



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** November 12, 2010

**To:** Sally Clark, Chair  
Tim Burgess, Vice Chair  
Sally Bagshaw, Member  
Committee on the Built Environment (COBE)

**From:** Michael Jenkins, Council Central Staff

**Subject:** Clerk File (CF) 310179: Application of Capitol Hill Housing for approval of a contract rezone of 9,799 square feet of land at 500 – 12<sup>th</sup> Avenue from Neighborhood Commercial 2 with a 40 foot height limit and a Pedestrian overlay (NC2P-40) to Neighborhood Commercial 2 with a 65 foot height limit and a Pedestrian overlay (NC2P-65) (Project 3009796, Type IV).

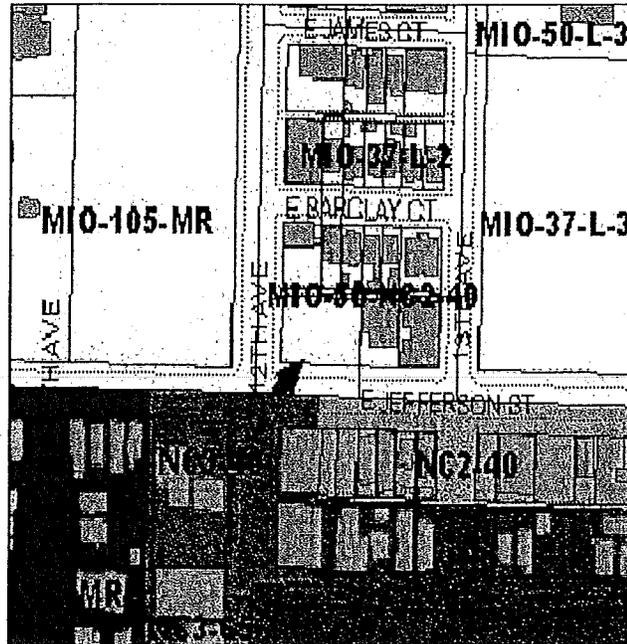
**Overview**

Capitol Hill Housing (“Proponents”), propose a contract rezone of an approximately 9,799 square foot site at 500 – 12<sup>th</sup> Avenue. As reflected in the map, the site is bounded by 12<sup>th</sup> Avenue and E. Jefferson Street and is located in the Central District neighborhood of Seattle.

If approved, the site would be rezoned from NC2P-40 to NC2P-65. Seattle University has included this site within its Major Institution Overlay (MIO) zoning. The MIO zone allows Seattle University to develop the site with a building up to 50 feet in height. There is no change proposed to the MIO.

The lot is currently vacant.

The proposal is to construct a six story structure with 6,200 square feet of retail at the ground floor, with retail spaces fronting both 12<sup>th</sup> Avenue and E. Jefferson Street. The top five floors of the structure above the ground floor retail would include 40 – 1 and 2 bedroom dwelling units. All of the housing in the proposed development would be affordable workforce housing, with units affordable at 60% of the area’s median income.



17 parking spots are included, located in a partially below grade parking garage. Access to the parking would be provided from an alley located along the north property line.

## **2. Type of Action – Standard of Review - No Appeal or Request to Supplement the Record**

This rezone is a Type IV quasi-judicial rezone under Seattle Municipal Code (SMC) 23.76.036. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and the Council's rules on quasi-judicial proceedings (Resolution 31001). The Hearing Examiner establishes the record for the decision at an open-record hearing. After the hearing, the record may be supplemented through a timely request to Council only. No appeal of the Hearing Examiner's recommendation was filed, and there was no timely request to supplement the record.

Because there was no appeal or timely request to supplement the record, the Council's quasi-judicial rules require that the decision be based upon the record as submitted by the Hearing Examiner, and that no oral argument be presented by the parties to the COBE. The Council's quasi-judicial rules provide that the action by Council must be supported by substantial evidence in the record.

The record contains the substance of the sworn testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include but are not limited to:

- The recommendation of the Director of DPD;
- The environmental (SEPA) checklist for the proposal;
- The rezone application, and other application materials; and
- An audio recording of the Hearing Examiner's open record hearing.

The entire Hearing Examiner's record is kept in my office and is available for your review.

## **3. Materials from the Record Reproduced in COBE Notebooks**

I have attached the following portions of the Hearing Examiner's record:

1. The Hearing Examiner's Recommendation (including the findings of fact and conclusions supporting the recommendation) (Attachment A);
2. DPD Director's Analysis and Recommendation (Attachment B);
3. Hearing Examiner's Exhibit 3, an overhead photograph of the site and surrounding property (Attachment C);
4. Hearing Examiner's Exhibit 24, elevations and selected floor studies (Attachment D);

#### 4. Summary of the record

The Hearing Examiner recommended that Council **APPROVE** the rezone request, with three conditions. The recommended conditions will be discussed later on in this memo.

The following is a brief summary of the zoning history, the proposed development and the Hearing Examiner's conclusions.

##### A. Zoning history

The site has been zoned for commercial uses since 1923. The most recent zoning for the site includes its designation as NC3-40 in 1986 and was subsequently rezoned to NC2-40 in 1994. The MIO designation was added in 1997 when the Seattle University Major Institution master plan was approved by Council.

The site was the subject of a proposed legislative rezone in 2009. This site was part of a larger one-acre area under consideration for an increase in height limits from 40 to 65 feet, if the additional height was used to provide 'affordable housing' meeting requirements in the City's Incentive Zoning program, Seattle Municipal Code Section 23.58A. That legislation was never adopted by Council.

##### B. Surrounding area

The first page of this report shows the zoning in the area surrounding the site. To the north of the site, fronting 12<sup>th</sup> Avenue, properties are zoned NC2P-40. A small NC2-40 zone stretches to the east of 12<sup>th</sup> Avenue. To the north east of the site is a 3-block area zoned Lowrise 2. All of these areas are also included in the Seattle University MIO.

To the south of the rezone site the areas fronting 12<sup>th</sup> Avenue are zoned NC3P-40 for one block, rising to NC3P-65 south and continuing along 12<sup>th</sup> Avenue. East of the rezone site properties are zoned NC2-40.

The site and the surrounding area are located within the 12<sup>th</sup> Avenue Urban Center Village, which is a part of the larger Capitol Hill/First Hill Urban Center.

##### C. Public comment

Two public comments were provided in support of the project at the Hearing Examiner's hearing. In addition, public comments were provided during the design review meetings on the proposal. A letter of support was also submitted by Seattle University.

#### D. Summary of the Hearing Examiner's conclusions

General rezone criteria require an analysis of the effect of a rezone on zoned capacity.

The site is located in the 12<sup>th</sup> Avenue Urban Center Village, which has a growth target of 700 households by 2024, which increases the density in the urban village from 9 dwelling units per acre to 12 dwelling units per acre by 2024. If the underlying zoning is used, this quarter acre site would be developed with 24 dwelling units. The proposal would allow 40 dwelling units, or an increase of 16 dwelling units resulting from the height increase. Therefore the increase in height creates the opportunity for additional density and moves the urban village towards meeting its density goals.

When a change in zone designation occurs, rezone criteria also requires an analysis of two factors – whether the requested rezone meets the functional criteria for the proposed zone and the locational criteria that state the characteristics of the surrounding area. Both criteria must be satisfied in order to approve a rezone.

The proposal does not call for a change in the zone designation, only the height limit. Therefore, no additional review on this issue is required

The Hearing Examiner also provided analysis on the relationship of the proposal to the neighborhood plan. The Hearing Examiner noted that the site is located within the adopted Central Area Neighborhood Plan. While the plan does not specifically address development at this site, it does include several policies that support new development that include ground level retail, wider sidewalks for pedestrian activities, the creation of affordable housing units and housing along 12<sup>th</sup> Avenue, all features that included in this proposal.

The Hearing Examiner then provided a review of the proposed height increase from 40 feet to 65 feet, as required under SMC 23.34.009. The Hearing Examiner supported the height increase, stating that the proposed height provided under the project:

- is consistent with heights permitted in the area;
- does not displace preferred uses;
- provides additional opportunity for affordable housing;
- compatible with the area's topography, including the 12<sup>th</sup> Avenue corridor; and
- is designed to ensure that project impacts on adjacent properties from additional height have been mitigated.

#### E. Recommended conditions

The Hearing Examiner recommended that the Council adopt three project conditions, to be included in a Property Use and Development Agreement (PUDA). The conditions were included in DPD's recommendation and modified by the Hearing Examiner. The recommended conditions, found on Page 8 of the Hearing Examiner's recommendation, would require that 1) the project that was approved through the design review process is substantially built and that 2) two conditions to address environmental (SEPA) impacts related to construction noise and construction traffic are implemented.

November 12, 2010  
COBE  
Re: C.F. 310179

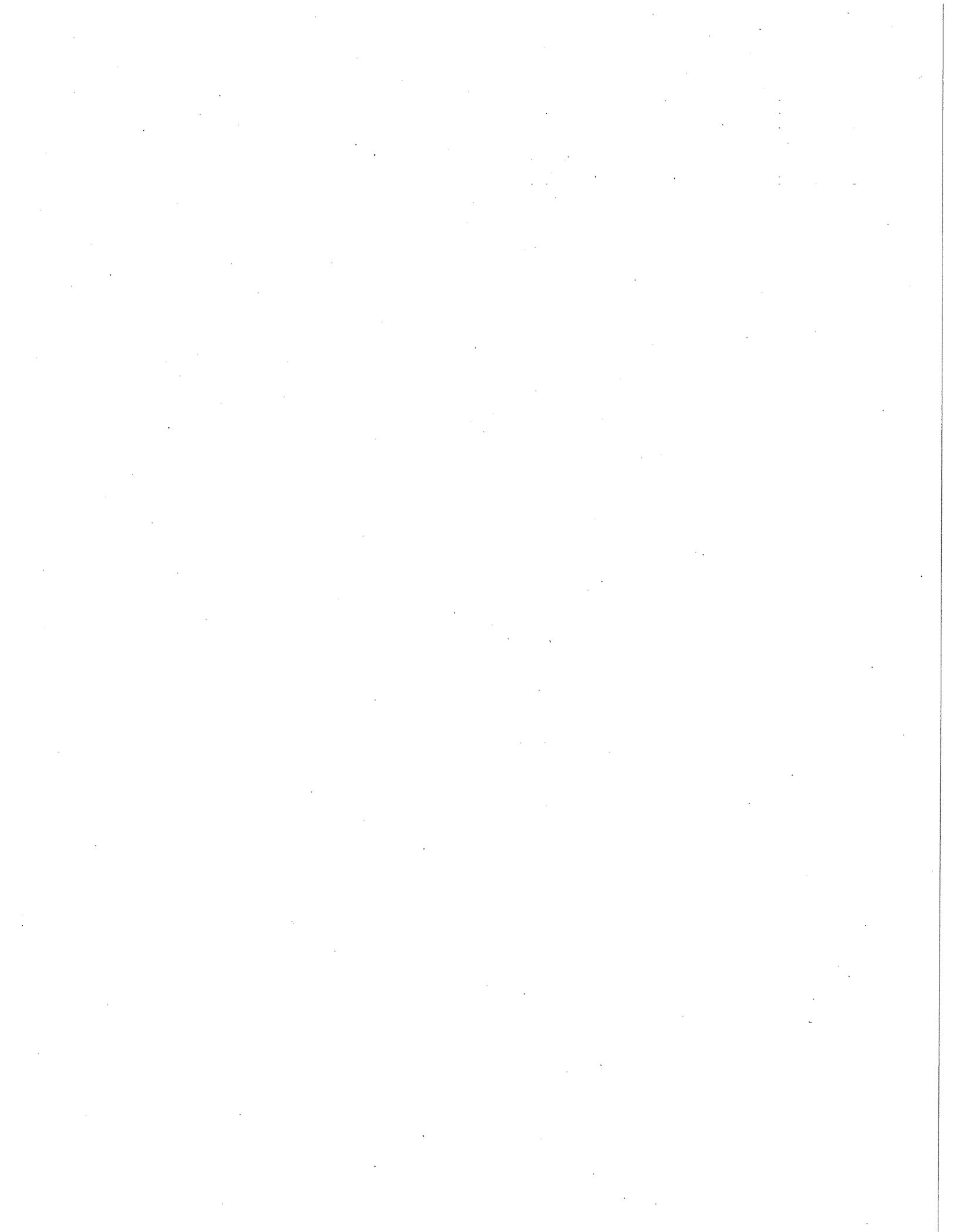
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## **5. Recommendation**

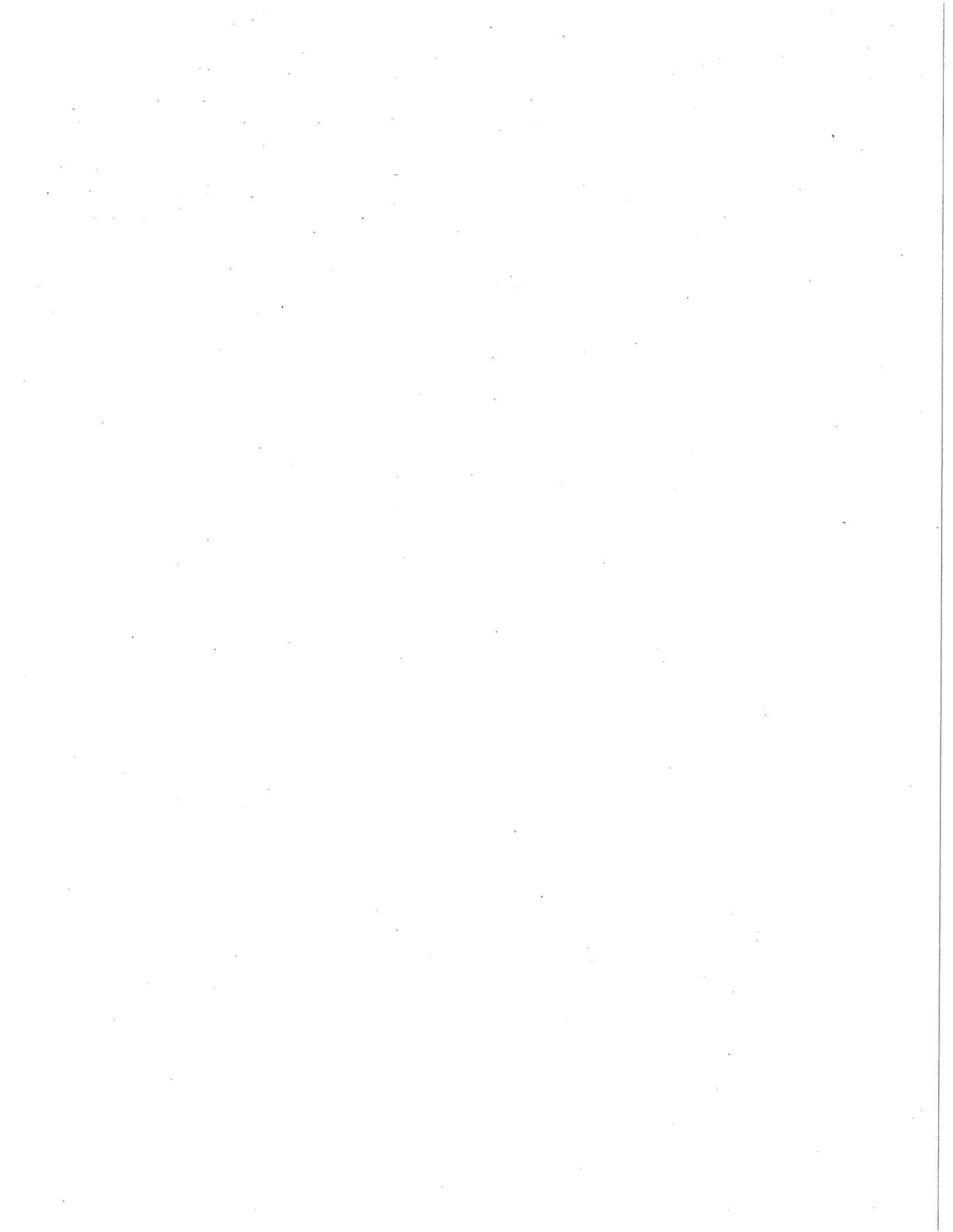
I recommend that the COBE move to **APPROVE** the rezone request and adopt the Hearing Examiner's findings conclusions and decision, dated September 28, 2010. I also recommend that the Council adopt the three conditions outlined in the Hearing Examiner's recommendation.

## **6. Next Steps**

If the Committee recommends approval of the rezone as described above, I will draft Council Findings, Conclusion and Decision (FC and D) and prepare a Council Bill (CB) for introduction and referral to full Council. The CB will include a copy of a PUDA to be recorded. Once the CB is introduced, both the CB and the FC and D can be considered and voted on at the next full Council meeting.



A



**FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

**CF 310179**

**ROGER TUCKER/ENVIRONMENTAL WORKS  
For CAPITOL HILL HOUSING**

for a rezone of property addressed as  
500 12<sup>th</sup> Avenue

DPD Project No.:  
3009796

**FILED**  
CITY OF SEATTLE  
10 OCT 25 AM 9:20  
CITY CLERK

**Introduction**

The applicant, Roger Tucker, on behalf of Capitol Hill Housing, seeks a contract rezone of 9,799 square feet of land from Neighborhood Commercial 2 Pedestrian Overlay (NC2P) with a 40-foot height limit, to NC2P with a 65-foot height limit.

The public hearing on this application was held on October 7, 2010, before the undersigned Deputy Hearing Examiner. The Director's SEPA determination on the proposal was not appealed. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Lisa Rutzick, Senior Land Use Planner; and the applicant, Capitol Hill Housing. The record was held open until October 18, 2010 for purposes of the Examiner's site visit.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

**Findings of Fact**

**Site and Vicinity**

1. The rezone site is addressed as 500 12<sup>th</sup> Avenue, and is located at the northeast intersection of 12<sup>th</sup> Avenue and E. Jefferson Street. The site is currently vacant and is approximately 9,799 square feet.

2. The site is bounded to the west by 12<sup>th</sup> Avenue, to the south by E. Jefferson Street, to the north by an alley, and to the east by another parcel. Surrounding uses include a restaurant (Lemon Grass) to the north; the King County Recovery Center which is south across East Jefferson; another restaurant/lounge directly to the east (Waid's Haitian Cuisine and Lounge); and a Seattle University (SU) athletic field west across 12<sup>th</sup> Avenue.

3. Other development in the area includes two SU playfields further to the east, residential structures ranging from large multistory apartment complexes to single family homes on narrow lots, a four-story office building across E. Jefferson, a gas station, and other neighborhood restaurants and mixed use structures. Recent redevelopment in the area includes some mixed-use projects along the east side of 12<sup>th</sup> Avenue, between E. Marian Street and E. Jefferson Street.

4. The site is generally level, and no portion of it is designated as an Environmentally Critical Area on City maps. The prior use of the site as a gas station resulted in soil contamination at the site. The site has been identified as a brownfield within the King County Brownfields Program, and the County has conducted Phase I and II assessments at the site (Exhibit 11). Soil remediation and excavation activities are being reviewed under Master Use Permit Project No. 3011579.

5. The site is zoned Neighborhood Commercial 2 Pedestrian with a 40-foot height limit (NC2P-40). The site is within the boundaries of the Seattle University Major Institutional Overlay (MIO) but is not associated with SU, so is subject to the NC2P-40 use and development standards. The site is within the 12<sup>th</sup> Avenue Urban Center Village.

6. The Comprehensive Plan identifies a growth target of 700 additional households for the 12<sup>th</sup> Avenue Urban Center Village, and an increase in density from 9 households per acre in 2004, to 13 households per acre by 2024.

7. The zoning in the vicinity is shown in Exhibit 4; nearby zones include Lowrise 2 and 3, NC2-40 and NC2-65, NC3-40 and NC3-65, and Midrise. Along 12<sup>th</sup> Avenue, the underlying height limits vary, including 40-foot and 65 foot zones. Several intersections along 12<sup>th</sup> Avenue are zoned for 65 feet, including 12<sup>th</sup> and Madison, and 12<sup>th</sup> and Fir. All of the nearby properties north of E. Jefferson Street are within the MIO, and are subject to varying overlay height limits ranging from 37 to 105 feet. Seattle University is planning to amend the height limit for the MIO at this location from 50 feet to 65 feet.

8. The site has been zoned for commercial use since 1923. The site was zoned as NC3-40 around 1986, and was rezoned to NC2-40 in 1994. The Seattle University MIO zone of MIO-50 was added in 1997.

9. Several Metro Transit routes have scheduled stops at Broadway and Jefferson Street, near the site. There is service on Jefferson Street, Broadway, Boren, and other nearby streets.

10. In 2009, DPD proposed a legislative rezone of a one-acre area surrounding 12<sup>th</sup> Avenue and E. Jefferson Street, including this site, to increase the height limit from 40 to 65 feet. DPD also proposed a minor text amendment to SMC 23.47A.012 to create a zoning designation that would classify areas where additional height could be obtained by providing affordable housing per the requirements of SMC 23.58A. Exhibit 9.

According to the applicant, the proposal was not moved forward to a Council vote on account of other legislative priorities. Exhibit 9 (Rezone Information Form, page 2).

11. The applicant, Capitol Hill Housing (CHH), proposes a contract rezone from NC2P-40 to NC2P65 to support its development proposal at the site. CHH purchased from the City's Office of Housing for the purpose of this project, which is a six-story mixed use structure that would include 40 units of affordable "workforce housing," (with one- and two-bedroom units to accommodate families). The rental housing would include income limitations as a requirement of the project's funding (Exhibit 23). The project would include 6,200 square feet of ground floor retail space that could be partitioned or combined to accommodate a variety of tenants. Parking for 17 vehicles is also proposed, although the Code does not require off-street parking at this site, as it is located within an urban center. The additional height would allow CHH to create 16 additional residential units on the site that would be possible under the existing height limit.

12. The development proposal was reviewed by the Capitol Hill/First Hill/Central Area Design Review Board. The Board held an early design guidance meeting on May 6, 2009. The Board heard public comments, reviewed CHH's design options, and identified siting and design guidelines of highest priority for the project. The Board held its final recommendation meeting on August 4, 2010, heard additional public comments, reviewed CHH's response to the guidelines, and unanimously voted in favor of the design and a departure for structural building overhangs. The Director's report, at pages 18-26, describes in more detail the Board's review of the project, including the Board's review of the height, bulk and scale impacts of the project.

13. CHH has sought public input on its design from architects and residents in the neighborhood. Among other outreach activities, it held a meeting with nearby residents at Barclay Court on July 14, 2009. Residents at this meeting offered comments about the project, expressed concerns about existing noise and crime problems in the neighborhood, and also expressed support for new development and more "eyes on the street" in the area. Exhibit 21.

14. A shadow study was prepared by the applicant; Exhibit 19, Sheet T1.6. Shadowing on adjacent streets and building would increase with the proposed 65-foot height limit, and some of the applicant's design is intended to reduce these impacts, e.g., the setback of 10 feet from the north property line. The record does not indicate that shadow impacts would be significant, and no additional mitigation measures have been recommended by either the Director or the Design Review Board aside from the project design measures (e.g., additional setbacks along the north side of the property) that are intended to address the project's height, bulk and scale.

15. Exhibit 24 includes project drawings and plans, as well as a series of renderings intended to show how the project will appear from various vantage points.

DPD Review

16. The Director reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance (DNS). The DNS was not appealed. DPD also issued design review approval for the project, and recommends approval of the contract rezone.

Public comments

17. At the hearing, two members of the public spoke in favor of the proposed rezone, and a letter from Seattle University in support of the rezone was submitted by the applicant.

18. The site is within the planning area of the Central Area Neighborhood Plan, which was adopted as an amendment to the City's Comprehensive Plan by the City Council pursuant to Ordinance 119216. Portions of the adopted Plan are set out at pages 7-8 of the Director's report.

Codes

19. SMC 23.34.004 provides for the approval of a rezone subject to a Property Use and Development Agreement (PUDA).

20. SMC 23.34.007 provides that *"In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions."* The section also states that *"No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion."*

21. SMC 23.34.008 states the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; and the presence of overlay districts or critical areas.

22. SMC 23.34.009 provides that *"Where a decision to designate height limits in 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 criteria set forth in that section shall apply.

**Conclusions**

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed contract rezone to City Council, pursuant to SMC 23.76.052.

2. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation, and none of the criteria are to be applied as absolute requirements. The site is within the 12<sup>th</sup> Avenue Urban Center Village, so the provisions of Chapter 23.34 which apply to those areas apply to this site.

#### General rezone criteria

3. Effect on zoned capacity. SMC 23.34.008.A requires that, within the urban center or urban village, the zoned capacity taken as a whole shall be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The proposed 40 units of housing on this site would help to achieve the growth target of 700 additional households in the Urban Center Village by 2024, and would exceed the residential density goals for the village.

4. Match between zone criteria and area characteristics. The most appropriate zone designation is 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 designation. The site would remain NC2, so the existing match between the zone criteria and area characteristics would be retained. The change in height limit is discussed below.

5. Zoning history and precedential effect. The site has been zoned NC2-40 since 1994, and the MIO-50 overlay has been in place since 1997. Areas to the south and east were rezoned from L3 to NC3P-65 in 2004, and Seattle University proposes to increase the MIO height limit to the north and east (including a portion of this site) from 50 to 65 feet. The rezone and other changes in the vicinity may encourage future applications for a change in height, although the project's affordable housing component and its corner location may distinguish this application from others.

6. Neighborhood plans. The site is within the boundaries of the adopted Central Area Neighborhood Plan. The adopted Plan policies do not address rezoning of this site or other areas in the Plan area. The creation of 40 units of affordable housing and new retail space at this site, would be generally consistent with and implement the adopted policies. The project's ground floor retail and its presence on two street frontages will improve the environment on these main thoroughfares, which is encouraged by CA-P1 (enhancing the sense of community). The proposed street improvements, i.e., wider sidewalks and streetscape landscaping, and the ground floor commercial along 12<sup>th</sup> Avenue, will encourage the increased "pedestrianism" called for by CA-P8. The project creates 40 units of affordable housing that includes units for families, which is consistent with CA-P21 (countering potential gentrification with affordable housing programs and techniques), and provides neighborhood-scale retail spaces at ground level that are encouraged by CA-P24 (create a viable business base and enhance the pedestrian nature of the area). The project increases housing density along 12<sup>th</sup> Avenue, which is encouraged by CA-P36. The project will also create retail spaces to house uses that are available to the Seattle University population, as called for by CA-P38.

7. Zoning principles. Some transition in height would be achieved through design. The rezone would add height to property that faces the Lowrise zoning to the east, although the design reduces the impacts of this height, with setbacks along the east and southeast property lines at levels 2-6. Zoning heights to the north and south of the project vary between 40 and 65 feet, with transitions similar to those that would be created here. The ballfields east and west of the project are open spaces that serve as physical buffers between the site and other uses further east and west. The zone boundaries would be unchanged. The property is within the 12<sup>th</sup> Avenue Urban Village, so a height limit greater than 40 feet may be considered.

8. There is a pattern of 40-foot height limits (at least for non-institutional buildings) along 12<sup>th</sup> Avenue between Marian and E. Jefferson Street. However, the varying height limits along 12<sup>th</sup> Avenue to the south and north, and the actual development patterns in the vicinity of the site, do not indicate that a 40-foot height limit is compelled by general zoning principles.

9. Impact evaluation. Under SMC 23.34.008.F, the possible positive and negative impacts of a proposed rezone are to be considered. The proposed rezone would have a positive impact on the supply of housing, and the applicant intends to construct 16 units of affordable housing, which is consistent with SMC 23.34.008.F. A slight increase in demand for public services would be created by the increased density on the site. As to environmental factors, the Director's SEPA review concluded that the rezone would have no significant adverse environmental impacts. Impacts related to noise, air and water quality, glare, odor, shadows, energy demand, flora and fauna were not shown to be factors in the proposed rezone.

10. Pedestrian safety. Pedestrian safety will be positively affected by the wider sidewalks along 12<sup>th</sup> Avenue and East Jefferson Street, as well as the weather protection that will be provided.

11. Manufacturing and employment activity. No manufacturing activity is proposed and none exists at this location. The proposed 6,000 square feet of ground floor retail space will provide some opportunity for additional employment.

12. Character of areas with architectural or historic value. There are no designated landmarks or other areas that have been formally recognized for architectural or historic value.

13. Shoreline view, public access and recreation. The site is not in a shoreline area, and no shoreline views, access or recreation would be affected by the proposed rezone.

14. Service capacities. Street access, street capacity, transit service and parking capacity are adequate to serve the rezone and the additional 16 units that could occur with the rezone. There is sufficient capacity to address the additional need for water, sewer

and electrical services associated with the 16 additional units. Shoreline navigation is not affected by this proposal, as it is not within or near a shoreline environment.

15. Changed circumstances. Evidence of changed circumstances should be considered, although such circumstances are not required to demonstrate the appropriateness of a rezone. In this case, the Department cites increase growth in the vicinity, market forces, pending redevelopment of Yesler Terrace, another nearby proposed rezone, and Seattle University's proposed changes to the MIO height limit (to 65 feet) as changes. These trends may not be changed circumstances to compel a rezone, but tend to indicate that the additional height at this site will be consistent with the evolving conditions in the surrounding area.

16. Overlay districts. The site is within the Seattle University MIO. The MIO height limits in the vicinity range from 37 to 105 feet, and the proposed rezone would be within those ranges. Seattle University has noted that it will likely seek to increase the height limit on the east side of 12<sup>th</sup> Avenue from 50 to 65 feet, and the proposed contract rezone would not be incompatible with such a future change to the MIO height limit.

17. Critical areas. There are no critical areas located on or adjacent to the site.

18. The proposed rezone would change the height limit from 40 feet to 65 feet, so the criteria of SMC 23.34.009 also apply. The proposed height limit would be consistent with the type and scale of development intended under the NC2 zoning at this site and in the vicinity of the site. The proposal displaces no preferred uses, and will respond to demands for affordable housing and retail space in this neighborhood. The proposed height limit appears compatible with the area's topography; the 12<sup>th</sup> Avenue corridor slopes to the east and west, and the record does not show that the proposal's additional height would result in view blockage.

19. The height limits under the existing zoning in the area are to be considered, and in this case, the height limits range from 30 feet in the Lowrise zones, to 40-65 feet in the commercial zones, to 60 feet in Midrise. The proposed height increase is within the range of existing heights allowed by current zoning.

20. The next criteria consider the height and scale of the area, and the rezone's compatibility with the surrounding area, including whether the proposed height limit is compatible with the predominant height and scale of existing development. Nearby existing development includes older structures to the east and further south which are not built to current zoned and taller structures built to the range of height limits in the area.

21. As shown in Exhibit 24, the new building, with its 65-foot height, would be prominent compared to its immediate surroundings. The applicant has pointed out that the development will provide an anchor at this intersection of 12<sup>th</sup> Avenue, similar to the other intersections along 12<sup>th</sup> Avenue that have a 65-foot height limit. The proposed 65-foot height limit on this site would be different from the zoned heights of the immediately adjacent sites, but it is compatible, in that the existing pattern of development includes

varying height transitions, similar to that which would occur under this rezone. The project design approved by DPD includes measures that address compatibility between the height of the new building and its surroundings. The proposed rezone to 65 feet is compatible with the predominant height and scale of development and with zoned heights, even when buildings and heights allowed in the MIO areas are excluded from consideration under SMC 23.34.009.D. The increased height provides a gradual transition between the heights allowed to the north, west and south.

22. The Central Area Neighborhood Plan does not contain any recommendations as to height.

23. The proposed contract rezone meets the applicable criteria and should be approved.

### **Recommendation**

The Hearing Examiner recommends **APPROVAL** of the requested rezone subject to a PUDA which reflects the following conditions:

Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, dated September 7, 2010 and September 8, 2010, as modified by design review conditions including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

### SEPA

Prior to issuance of any Construction, Shoring or Grading Permits

The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

During Construction

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

For the duration of the construction activity, applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

Entered this 22<sup>nd</sup> day of October, 2010.



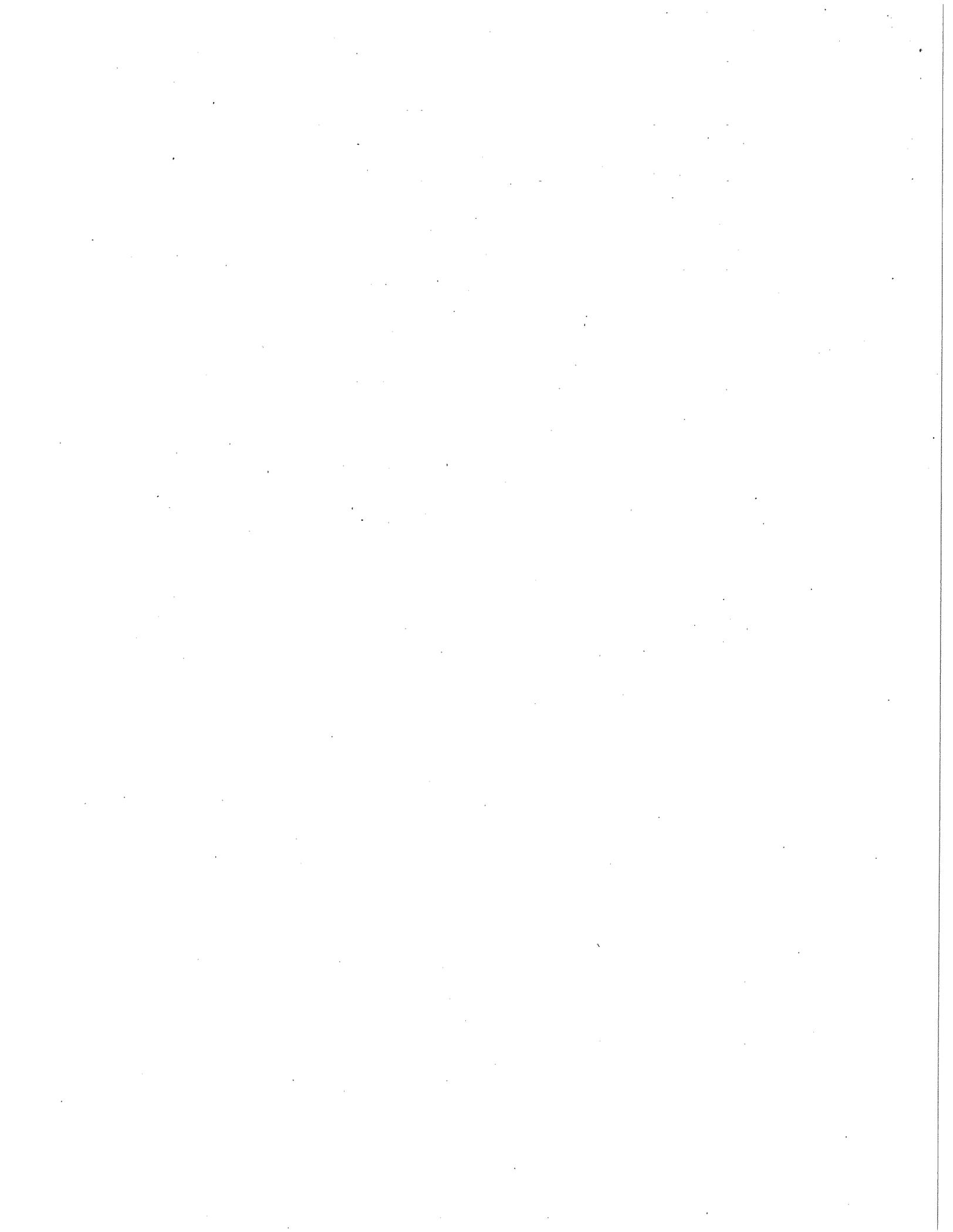
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Anne Watanabe  
Deputy Hearing Examiner

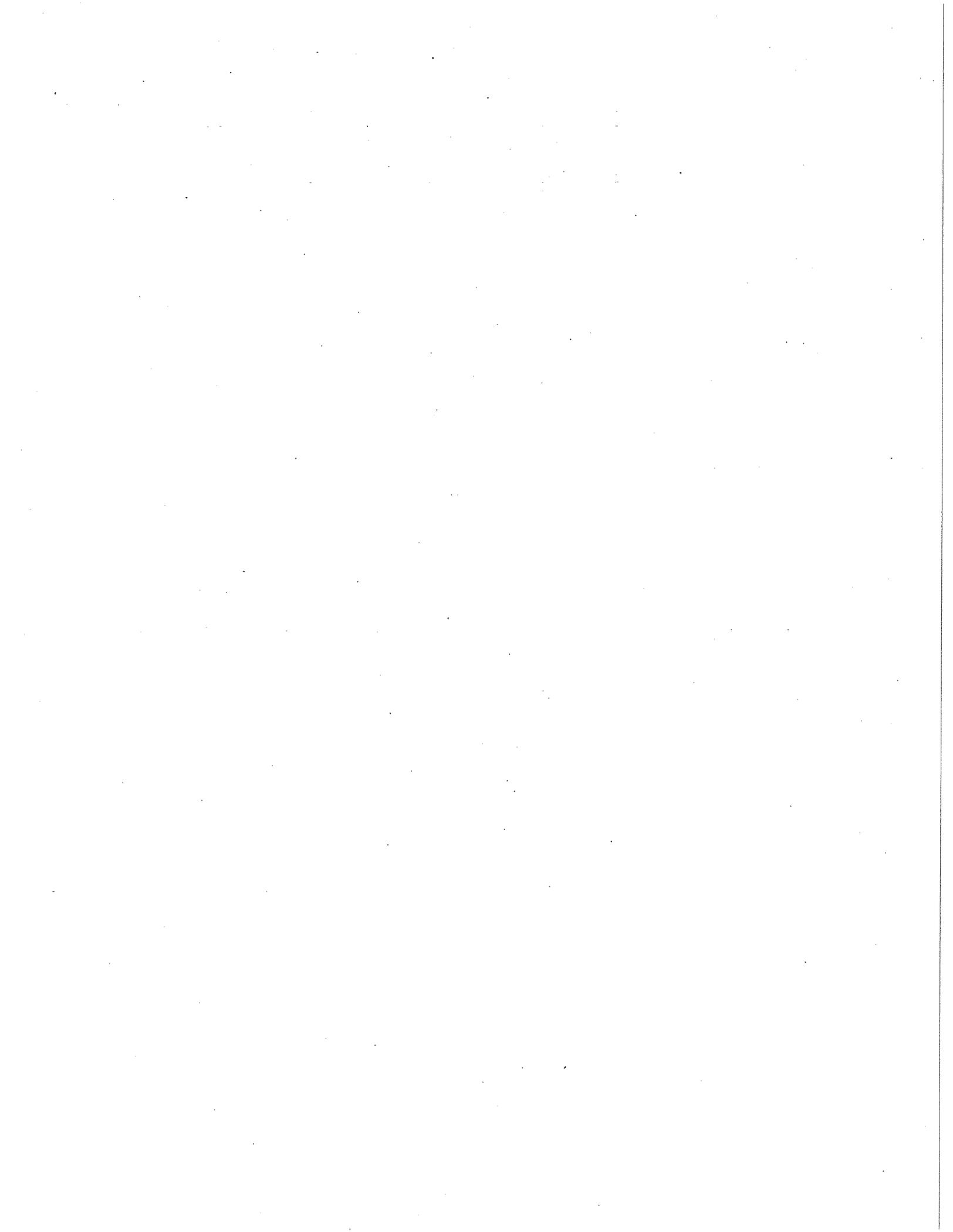
#### CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking further review to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the Hearing Examiner's recommendation to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the Hearing Examiner's recommendation, and be addressed to: Seattle City Council Committee on the Built Environment, c/o Seattle City Clerk, 600 Fourth Avenue Floor 3, P.O. Box 94728. Seattle, WA 98124-4728. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.



B





City of Seattle

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

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

**Application Number:** 3009796  
**Council File Number:** 310179  
**Applicant Name:** Roger Tucker, Environmental Works for Capitol Hill  
Housing  
**Address of Proposal:** 500 12<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to contract rezone 21,600 sq. ft. of land from NC2P 40' to NC2P 65'. Project includes a 6-story building containing 6,000 sq. ft. of retail and 40 apartment units above. Parking for 17 vehicles to be provided at and below grade. Project includes approximately 2,400 cubic yards of excavation. Soil remediation and excavation activity is being reviewed under Master Use Project No. 3011579.

The following Master Use Permit components are required:

**Contract Rezone** – To rezone from NC2P-40 to NC2P-65. Seattle Municipal Code Section 23.34

**SEPA Environmental Review** - Seattle Municipal Code Section 25.05

**Design Review** – Seattle Municipal Code Section 23.41 with Development Standard Departure:

1. Structural Building Overhang (SMC 23.53.035.A4)

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS  
[X] DNS with conditions  
[ ] DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

City of Seattle Hearing Examiner

**EXHIBIT**

Appellant \_\_\_\_\_  
Respondent \_\_\_\_\_ ADMITTED   
Department  DENIED \_\_\_\_\_

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FILE # CF 310179, 3009796

## SITE AND VICINITY

The subject site is located at the corner of 12<sup>th</sup> Avenue to the west and East Jefferson Street to the south. An alley borders the site to the north. The 9,799 SF rectangular shaped site is comprised of several lots, containing a surface parking lot with 122 feet of frontage on Broadway and 80 feet along East Jefferson Street. The site slopes gently to the southeast, with an elevation change of about six feet. No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently vacant.

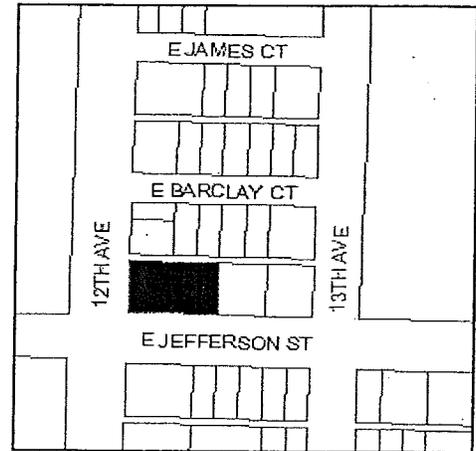


Figure 1: Site Map

12th Avenue is classified 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 site is located within the Seattle University (SU) Major Institutional Overlay (MIO). 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 – 40 with a pedestrian overlay. The applicant is pursuing a Contract Rezone for the site to Neighborhood Commercial 2 with a 65-foot height limit (NC2P-65'). The site lies within a Pedestrian (P) zone as well as the 12<sup>th</sup> Avenue Urban Center Village Overlay.

Abutting the site to the east is a one story, commercial building and a three story mixed use building beyond. To the north of E Jefferson St, all nearby properties are within the MIO, subject to varying height limits. Underlying zoning in the MIO is a patchwork of multifamily residential and neighborhood commercial zones. Land across 12th Ave to the southwest is zoned residential Midrise (MR). Along 12th 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 12th Ave E intersection, NC2-40 along the south side of E Jefferson toward the east, and NC3-65 further south along the west side of 12th. Up the hill to the southeast is an MR zone, and downhill to the southwest is an L3 zone. See Figure 2: zoning map.

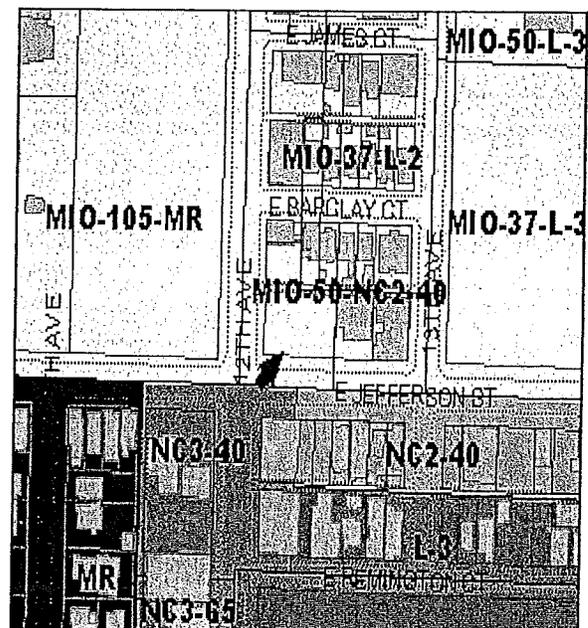


Figure 2: Zoning Map

The site has been identified as a brownfield with soil contamination created by a gas station that previously operated on the site. Soil remediation and excavation activity is being reviewed under Master Use Project No. 3011579.

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. See Figure 3: Aerial photograph to the right. 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 located on the 12th Ave street front 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> Avenue, is a high retaining wall for an athletic field.



Figure 3: Aerial Photograph

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

## PROPOSAL

The proposal includes the construction of a six story structure that would include approximately 40 residential units, 6,000 square feet of ground level retail uses and below and at-grade parking for approximately 17 vehicles.

## PUBLIC COMMENTS

Approximately 16 members of the public attended the Early Design Guidance meeting held on May 6, 2009. The following comments were offered:

- Supportive of CHHP's previous work and efforts on the 12th Avenue redevelopment plan.
- Concern that the design some of the newer apartment buildings in the neighborhood is lacking. Would like this building to utilize higher quality materials and not use vinyl siding, corrugated metal siding or fake balconies. Also feels that the design should endeavor to be less blocky and have more distinction between the levels. Agree with the gateway concept that development on this corner offers.
- Would like to see more support for balconies located at the corner location.
- Would like to see each unit have its own individual balcony rather than the proposed single communal balcony on each floor.
- Encourage integration of secure bicycle parking and storage near the parking area for building tenants.
- *Support the proposed balcony concept and would discourage Option 3 showing the balconies at the corner.*

The applicant applied for a Master Use Permit on September 2, 2009. Notice of Application was published on September 24, 2009 and a 14-day comment period ended on October 7, 2009. No comments were received by DPD during this period.

Approximately four members of the public attended the Final Recommendation meeting on August 4, 2010. The following comments were offered:

- The proposed design has appropriate massing for this location and anchors the corner. Both 12<sup>th</sup> and Jefferson are very wide streets that can handle and benefit from a taller building at the corner. Pleased with the south facing green central part of the building that breaks up this elevation in a meaningful way. The east facade is very visible and thus, important and needs to be well-detailed. Likes the ideas of more openings on the decks.
- Believes *Ceraclad* is a very high quality product that provides a clean look that will wear well over time.

## REZONE ANALYSIS

### *SMC 23.34.004 Contract rezones.*

*A. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to 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 shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement 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.*

The proposal is for a contract rezone in which development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structure approved through the Design Review process which the analysis is included below. The approved design includes, but is not limited to, the structure design, structure height, building materials, landscaping, street improvements, parking design and layout, signage and site lighting and is documented in the approved plans dated September 7, 2010 and September 8, 2010.

*B. Waiver of Certain Requirements. The ordinance accepting the agreement 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 which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

No waivers are being requested as part of the contract rezone.

***SMC 23.34.007 Rezone evaluation.***

*A. The provisions of this chapter 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 those 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.*

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

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

*C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060.B3.*

*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 project site is located within the Central Area Neighborhood, 12<sup>th</sup> Avenue Urban Center Village and within the First Hill/Capitol Hill Urban Center.

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

The proposal is not located within any 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.*

***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 one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*

The proposal site and the area to the east are within the 12<sup>th</sup> Avenue Urban Center Village. The Urban Village Appendix A to the Seattle Comprehensive Plan set a 700 household increase as the growth target for this Residential Urban Village. This target requires a density increase to 14 households per acre (or 3,111 SF per household) from the existing nine households per acre (or 4,840 SF per household). The subject site is 9,799 SF. Development of more than three households on this site would exceed the residential density goals of this RUV; therefore, the proposed 40 residential units far exceed this density.

The proposed rezone for the proposed structure will maintain the zoned capacity and zoned density for this site. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increased height does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposal is for a height increase on the site in the Neighborhood Commercial 2 zone from a 40-foot height limit to a 65-foot height limit. This increase in height would allow additional floor to ceiling heights and additional 16 units. The proposed residential units would contribute to achieving the 125% of the growth targets for the 12<sup>th</sup> Avenue Urban Center 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 proposal is located within an urban center village.

*B. Match Between Zone 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.*

The proposal is to rezone an area currently designated Neighborhood Commercial 2-40 (NC2-40) to Neighborhood Commercial 2-65 (NC2-65). SMC 23.34.078 provides the Neighborhood Commercial 2 zone, function and locational criteria. The area's characteristics meet the zone criteria for the Neighborhood Commercial zone and will remain unaffected by the proposed re-zone; the proposed re-zone is limited only to a height increase and does not include a change to the allowed uses. In general, the NC2 zone's function and locational criteria is the best match for land such as the subject property.

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

The site has been part of the City of Seattle since 1869 and has a legal description of A and B of Short Plat 80-148. Under the 1923 zoning Ordinance, the site was mapped Commercial District. The Zoning Ordinance of 1947 remapped the site as Use District C, Area District D. The 1957 Zoning ordinance remapped the site as CG. Adoption of the Neighborhood Commercial Portion of Title 23 appears to have remapped the site as NC3-40' in 1986. There is a gap in available zoning history records so that actual dates of zoning history in the early years of Title 23 for this area are not readily available for detailed zoning changes from 1982 through the early 1990s. The 12<sup>th</sup> Avenue Development Plan effort rezoned the site from NC3-40' down to NC2-40' on May 26, 1994. Adoption of the new Seattle University Master Plan added an overlay zone of MIO-50 effective 8/24/97. The current zoning of the site is NC2-40' with and MIO-50 overlay zone. The site is located within the 12<sup>th</sup> Avenue Urban Village Commercial zone overlay.

*D. Neighborhood Plans.*

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

The project site lies within the planning area of the Central Area Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan by City Council, November 2, 1998, by Ordinance 119216.

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

The following goals and policies in the adopted Central Area Neighborhood Plan and 12<sup>th</sup> Avenue Urban Center Plan apply to the proposed rezone (Goal/Policy in italics followed by response/analysis).

*CA-PI: Enhance the sense of community and increase the feeling of pride among Central Area residents, business owners, employees, and visitors through excellent physical and social environments on main thoroughfares.*

The project includes urban character enhancing improvements to the streets, including ground level retail, overhead weather protection, landscaping and street furniture. This rezone will foster a high quality development along two main thoroughfares.

*CA-P8: Promote capital improvements that encourage "pedestrianism" among residents, employees, and shoppers. Use all area streets and sidewalks as avenues to walk to work, school, recreational facilities, shopping districts, and visit neighbors. Provide for pedestrian convenience and priority at signalized intersections using Transportation Strategic Plan strategies. Preserve residential area street ends and stairways for public access.*

The proposed project includes extensive streetscape landscaping. The 6,000 square feet of retail space at street level on Broadway will contribute to a vibrant pedestrian-oriented streetscape.

*CA-P 21 Ameliorate the potential impacts of gentrification through a variety of affordable housing programs and techniques.*

The development on the subject site is proposed to be affordable housing by a local affordable housing developer.

*CA-P24: Create a viable business base that will attract investment, focusing on neighborhood retail, professional and personal services, restaurants, and entertainment. Support the urban design element of the Central Area Neighborhood Plan that strengthens development and enhances the pedestrian nature of each area.*

The project, as proposed, will enhance the mixed use character of the neighborhood with 40 new residential units and 6,000 square feet of small to medium sized retail spaces. This rezone will enable development of a mixed-used structure contributing to the business base, including

neighborhood retail, professional services, restaurants, and entertainment in the context of a pedestrian environment. This development will provide synergies of use between the residential, professional, and Seattle University communities.

*CA-G9: A thriving mixed-use residential and commercial area with a "main street" including services and retail that is attractive and useful to neighborhood residents and students, and public spaces that foster a sense of community, near the intersection of several diverse neighborhoods and major economic and institutional centers.*

This proposal would help establish a mixed-use residential and commercial area along 12<sup>th</sup> Avenue and would include neighborhood services attractive to residents and students.

*CA-P36: Encourage increased housing density where appropriate, such as on 12th Avenue and on Yesler Way, and in mid-rise zoned areas.*

The proposed rezone would enable a high-density residential development on 12<sup>th</sup> Avenue.

*CA-P36 Encourage increased housing density where appropriate, such as on 12<sup>th</sup> Avenue and Yesler Way, and in mid-rise zoned areas.*

The proposed development is located on 12<sup>th</sup> Avenue and includes greater housing density over what is allowed by the existing zoning.

*CA-P37 Facilitate the redevelopment of City-owned land, emphasizing mixed use where that type of development will contribute to the desired community character.*

Allowance of more height at the 12<sup>th</sup> and Jefferson node would include the City-owned property for the development of the site to create a more pedestrian friendly, lively, and safer area at this corner as desired by the community.

*CA-P38: Seek services and retail that builds on the neighborhood's proximity to Seattle University.*

The provision of 6,000 square feet of retail uses will provide commercial uses that may be accessed and utilized by the Seattle University population.

*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 Central Area Neighborhood Plan contains no policies for guiding future rezones in the 12<sup>th</sup> Avenue Urban Center Village.

*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.*

There are no particular sites or areas identified for rezoning in the Central Area Neighborhood Plan for the 12<sup>th</sup> Avenue Urban Center Village.

Conclusion: The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Central Area Neighborhood Plan.

*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 would be compatible with NC zones across the street to the north and west. The rezone will add additional height bordering Lowrise zoning to the east but will not encroach further into those residential areas.

A rezone to NC2-65 for the site, subject to a Property Use and Development Agreement would limit the overall height to 65 feet with preferred zoning principles of gradual transitions between zoning categories, including height limits in the vicinity that currently range from 37 feet to 105 feet.

*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 prevailing use pattern is strongly mixed use to the north and south along 12<sup>th</sup> Avenue. There are large ball fields located to both the east and west of the project site which provide a green space/topographic break between the 12<sup>th</sup> Avenue and the Broadway commercial area. The residential neighborhood to the east does tend to reinforce the natural topography and provides an element of separation between the districts.

*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.*

*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 zone break currently occurs along the east property line, where zoning shifts to Lowrise 3. No change to the line is proposed. The increased height and density along 12<sup>th</sup> Avenue is consistent with zoning principles the commercial character of 11<sup>th</sup> Avenue.

*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.*

The property is located within the 12<sup>th</sup> Avenue Urban Village. Higher height limits are provided in these cases and are specifically appropriate here. The proposed height limit would be 65 feet which provides a natural transition between the Commercial and Institution uses to the north and west and to the Lowrise residential uses to the east and south.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above. The design incorporates a gradual transition in massing from the 50-foot height at the adjacent Major Institution overlays to the north and the NC2-65 zone to the south along 12<sup>th</sup> Avenue. The 65-foot zone is appropriate and consistent with other NC2 and NC3 zones along 12<sup>th</sup> Avenue including those existing areas associated with Seattle University that are zoned to MIO 50, 65 and 105 feet.

*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.*

In general terms, the increase in height from 40 to 65 will provide an additional 16 units of work force housing in a core Central Area neighborhood. In terms of impacts between the development potential of the existing versus the proposed zone, the actual impacts are minimal.

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

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

The rezone will allow additional height to increase the number of residential units on the site from 24 units to 40. The proposal includes 40 new housing units on a site where no housing currently exists. There are no housing units being displaced by the proposal. There is low-income housing included in the proposal.

*b. Public services;*

There will be a slight increase in demand on public services from the proposed 16 residential units. Fire and police service be marginally increased in this project. However, the development would occur in an area well served by public services and the area is targeted for just such growth.

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

There is little increase in *noise, air and water quality* impacts expected with the proposed increase in height. *Terrestrial and aquatic flora and fauna* would likely not be affected. *Glare and odor* impacts would likely not change and these are mostly associated with street level uses which would be the same regardless of structure height.

*Shadowing* on adjacent streets and buildings would increase with additional height. The additional stories create more shadows for properties across the alley to the north, but primarily in the winter months when natural light is scarcer. There will be no significant adverse impacts due to shadows on public spaces. The increases in shading impacts anticipated as a result of the increased height have been addressed through the Design Review and SEPA policies. Given the relationship between the building and its surroundings, the Design Review Board has not recommended any special conditions. Beyond those incorporated into the design as mitigation for the increased height. A Shadow Study is included in the submitted plan set.

*Energy* consumption would be increased slightly with the additional 16 residential units. The proposed rezone, only results in 16 additional units above the likely density that could be achieved in the NC2-40 zone.

*d. Pedestrian safety;*

Pedestrian safety will be positively impacted by the proposed wider sidewalks on 12<sup>th</sup> Avenue and East Jefferson streets. With the provision of better weather protection, pedestrian safety should improve as a result of the project.

*e. Manufacturing activity;*

There is no manufacturing activity existing or proposed at this location.

*f. Employment activity;*

The proposal includes 6,000 sq. ft. of retail space which will take the place of the existing vacant lot. Therefore, employment opportunities are expected to increase with the previous retail establishments.

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

There are no designated landmark areas or structures close to the proposal. However, the design, as proposed, will reflect the materials and scale of the older buildings in the area with use of ceramic coated cement siding and metal and wood details.

*h. Shoreline view, public access and recreation.*

The proposal is not located within or near any shoreline area.

*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;*

No additional curb cuts or access points on the right of way are proposed beyond that which is allowed under current zoning. The rezone would not negatively impact traffic or transportation any more than a development under the current zones.

*b. Street capacity in the area;*

The rezone would not result in a significantly greater number of vehicle trips than those proposed under the current zones.

*c. Transit service;*

King County Metro Transit (MT) route numbers 3, 4, 9, 49, 64, 211, 303, and 941 have scheduled stops at Broadway/ Jefferson Street nearest the project site. Metro Transit routes 3, 4, 211, 303, and 941 travel on Jefferson Street adjacent to the project site. Metro Transit routes 9 and 49 travel along Broadway and serves the neighborhood near the project site. Other routes travel on nearby streets such as Boren and Yesler. A future streetcar will also be routed in the vicinity per Council Resolution 31207. This future streetcar route will either run along Broadway or within a few blocks of Broadway. Depending upon destination, ridership on some or all of these routes is likely to increase with the addition of 40 residential units. Though limited parking is proposed for the units, the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership. Some increase in transit usage could be anticipated from the redevelopment of the site with only a small amount attributable to the rezone.

*d. Parking capacity;*

Because the site is located within an urban center, no parking is required by the Land Use Code (SMC 23.54.015B2). However, as indicated above, there are 17 parking spaces proposed for the 40 proposed residential units. Coupled with the location adjacent to excellent transit service, there is adequate on-site parking being provided.

*e. Utility and sewer capacity;*

*Sewer Capacity:*

The proposed rezone would result in a minimal increase in the sewer capacity over what would be allowed to be built outright under the existing zone.

*Electrical Service:*

The proposed rezone would only marginally increase service load over what is allowed under the current height limit.

*f. Shoreline navigation.*

The project site is not located within or near any shoreline area.

Conclusion: There is anticipated an increased need for police and fire services related to the net increase of 16 residential units while other environmental impacts related to height increase would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would be minimally increased due to the rezone. Adequate parking will be provided and transit service is excellent.

*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 designations in this chapter.*

There have been a number of changed circumstances that are important to note:

- Increased growth of the residential, medical buildings and institutions and a need for neighborhood retail to serve the residents, clients and employees in the vicinity.
- Market forces which push for greater ceiling heights in these more densely arranged urban buildings.
- Imminent redevelopment of Yesler Terrace and continued growth of “Little Saigon” neighborhood to the south reinforce the need for commercial connections between these residential districts and the First Hill neighborhood.
- A proposed rezone at Broadway and Jefferson was approved for additional height. Additionally, changed circumstances can also refer to changes in land use policy or planning such as the continued expansion of the Seattle University’s MIO as well as neighborhood planning efforts. The proposed Seattle University Major Institution Master Plan is seeking a change in the overlay to an overlay height of 65 feet.
- Another changed circumstance that makes this site uniquely suited to workforce housing is the change in the Seattle Land Use reducing parking requirements in Urban Villages. This is supported by the 2012 planned location of a First Hill Streetcar stop at Broadway and Jefferson.

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

The site is not located in an overlay district.

*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.*

The project site is not located within or near any Environmentally Critical Area.

***SMC 23.34.009 Height limits of the proposed rezone.***

*Where a decision to designate height limits in 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 proposal for a mixed use structure with 6,000 square feet of retail and 40 residential units is consistent with the type of development intended for this zone. The proposal to increase the height of the NC2 designation for this site is consistent with type and scale of development intended for this zoning designation at this location. Given the policies which strongly support the providing of additional low income and work force housing in the 12<sup>th</sup> Avenue Neighborhood, the additional height, which would result in 16 additional units, is warranted.

*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.*

The topography of the corner site is relatively flat; 12th Avenue slopes gently to the south. In general, the topography of the 12th Avenue corridor is sloping upwards to the east and west. Given the patchwork of 40, 50 and 65 foot zoning in the corridor, it is unlikely that any territorial views enjoyed by residence on the upper slopes of the corridor would be affected by the increase in height on this 9,000 square foot lot. The likelihood of residential view blockage from the additional two stories achievable under the NC-2 65 zone, is minimal.

*C. Height and Scale of the Area.*

*1. The height limits established by current zoning in the area shall be given consideration.*

Current zoning in the areas ranges from 37 to 105 feet in the Institution zones, 60 feet in the Midrise zones, to 40-65 feet in the commercial zones, and as low as 30 feet in the Lowrise zones. See *Early Design Guidance discussed in the Design Review portion of this recommendation.*

*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.*

In this case, the developed areas to the north and west represent a good measure of the area's development potential. The remodeled wood frame buildings to the east and down south are not currently built to anywhere near zoned capacity and many appear near the end of their lifecycle. These properties are quite likely to redevelop in the near future. The current height of structures on this block is not a good indicator of the development potential of the area. The development of the properties directly west is a better indicator. The current height of structures include one and two story wood frame buildings in an area that will serve a range of heights as low as four stories is in the soon to be adopted Land Use Code standards for L3 zones and six stories in NC 3-65 zones and is not a good measure of the areas likely development potential.

With regard to transitional zoning, one corner of this property is adjacent to an L3/ MIO 37 property. This zone relationship of Lowrise to NC-40 and 65 occurs throughout the corridor at and in many other commercial districts. Several examples include:

- At 12th & Cherry there is a project under construction for SU student housing at 50 foot height limits.
- There is a project proposed that also includes height rezone at 12<sup>th</sup> and Jefferson.
- In the near terms, the County intends to redevelop the King Co Youth Detention site. Ave.

*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.*

Development of a mixed use residential building in this area would be compatible with surrounding development at 65 feet. Areas to the south and north are zoned to 65 feet and this creates a strongly commercial district along the principal pedestrian street. The increased height would allow more viable residential densities for the site and would add the street character.

*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 23.34.008D2, are present.*

As described above, current zoning in the areas ranges from 105 feet in the Institution zones to 40-65 feet in the commercial zones and 60 feet in the MR zones. As such, the proposed 65 foot height limit within the range of nearby zoning. The slight increase in height provides a transition between the higher heights located to the north and west and south of the project site.

*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.*

There are no height recommendations found in the Central Area Neighborhood Plan adopted by City Council as part of the Comprehensive Plan.

*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.*

There are no height limits requirements in the Central Area Neighborhood Plan adopted or amended by City Council as part of the Comprehensive Plan.

Conclusion: The proposed rezone from the NC 40-foot height limit to a 65-foot height limit fit with the function, topography and the height and scale of the area. The proposed height is compatible with development in the surrounding area. The Neighborhood Plan contains no height recommendations for the area.

*SMC 23.34.072 Designation of commercial zones.*

*A. The encroachment of commercial development into residential areas shall be discouraged.* The entire area for many blocks in each direction along 12<sup>th</sup> Avenue, a clear commercial and transportation corridor, is zoned Neighborhood Commercial.

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

The area is not zoned Single Family and is already zoned Neighborhood Commercial.

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

The proposal does not conflict with the preferred configuration and edge protection of the Single Family zones as established by SMC Sections 23.34.010 and 23.34.011.

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

The proposal is located in the 12<sup>th</sup> Avenue Urban Village Center where higher densities and intensities of uses are preferred. Though there are some areas at the edges of the Urban Center that are zoned Multifamily residential, much of the Urban Center is zoned Neighborhood Commercial along the commercial corridors of 12<sup>th</sup> Avenue and Broadway with multifamily zones in between and a variety of height limits from 60 feet to 85 feet.

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

The proposal does not involve a new business district. The proposal seeks to improve the existing business community within the 12<sup>th</sup> Avenue Urban Center Village.

Conclusion: The subject property is appropriately zoned Neighborhood Commercial.

***SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.***

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

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

The proposal includes approximately 6,000 square feet of retail space at street level. The applicant is proposing small retail establishments with a larger anchor retail or restaurant at the corner. The storefront designs echo the rhythm of smaller commercial business in the neighborhood.

*2. Continuous storefronts built to the front lot line;*

The proposed design includes continuous storefronts built to the sidewalk along 12<sup>th</sup> Avenue and East Jefferson Street.

*3. An atmosphere attractive to pedestrians;*

By virtue of its location between Seattle University and the confluence of several major medical centers in the City, large volumes of pedestrians use the sidewalks. The proposal includes enhancement of the pedestrian environment.

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

Because the proposal is located in an Urban Center no parking is required. However, parking is provided within the building and is accessed from the alley.

Conclusion: The proposal for the subject property meets all of the above function criteria and is appropriately zoned Neighborhood Commercial 2.

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

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

The proposed rezone is located in the 12<sup>th</sup> Avenue Urban Village Center.

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

*1. Served by principal arterial;*

Within the study area, 12th Avenue is classified as a minor arterial at the site, and E Jefferson as a collector arterial. Minor arterials are roadways that distribute traffic from principal arterials to collector arterials and access streets.

*2. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The subject site is not located near low-density residential zones areas.

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

The subject site is not located near residentially zoned areas. Both the Neighborhood Commercial zones Lowrise zones to the north are developed with a variety of commercial and multi-family housing.

*4. A mix of small and medium sized parcels;*

The area is characterized by a variety of parcel sizes.

*5. Limited or moderate transit service.*

King County Metro Transit (MT) route numbers 3, 4, 9, 49, 64, 211, 303, and 941 have scheduled stops at Broadway/ Jefferson Street nearest the project site. Metro Transit routes 3, 4, 211, 303, and 941 travel on Jefferson Street adjacent to the project site. Metro Transit routes 9 and 49 travel along Broadway and directly serves the project site. Other routes travel on nearby streets such as Boren and Yesler. A future streetcar will also be routed in the vicinity per Council Resolution 31207. This future streetcar route will either run along Broadway or within a few blocks of Broadway. Depending upon destination, ridership on some or all of these routes is likely to increase with the addition of 40 residential units. Though limited parking is proposed for the units, the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership. Some increase in transit usage could be anticipated from the redevelopment of the site but not the rezone.

Conclusion: The proposal for the subject property meets all of the above locational criteria and is appropriately zoned Neighborhood Commercial 2.

### Summary

The proposal for the subject property meets all of the function and locational criteria of the zone and is, therefore, appropriately zoned Neighborhood Commercial 2. The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Central Area 12<sup>th</sup> Avenue Neighborhood Plan.

The proposal, as designed, is consistent with zoning principles that incorporates a gradual transition in height from the 105-foot height of the Major Institution Overlay to the north and west to the underlying 65-foot limit of the nearby Midrise zone and the Neighborhood Commercial 40 zones to the south.

Impacts of the proposed height increase to surrounding area appear to minimal. Development of the site will result in an increase of 16 residential units and the anticipated an increased need for police and fire services and other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity and energy needs would not be increased beyond what new development would require without a rezone. Adequate parking will be provided and transit service is excellent.

### RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed contract rezone to NC2P-65 be CONDITIONALLY APPROVED subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans dated September 7, 2010 and September 8, 2010.

### ANALYSIS - DESIGN REVIEW

#### Design Guidance

Four schemes were presented at the Early Design Guidance meeting. All of the options include surface grade parking accessed from the alley and ground level commercial use divided into two separate spaces, facing the streets. The first scheme (Option 1) proposes decks on the south side of the building facing East Jefferson Street creating a vertical notch along the south façade with the residential lobby entrance directly below the notch. The second and preferred alternative (Option 2) also proposes decks on the south side of the building facing East Jefferson Street creating a vertical notch along the south façade, but in this alternative, the deck area are in varying heights and projections creating a staggering of the deck features. In this option, the main building entrance is also directly below the vertical notch. The third (Option 3) scheme locates all of the residential open spaces (decks) at the building corner facing the intersection with the main building entrance at the corner. The fourth (Option 4) scheme locates all of the residential open spaces (decks) in a vertical alignment along the buildings west facade.

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 and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings of highest priority to this project. The Board also consulted with the adopted neighborhood specific guidelines Capitol Hill Neighborhood Design Guidelines.

At the Final Recommendation meeting, a further developed design was shown that included a level of below grade parking and a central organizing element along the south elevation of alternating two-story volume, deck projections. The massing to the east of this central feature is slightly set back further than the west half of the building mass. Landscape plans were shown for the rights-of-way along Jefferson and 12<sup>th</sup>, the alley and the projecting decks described above.

## Site Planning

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

**Capitol Hill-specific supplemental guidance:**

- Retain or increase the width of sidewalks.
- Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.
- Vehicle entrances to buildings should not dominate the streetscape.
- Orient townhouse structures to provide pedestrian entrances to the sidewalk.
- For buildings that span a block and "front" on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.
- New development in commercial zones should be sensitive to neighboring residential zones. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.

The Board is very interested in the treatment and programming of the ground level commercial uses and design efforts that will further engage the commercial activity with the public realm. Examples of this include large transparent storefront windows, opportunities for sidewalk cafes, or other features that allow the commercial uses to express and individualize themselves.

**At the Final Recommendation meeting, the Board was very pleased with the larger storefront windows and introduction of wood materials at the ground level to create a warm and welcoming environment. The Board also agreed that the proposed landscaping plan along the right-of-way will contribute to an inviting pedestrian environment. The Board felt strongly that the height of the commercial spaces meet the minimum requirement to allow for more flexibility and usability of the commercial spaces (see departure request discussion).**

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

**Capitol Hill-specific supplemental guidance:**

- Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street.
- Provide for outdoor eating and drinking opportunities on the sidewalks by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.
- Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.

See A-2.

**A-7 Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive and well-integrated open space.

**Capitol Hill-specific supplemental guidance:**

- Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.
- Create substantial courtyard-style open space that is visually accessible to the public view.
- Set back development where appropriate to preserve a view corridor.
- Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.
- Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.
- Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.
- Use porous paving materials to minimize storm water run-off.

The Board appreciated the concept of communal, common balcony areas at each floor, thereby creating larger, more flexible spaces that will not only serve the tenants, but also become an organizing element of the building. This organizing element also provides the necessary modulation and breaking down of the massing and scale. The Board warned that these areas should be well programmed to avoid becoming storage space for residents. Towards this end, the Board strongly encouraged the incorporation of bike parking and storage spaces at the ground level or in another convenient location. The Board also encouraged the railings of these common deck areas to be transparent to create a light and open feel.

At the Final Recommendation meeting, the Board agreed that the projecting, two story decks along the south elevation would create an interesting façade, while also providing very usable common spaces for the tenants and simultaneously providing greenery that would engage passers-by. The Board recommended, however, that the projecting decks appear lighter and more transparent. The joinery between the decks and the building body need to be further explored and detailed.

**A-10 Corner Lots.** Buildings on corner lot should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

**Capitol Hill-specific supplemental guidance:**

- Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.
- Provide for a prominent retail corner entry.

The Board was uncomfortable with Option 3 and the over-emphasis of the corner by locating all of the common deck area at the corner which is less hospitable to open space uses given the volume of vehicular traffic at this intersection. That said, the Board agreed that the gateway feeling of this location can be successfully realized by using good quality, durable materials to create a building with a strong presence at this corner.

**At the Final Recommendation meeting, the Board recommended establishing a stronger expression of the upper massing of the corner element. Greater glazing to create a lighter condition was recommended.**

**Height, Bulk, and Scale**

**B-1 Height, Bulk & Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones**

**Capitol Hill-specific supplemental guidance:**

- Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.
- Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.
- Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.

Three of the five Board members expressed support for Option 2 which offers both good solar access to the residential open spaces from the south, as well as solar access to the internal corridors by being located at the mid-point of the corridor rather than at the end. (The other two Board members felt that Option 4 is more residential in character and belongs on 12<sup>th</sup> Avenue). The Board discussed that stepping down or eroding the uppermost floor to respond to the lower scaled height limit of the abutting lot to the east would be a sensitive gesture to the surrounding, area with a lower height limit. The Board also encouraged the building massing to be sensitive to shadow impacts to the north.

See also A-7.

**At the Final Recommendation meeting, the Board discussed the building massing and appreciated that the eastern half of the building mass sets back from the western half.**

The Board did recommend, however, that the east façade needs additional attention and detailing to provide greater interest to the blank wall.

The Board discussed how the façade treatment and fenestration pattern of the north elevation (alley) should wrap around to the eastern half of the south elevation (Jefferson) to create a more rhythmic and coherent design and massing.

## Architectural Elements

C-2 **Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building.

Capitol Hill-specific supplemental guidance:

- Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.
- Solid canopies or fabric awnings over the sidewalk are preferred.
- Avoid using vinyl awnings that also serve as big, illuminated signs.
- Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.

The Board looks forward to seeing a cohesive architectural design that strives for a bold design that is reflective of the varied community and sets a precedent for high quality development in the neighborhood. The Board suggested that some of the proposed communal deck areas could become two-story spaces, resulting in a common deck at the second and fourth floors, each with a two story height, creating a dramatic and airy space for residents.

At the Final Recommendation meeting, the Board provided several recommendations to improve the cohesiveness of the proposed design, including examining the relationship of the base to the building mass above. The building podium needs to be better defined either with a continuous canopy line or a clear break between the building materials of the base and the body. This break should include a three-dimensional quality that emphasizes the horizontal experience.

The Board also discussed how the *ceraclad* should be utilized to create more of a sense of depth and weight. The proposed parapets expose the profile of the *ceraclad* and belie the sense of solid massing and building materials. This is especially apparent at the vertical bays that project upwards to create a parapet; the profile view of the parapet, however, is visible and should be filled in to create a better sense of depth.

The Board recommended that the bay window scheme shown on the north elevation (alley façade) should wrap around to the east half of the south façade and that the “eye brow” parapets should be eliminated.

C-4 **Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

**Capitol Hill-specific supplemental guidance:**

- Provide operable windows, especially on storefronts.
- Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
- The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

The Board unanimously and vigorously encouraged the use of high quality building materials for the proposed development. The material palette should be weightier and stronger to give a sense of permanence and grounding at this corner. The Board also agreed that the materials should be simple and durable. The Board also noted that the 12<sup>th</sup> Avenue façade is a critical elevation where brick, a material that is truly simple and durable, would be ideal.

At the Recommendation meeting, the material palette included a painted concrete base with a wood storefront window system with sliding windows, vertical *ceraclad* (ceramic coated fiber cement) panels with a vertical striation, vinyl windows and a horizontal banding of either wood or fiber cement. The canopies are metal with wood soffits. And the projecting desks are a combination of wood and metal.

The Board was very supportive of the use of wood at the ground level, but cautioned that the wood panels shown at the upper levels would create a long-term maintenance problem; the Board recommended changing these upper wood panels to the same *ceraclad* material.

Also, the Board recommended that the material changes between the building base and the body should be more deliberate to further emphasize the three-dimensional connections and be less planer. In particular, the concrete base and storefront windows should not be co-planer. The windows should be recessed to give a more three-dimensional quality. The Board noted that the base should either be a different color from the building body or be unfinished concrete.

Other materials details that the Board recommended included: ensuring that the tile kick-plate shown at the building base not appear applied; rather it should be inset within the concrete form.

## **Pedestrian Environment**

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

The Board agreed that the parking areas should be well-lit and have the ability to be secured in the evening. The Board also noted that the ground level massing should avoid any hidden areas or notches.

See D-11. There are no recessed or hidden areas at the ground level of the proposed building.

- D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

The Board noted that both transparency and lighting along the street and alley sides of the site will be critical in activating and providing security at this location.

**At the Recommendation meeting, the Board supported the proposed exterior lighting plan that included light fixtures around the building perimeter (with the exception of the east side). The light fixtures are a combination of recessed, down-lit lights along the alley and floodlights for the blade signs hung from the overhead canopy along both Jefferson Street and 12th Avenue.**

### **Landscaping**

- E-2 Landscape to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

The Board stressed that the project should include green buffers, such as street trees and well-landscaped open spaces, to soften the scale of this larger sized building. The Board also urged that the streetscape details be well considered to include pedestrian scaled landscaping and lighting. The Board does not support the proposed narrow landscape strip against the building.

The Board looks forward to reviewing details of a well-programmed, detailed design for the open spaces integrated throughout the project, as well as sections and plans of the street level details. The Board expects to see significant and dramatic vegetation included in the common open spaces and is excited to see "green" elements integrated into the building.

**At the Recommendation meeting, the Board was pleased that the proposed landscape design included a raised planter bed at the residential entry area, right-of-way plans for two rain gardens that allow space for pedestrian crossing areas, an alley setback area with stamped concrete, plantings and three native trees as well as a vertical green screen at the alley entrance. Along the east elevation is another green screen to help provide interest along this blank wall.**

### **DEVELOPMENT STANDARD DEPARTURES**

Two departures from the development standards were proposed at this phase.

- 1. STREET LEVEL COMMERCIAL HEIGHT (SMC 23.47A.008.B3b).** The Code requires a 13-foot floor-to-floor- height at street level. The proposed design includes 12-feet to 12-feet, six-inches for the commercial height along 12<sup>th</sup> Avenue.

The Board voted three to one in opposition of the requested departure and felt that the required height is essential in maximizing the flexibility and success of the spaces for commercial use. Thus, the requested departure was denied. (A-2, A-4, D-11)

**2. STRUCTURAL BUILDING OVERHANGS (SMC 23.53.035.A4).** The Code requires a maximum horizontal length of 15 feet at opening and reduced to nine-feet, three-feet from the building. The proposed design shows a bay window projection of 11-foot wide balconies with no reduction in width.

The Board unanimously voted in favor of the requested departure and agreed that the proposed design resulted in a better configuration and massing for the common amenity spaces and building appearance. (B-1, C-2)

The four Board members in attendance unanimously recommended approval of the project and the requested departures with the following conditions:

1. Relationship of the base to the building mass above: The building podium needs to be better defined either with a continuous canopy line or a clear break between the building materials of the base and the body. This break should include a three-dimensional quality that emphasizes the horizontal experience.
2. Change the wood panels shown at the upper floors to a *ceraclad* material.
3. The material changes should be more deliberate and attention should be particularly paid to enhancing the three-dimensional quality (i.e., be less planer) of each material and where the different materials intersect.
4. A stronger expression of the upper massing of the corner element is needed. Greater glazing to create a lighter condition is recommended.
5. The *ceraclad* materials should be utilized to create more of a sense of depth and weight. The proposed parapets expose the profile of the *ceraclad* and belie the sense of solid massing and building materials. This is especially apparent at the vertical bays that project upwards to create a parapet; the profile view of the parapet, however, is visible and should be filled in to create a better sense of depth.
6. The east façade needs additional attention and detailing to provide greater interest to the blank wall.
7. The bay window scheme shown on the north elevation (alley façade) should wrap around to the east half of the south façade. The “eye brow” parapets should be eliminated.
8. The projecting decks should appear lighter and include more transparency. The joinery between the decks and the building body need to be further explored and detailed.
9. The base should either be a different color from the building body or be unfinished concrete.
10. The concrete base and storefront windows should not be co-planer. The windows should be recessed to give a more three-dimensional quality.
11. The tile kick-plate shown at the building base should not appear applied; rather it should be inset within the concrete form.

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

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

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 2,400 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust; on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.
- The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of drainage, grading, noise, greenhouse gases, and traffic impacts is warranted.

#### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

#### Earth - Grading

The site has been identified as a brownfield with soil contamination created by a gas station that previously operated on the site. Soil remediation and excavation activity is being reviewed under Master Use Project No. 3011579.

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 2,400 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

During construction, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the PM peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction whenever possible.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Noise

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

### 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.

### Long-Term Impacts – Use-Related Impacts

#### Land Use

The proposed project includes a Council Action to rezone the subject site from NC2P-40 to NC2P-65. See the rezone analysis at the beginning of this report.

#### Parking

The proposed development is located in the First Hill Urban Center where parking is not required per SMC 23.54.015B2. However, the proposal includes 17 parking spaces to be provided at and below grade and accessed from a driveway via the alley.

Parking generation rates associated with High Rise Apartment and retail from the Institute of Transportation Engineers (ITE) Parking Generation Manual (3<sup>rd</sup> Edition) and the Urban Land Institute's Shared Parking were used to estimate the project's parking demand.

According to ITE, the project would generate a peak parking demand of 55 vehicles for residential uses. The difference of 38 parking spaces between the estimated parking demand of 55 spaces and the 17 parking spaces being provided is unlikely to create adverse parking strain on the surrounding streets for several reasons. First, the parking demands for the residential and retail uses are likely to occur at different peak hours and therefore are not additive and are not expected to conflict with one another.

This reduction in parking demand is also reinforced by the 2000 Census that shows the vehicle ownership rate for households located in the tract containing and abutting the site to be .71 vehicles per housing unit. Based on these factors, the residential parking demand is more realistically expected to be around 28 stalls for the 40 residential units. Within this range of parking demand, parking demand from the project may be comfortably accommodated on site and is not expected to noticeably affect on street parking availability.

According to ITE, demand for the 6,000 square feet of commercial use would be 24 spaces. This figure, however, does not include data from dense urban areas with public transit options, as well as significant pedestrian activity. These conditions are present at the subject site and are anticipated to decrease the parking demand for the parking associated with the commercial uses. Because the peak hours of commercial and residential uses are not additive, it is unlikely that the parking demand will exceed the parking provisions. However, because the exact commercial uses are unknown at this time and in an effort to help reduce the parking demand generated by the project, the following condition shall apply to the project:

1. A Parking Management Plan shall be adopted that requires shared parking between commercial and residential uses between the hours of 8 am and 8 pm.

#### Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

#### DECISION – STATE ENVIRONMENTAL POLICY ACT (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. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030(2)(c).

#### RECOMMENDED CONDITIONS – REZONE

1. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, dated September 7, 2010 and September 8, 2010, as modified by design review conditions including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

## **RECOMMENDED CONDITIONS – SEPA**

### **Prior to Issuance of any Construction, Shoring or Grading Permits**

2. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

### **During Construction**

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
4. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

## **CONDITIONS-DESIGN REVIEW**

### **Prior to Building Permit Issuance**

5. Relationship of the base to the building mass above: The building podium needs to be better defined either with a continuous canopy line or a clear break between the building materials of the base and the body. This break should include a three-dimensional quality that emphasizes the horizontal experience.
6. Change the wood panels shown at the upper floors to a *ceraclad* material.
7. The material changes should be more deliberate and attention should be particularly paid to enhancing the three-dimensional quality (i.e., be less planer) of each material and where the different materials intersect.
8. A stronger expression of the upper massing of the corner element is needed. Greater glazing to create a lighter condition is recommended.
9. The *ceraclad* materials should be utilized to create more of a sense of depth and weight. The proposed parapets expose the profile of the *ceraclad* and belie the sense of solid massing and building materials. This is especially apparent at the vertical bays that project upwards to create a parapet; the profile view of the parapet, however, is visible and should be filled in to create a better sense of depth.

10. The east façade needs additional attention and detailing to provide greater interest to the blank wall.
11. The bay window scheme shown on the north elevation (alley façade) should wrap around to the east half of the south façade. The “eye brow” parapets should be eliminated.
12. The projecting decks should appear lighter and include more transparency. The joinery between the decks and the building body need to be further explored and detailed.
13. The base should either be a different color from the building body or be unfinished concrete.
14. The concrete base and storefront windows should not be co-planer. The windows should be recessed to give a more three-dimensional quality.
15. The tile kick-plate shown at the building base should not appear applied; rather it should be inset within the concrete form.

Prior to Issuance of any Certificate of Occupancy

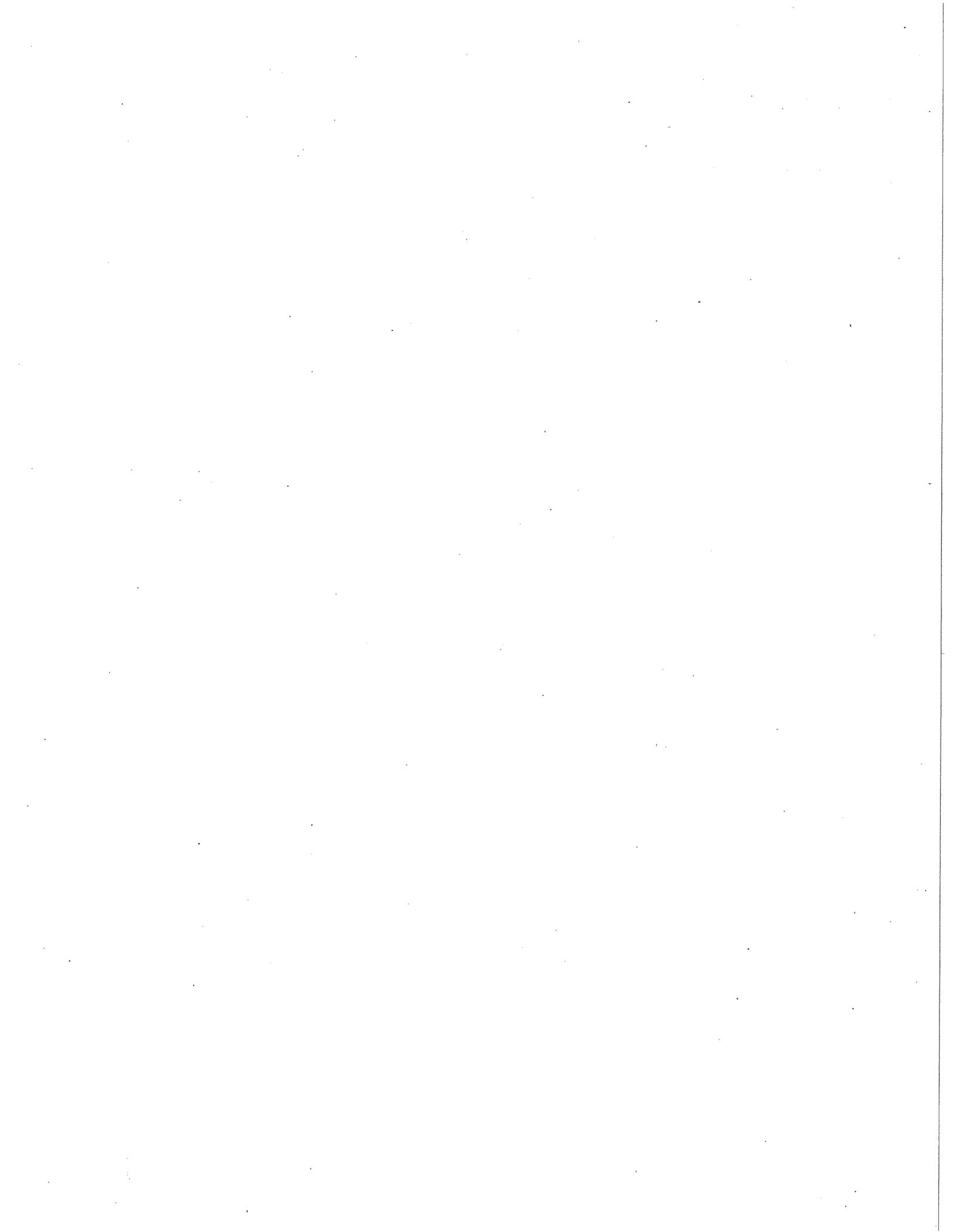
16. The applicants shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved plans dated September 7, 2010 and September 8, 2010.
17. A Parking Management Plan shall be adopted that requires shared parking between commercial and residential uses between the hours of 8 am and 8 pm.

Signature: (signature on file)  
Lisa Rutzick, Senior Land Use Planner  
Department of Planning and Development

Date: September 16, 2010



C



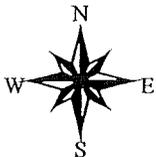


# 500 12th Avenue Aerial Photograph

City of Seattle Hearing Examiner  
**EXHIBIT**

Appellant \_\_\_\_\_  
 Respondent \_\_\_\_\_ ADMITTED   
 Department  DENIED \_\_\_\_\_  
**FILE # CF 310179, 3009796**

3



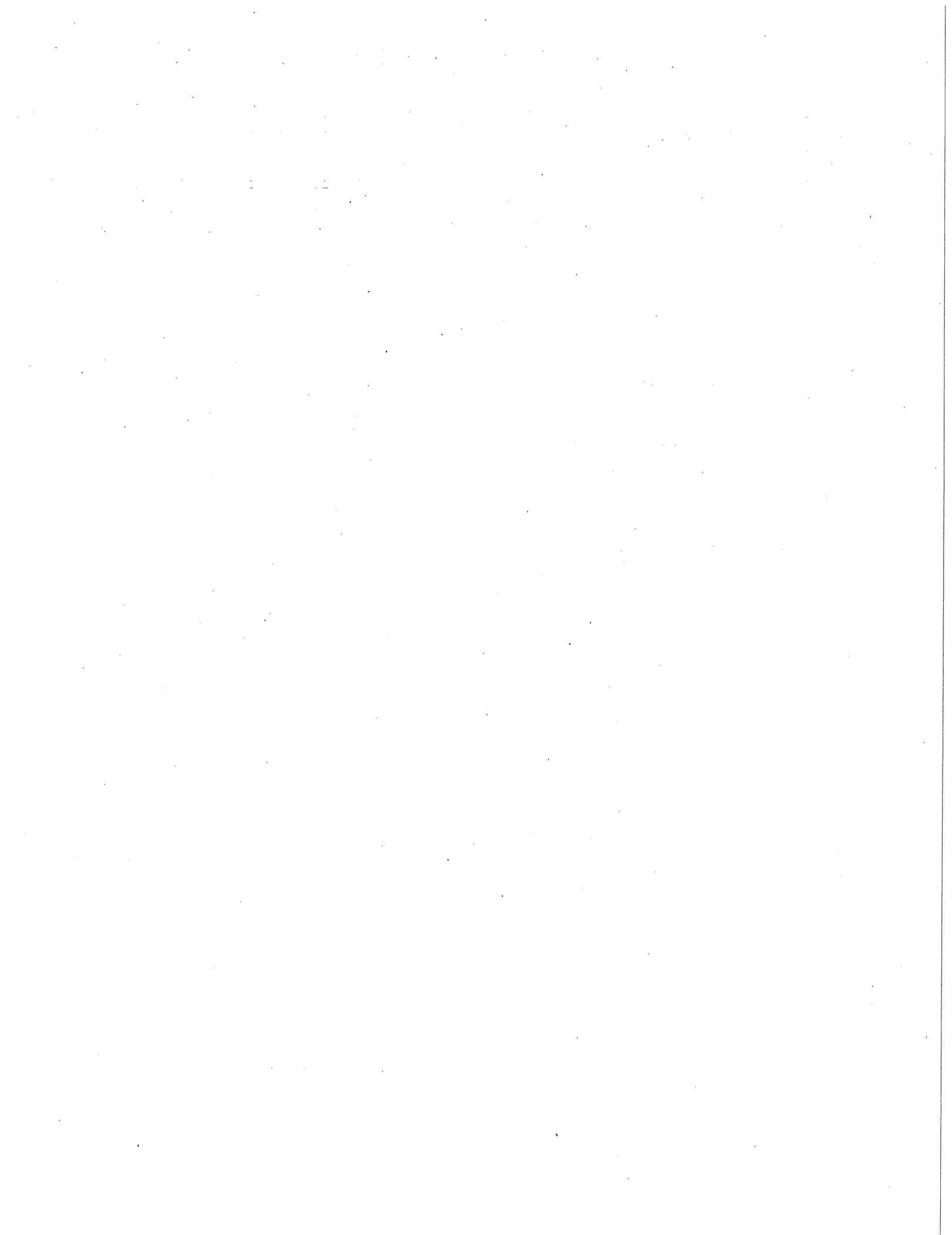
Scale: 1" = 109'

Prepared by DPD, October 05, 2010

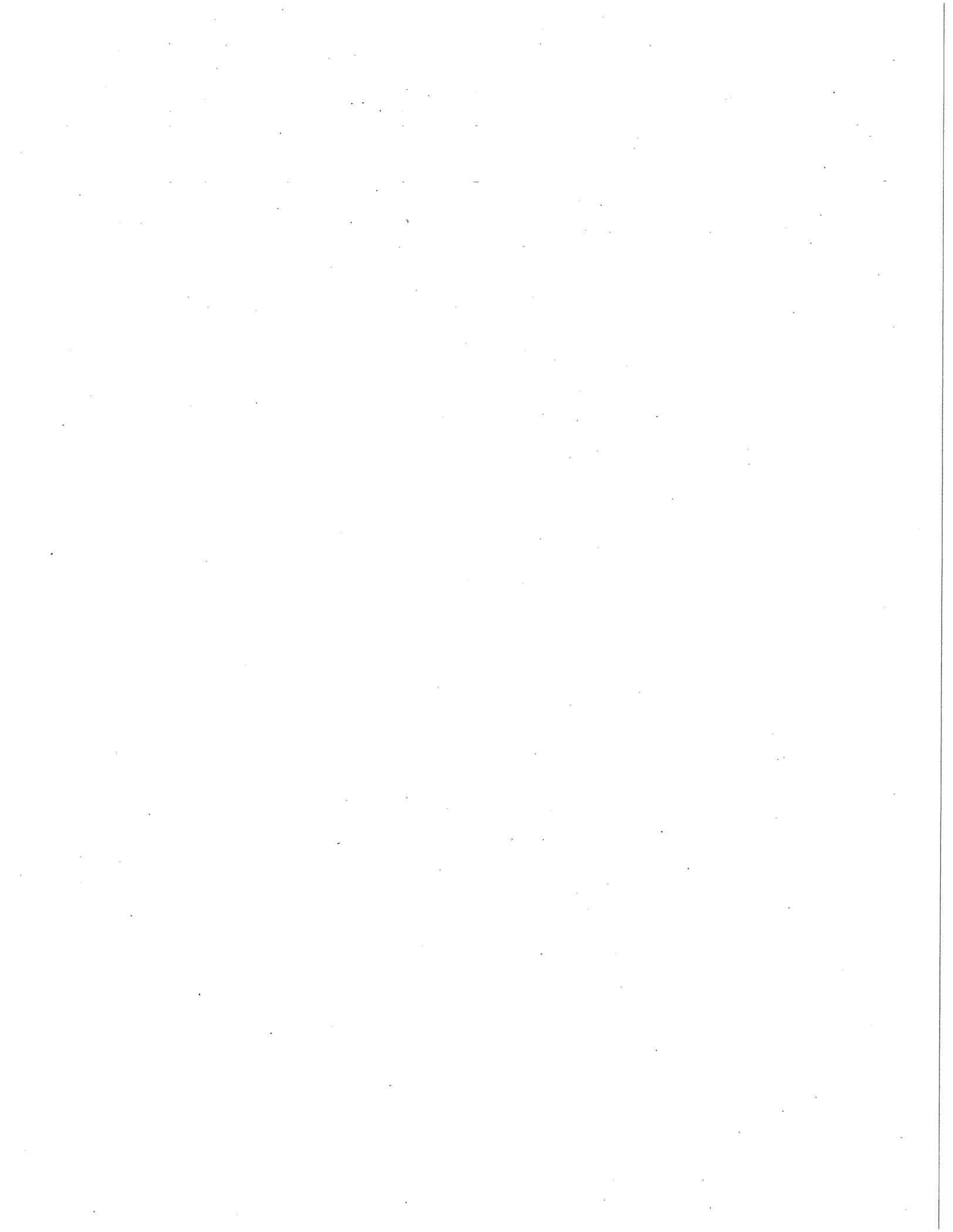
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

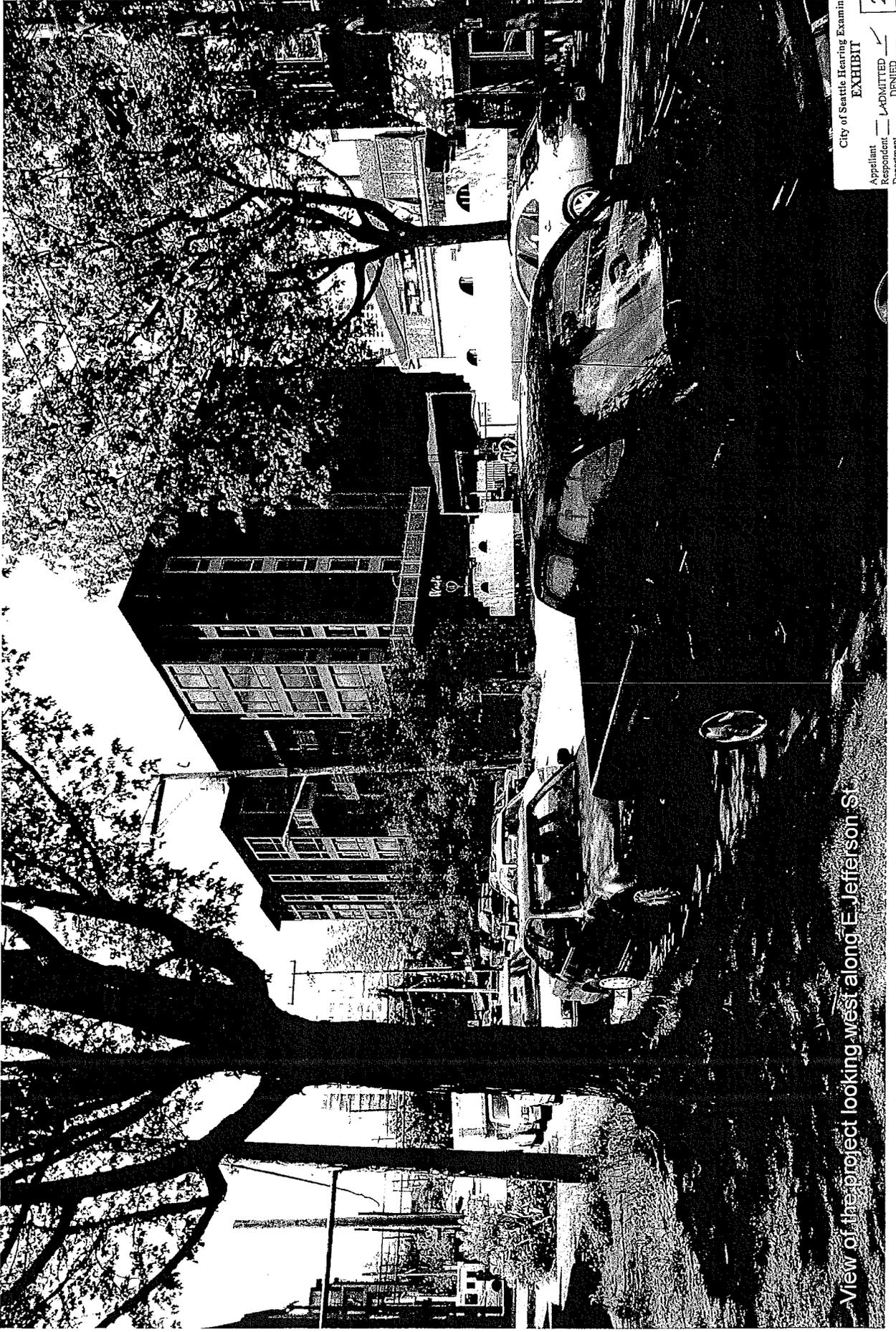
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- Pavement Edge
- Buildings
- Parks
- Critical Areas - South
- Potential Riparian Corridors Draft (1-31-2005)
- Parcels
- Zoning Shades**
- C1, C2
- DH1, DH2
- DMG, DRC
- DMR
- DOC, DOC1, DOC2
- HR, MR, MR/RC
- IR
- IC
- IDM, IDR, PMM, PSM, SCM
- IG1
- IG2
- L1, L1/RC, LDT
- L2, L2/RC
- L3, L3/RC, L4
- MIO
- NC1, NC2
- NC3, NCR
- SF 5000, SF 7200, SF 9600
- City Limits



D



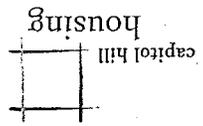


View of the project looking west along E Jefferson St.

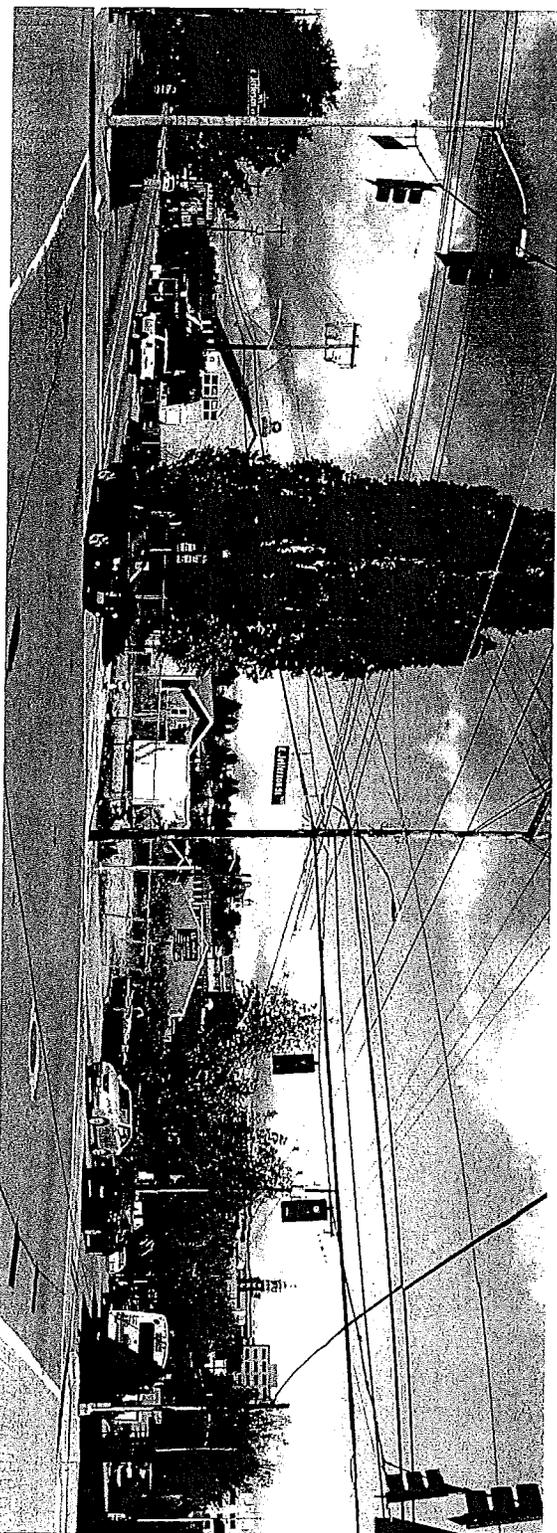
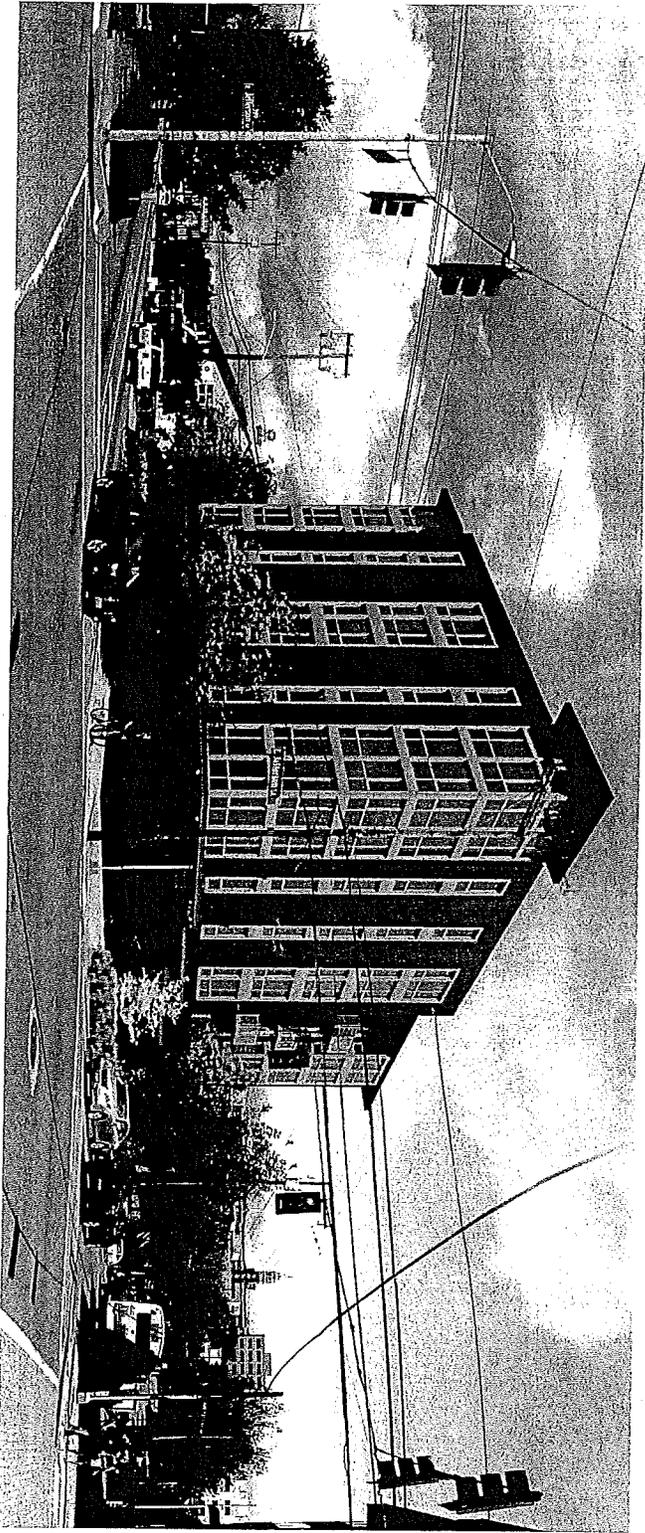
City of Seattle Hearing Examiner  
EXHIBIT  
Appellant \_\_\_\_\_  
Respondent  ADMITTED  24  
Department \_\_\_\_\_ DENIED \_\_\_\_\_  
FILE # / E 310179 3009996

# 12th + E Jefferson Workforce Housing

500 12th Ave, Seattle, WA 98122

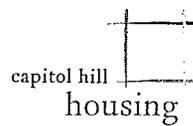


Environmental WORKS  
Community Design Center

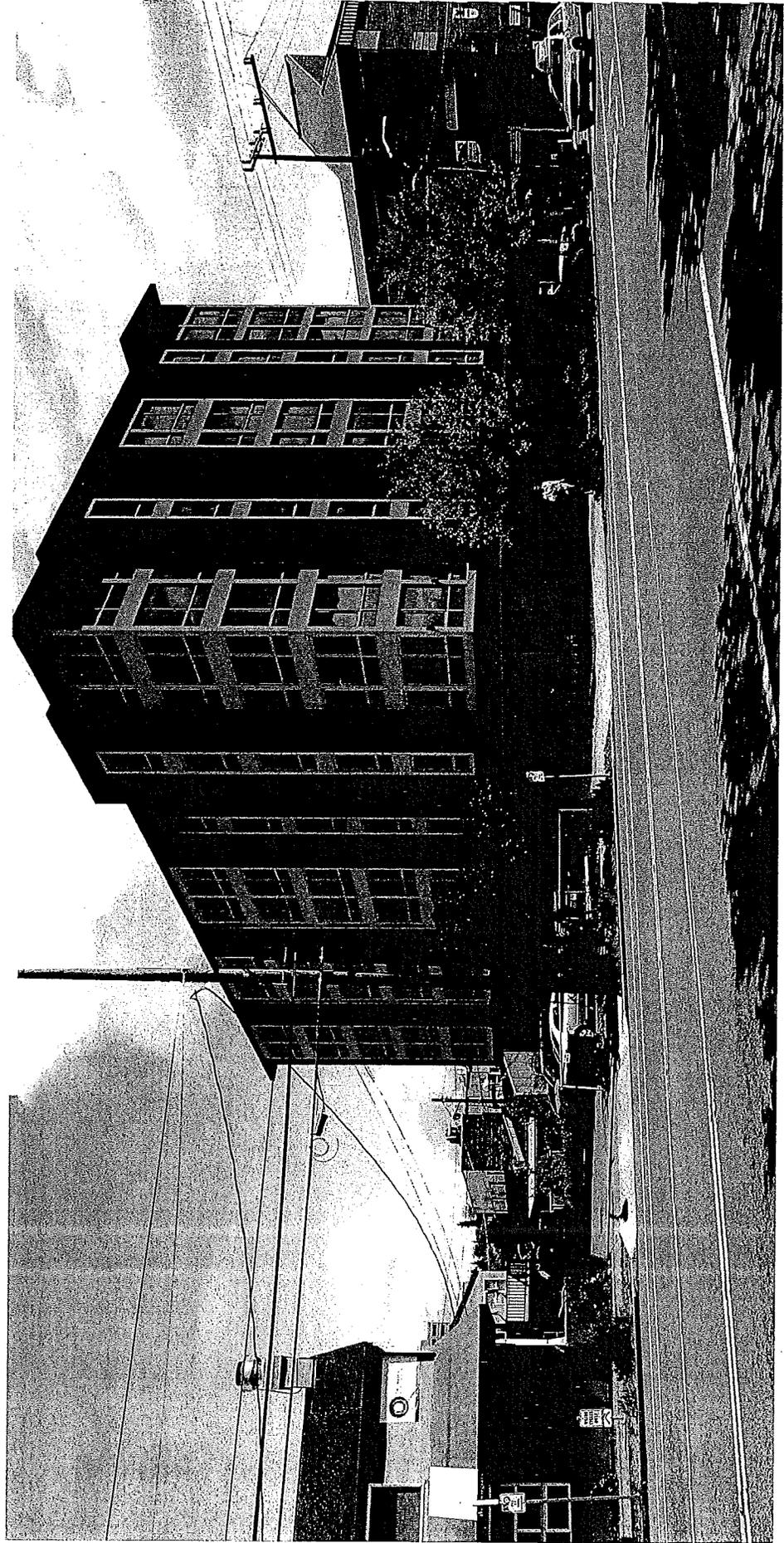


# 12th + E Jefferson Workforce Housing

500 12th Ave, Seattle, WA 98122



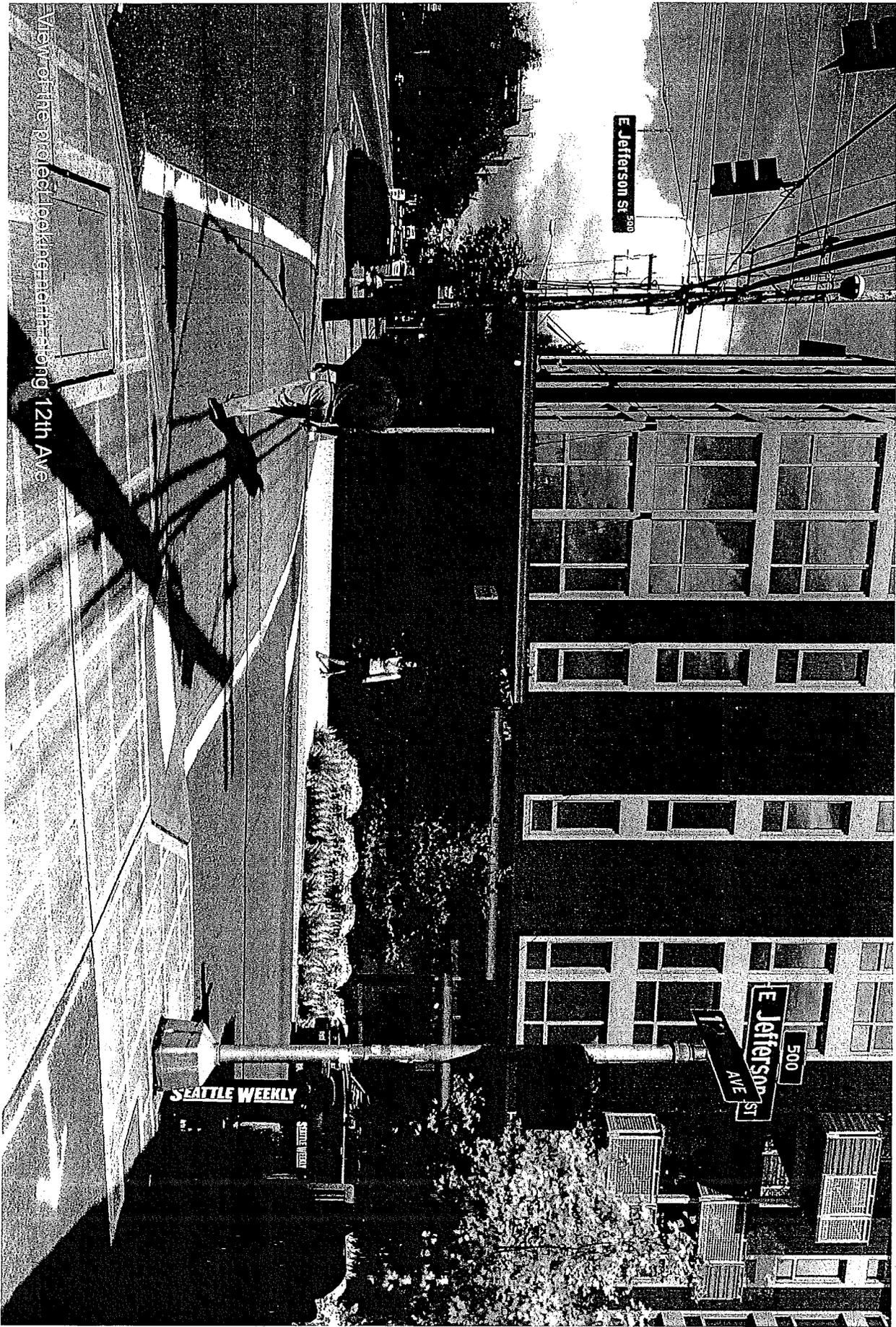
View of the project looking East from across 12th.



# 12th + E Jefferson Workforce Housing

500 12th Ave, Seattle, WA 98122



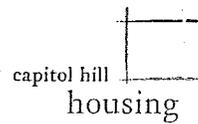


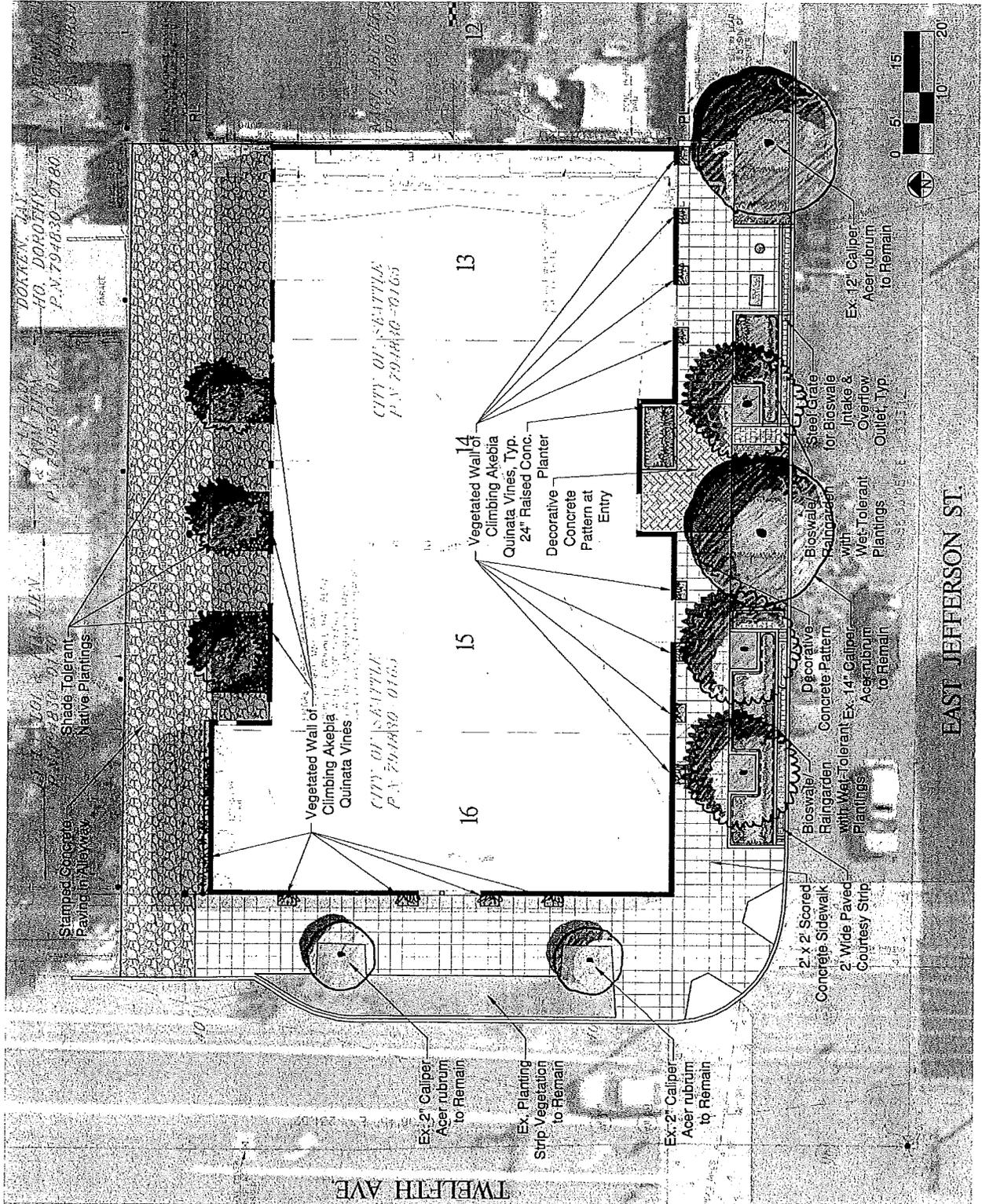
View of the project looking north along 12th Ave



# 12th + E Jefferson Workforce Housing

500.12th Ave, Seattle, WA 98122



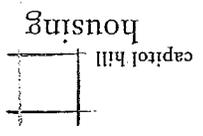


EAST JEFFERSON ST

TWELFTH AVE

# 12th + E Jefferson Workforce Housing

500 12th Ave, Seattle, WA 98122



## LANDSCAPE PLAN

DORRAN, JAY  
HO, DOROTHY  
P.N. 794830-0180

SHADE TOLERANT  
NATIVE PLANTINGS

STAMPED CONCRETE  
RAVINE ALLEYWAY

Vegetated Wall of  
Climbing Akebia  
Quinata Vines

CITY OF SEATTLE  
P.N. 794830-0165

CITY OF SEATTLE  
P.N. 794830-0165

14  
Vegetated Wall of  
Climbing Akebia  
Quinata Vines, Typ.  
24" Raised Conc.  
Decorative  
Planter

15  
Vegetated Wall of  
Climbing Akebia  
Quinata Vines

CITY OF SEATTLE  
P.N. 794830-0165

13

2' x 2' Scored  
Concrete Sidewalk

2' Wide Paved  
Courtesy Strip

Bioswale  
Rain Garden  
with Wet-Tolerant  
Plantings

Decorative  
Concrete Pattern

Ex: 14" Caliper  
Acer rubrum  
to Remain

Bioswale  
with  
Wet-Tolerant  
Plantings

Decorative  
Concrete Pattern

Ex: 12" Caliper  
Acer rubrum  
to Remain

Steel Grate  
for Bioswale  
Intake &  
Overflow  
Outlet, Typ

Ex: 12" Caliper  
Acer rubrum  
to Remain

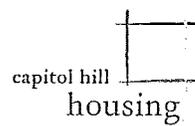




TYPICAL RESIDENTIAL FLOOR



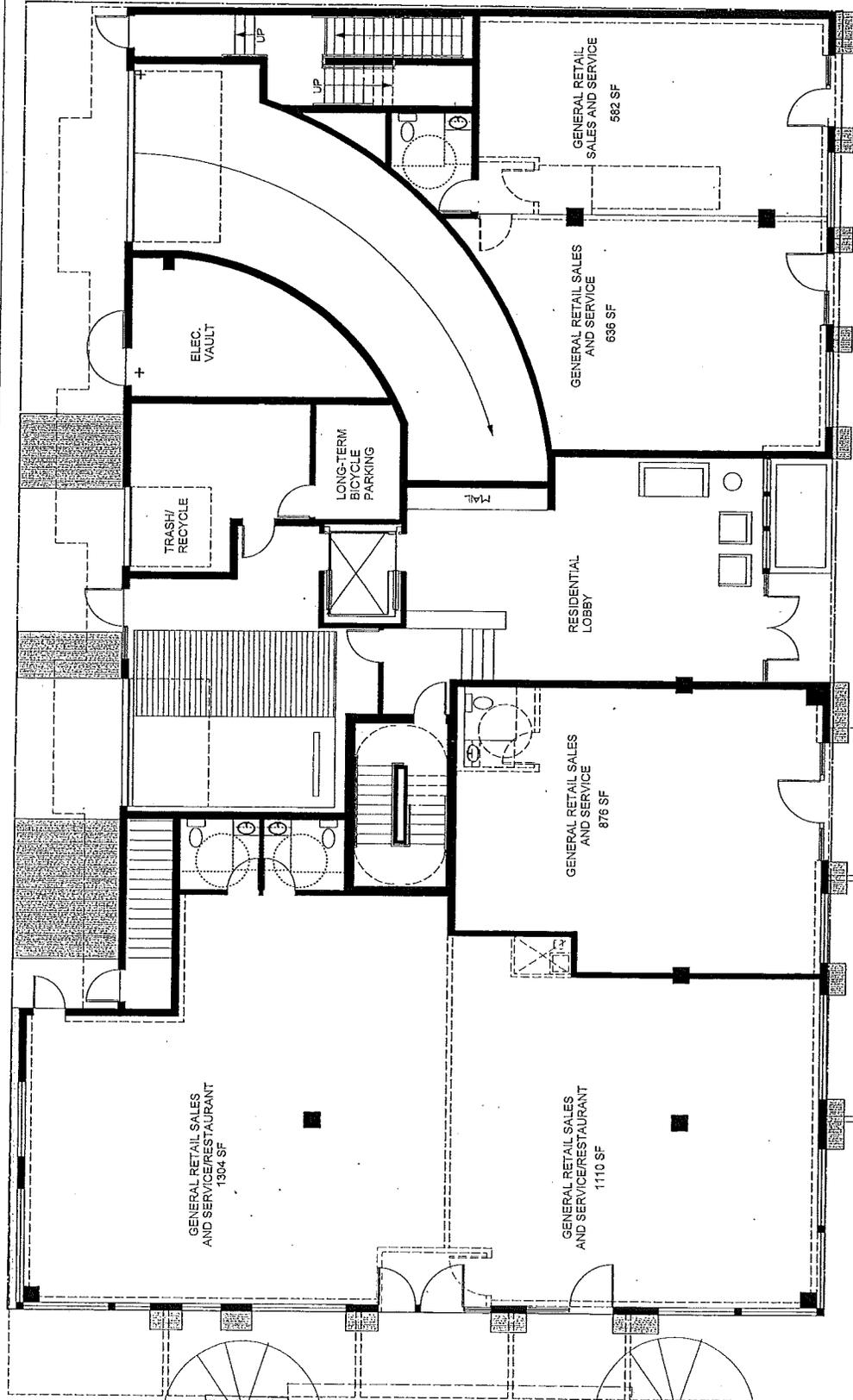
**12th + E Jefferson Workforce Housing**  
500 12th Ave, Seattle, WA 98122

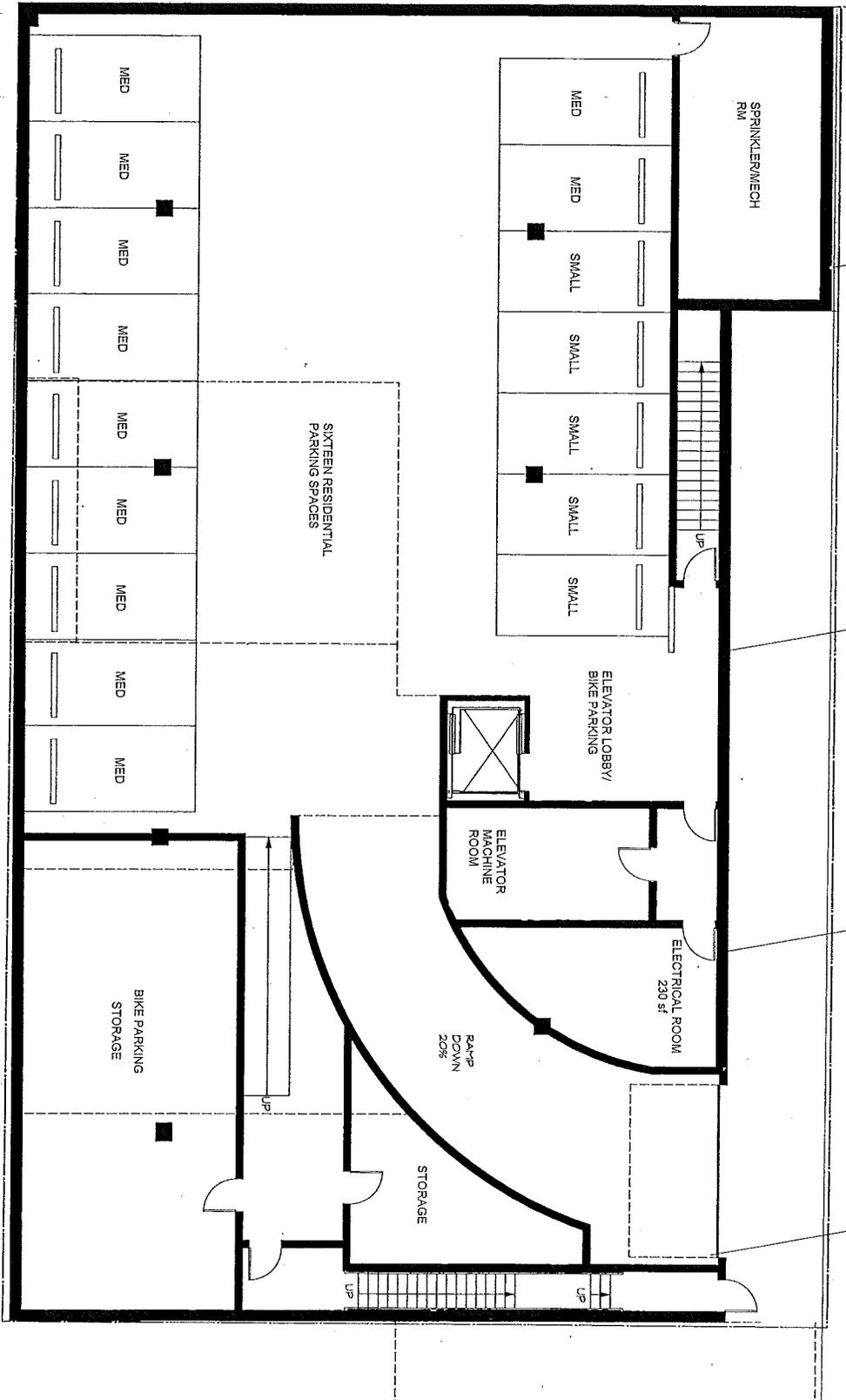


# 12th + E Jefferson Workforce Housing

capitol hill  
housing

GROUND FLOOR PLAN





BASEMENT PLAN



# 12th + E Jefferson Workforce Housing

500 12th Ave, Seattle, WA 98122

