuance of the Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three working days prior to the required inspection.

## **CONDITIONS – SEPA**

### During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

4. The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays<sup>2</sup> to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m., and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land

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<sup>2</sup> Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>



**Appendix A: Departure from Development Standards:**

The table below itemizes the requested departures and reflects the Board’s discussions and recommendations. The recommendations are based upon the departures’ potential to help the project better meet the design guideline priorities and achieve a better overall design.

The applicant requested departures from the following Land Use Code development standards:

Requirement	Proposed	Comments	Recommendation by Board
<p>SMC <a href="#">23.47.008 D</a>, <b>residential lot coverage</b>. 64% coverage allowed for residential portions of the structure located &gt; 13' above grade. 9415 sq.ft. * 64% = 6026 sq.ft</p>	<p>69% coverage, about 6500 sq.ft. About 475 sq.ft. per floor larger than otherwise allowed.</p>	<ul style="list-style-type: none"> <li>The overall massing steps up to the arterials and away from residential areas located across the alley to the northeast. There are appropriately-scaled courtyard terraces that effectively treat the overall massing concerns.</li> </ul>	<p>In consideration of the appropriate distribution of the design’s massing and its substantial modulation, the Board recommended that DPD approve the proposed departure.</p>
<p>SMC <a href="#">23.47.014 B2</a>, <b>residential setback</b>. Portions of mixed use buildings above 13' must be set back 10' from residentially zoned property</p>	<p>Portions of a proposed wall extend 2' into the required setback area.</p>	<ul style="list-style-type: none"> <li>The design’s northeast corner abuts a residential lowrise zone across the alley. The proposed wall would be located 8' from the alley centerline, and would be about 21' high</li> </ul>	<p>The Board recommended that DPD approve the proposed departure provided that the design incorporate plants that spill over the top of the wall to soften it visually.</p>