



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

**Application Number:** 3023260  
**Council File Number:** 314356  
**Applicant Name:** David Fuchs, Johnston Architects  
**Address of Proposal:** 7009 Greenwood Avenue North

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65'), to allow a five-story building containing 35 apartment units above ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.\*

\*Note –The project description has been revised from the following original notice of application: Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 36 apartment units with ground level retail and below grade parking for 26 vehicles.

The following approvals are required:

**Design Review with Departures (Seattle Municipal Code (SMC) 23.41)**  
*Departures are listed near the end of the Design Review Analysis in this document*

**Contract Rezone (SMC 23.34):** Recommendation to the Hearing Examiner

**SEPA - Environmental Determination (SMC 25.05)**  
Substantive SEPA Review/Conditioning: Recommendation to City Council

**SEPA DETERMINATION:**

**Determination of Non-significance**

- No mitigating conditions of approval are recommended.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, conditions are recommended to mitigate environmental impacts.

## **BACKGROUND**

### **Mandatory Housing Affordability for Residential Development**

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

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

Chapters 23.58B and 23.58C are applicable as follows:

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

### **Site and Vicinity**

Site Zone: Neighborhood Commercial 2 with a 40' height limit (NC2-40) and Single Family 5000 (SF 5000)

Nearby Zones: North: NC2-40 & SF 5000  
South: NC2-40 & SF 5000  
West: SF 5000  
East: NC2-40

Environmentally Critical Areas: None.

Site Size: 20,799 square feet (sq. ft.)



### **Public Comment**

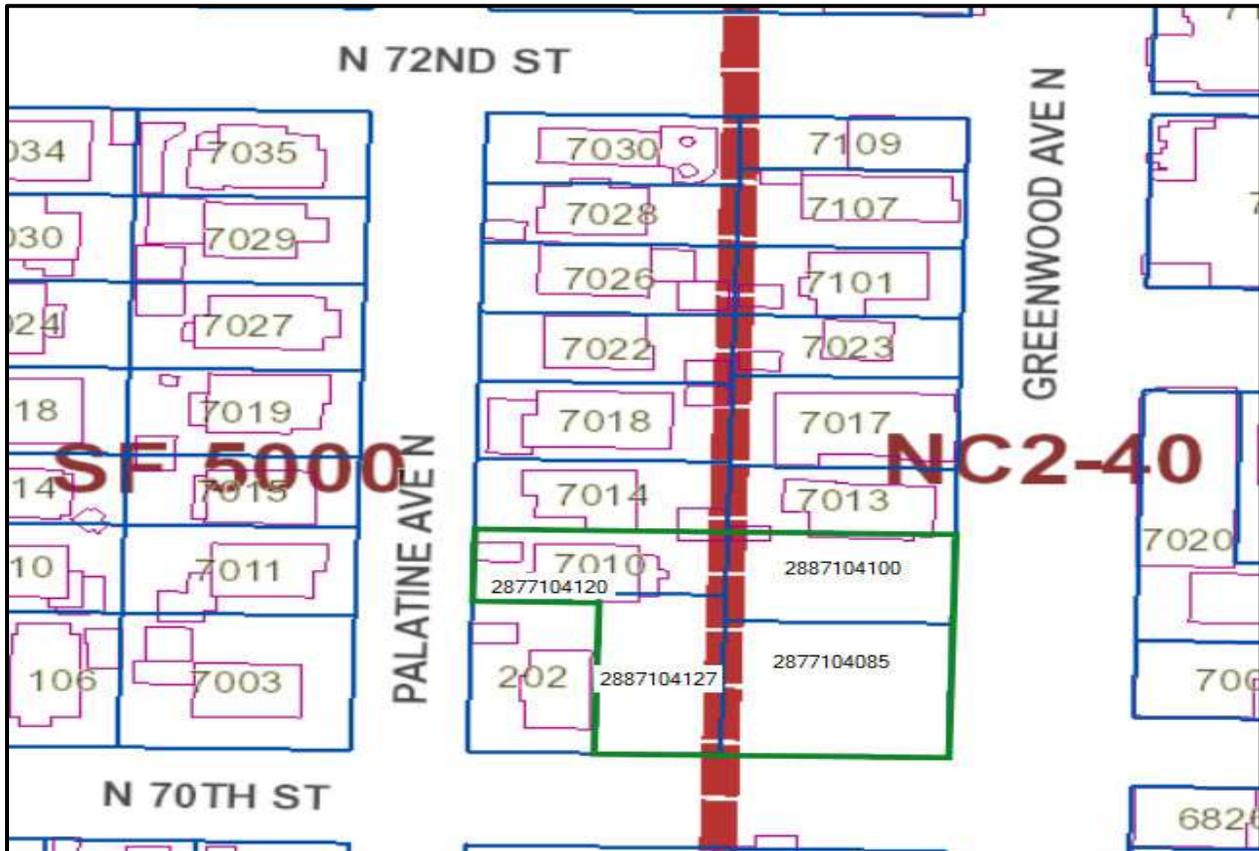
The public comment period ended on January 19, 2017. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to traffic, rezone, height/bulk/scale, parking and construction-related impacts. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

## **I. ANALYSIS – DESIGN REVIEW**

### **CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER**

The development site is located in the Greenwood neighborhood of Seattle. This approximately 20,799 sq. ft. property is a consolidation of four tax parcels; bounded by Greenwood Avenue North to the west, North 70<sup>th</sup> Street to the south, single-family-zoned property and Palatine Avenue North to the east, and single family/commercially-zoned property to the north. This “L-shaped” property is zoned both Neighborhood Commercial 2 with a 40' height limit (NC2-40) and Single Family

5000 (SF 5000). According to the survey, the development site is developed with a single family residence, detached accessory garage and paved vacant area. The four tax parcels are identified by the following Parcel Identification Numbers (PINs), map and supplementary information:



PIN	Area (sq. ft.)	ADDRESS	ZONING & OVERLAY DESIGNATIONS	PRESENT USE
287710-4100	4,874	7009 Greenwood Avenue North	<ul style="list-style-type: none"> <li>• NC2-40</li> <li>• Greenwood-Phinney Ridge Residential Urban Village</li> <li>• Frequent Transit Service Corridor</li> </ul>	Vacant
287710-4085	7,311	7005 Greenwood Avenue North	<ul style="list-style-type: none"> <li>• NC2-40</li> <li>• Greenwood-Phinney Ridge Residential Urban Village</li> <li>• Frequent Transit Service Corridor</li> </ul>	Vacant
287710-4120	3,844	7010 Palatine Avenue North	<ul style="list-style-type: none"> <li>• SF 5000</li> </ul>	Single Family Residence and Detached Garage
287710-4127	4,770	7009 Greenwood Avenue North	<ul style="list-style-type: none"> <li>• SF 5000</li> </ul>	Vacant
TOTAL	20,799			

The development proposal is to construct a five-story building containing 35 apartment units above ground level retail and below grade parking for 26 vehicles on the vacant portion of the development site described above that is currently zoned NC2-40. The map above illustrates the existing zoning orientation. The existing single family residence and accessory detached garage will remain.

The surrounding existing development abutting the subject property's boundary lines are single family residences to the north and east. To the south, across from North 70<sup>th</sup> Street, is an existing religious institution.

Existing vehicular access to the development property is via curb cuts along Greenwood Avenue North, North 70<sup>th</sup> Street and Palatine Avenue North. Greenwood Avenue North is an arterial street and the primary commercial corridor running north/south. Greenwood Avenue North is primarily zoned NC2-40 and contains a mixture of older one and two-story commercial uses and newer four-story mixed-use buildings. The properties east and west of the Greenwood Avenue North corridor are existing single family residences within single family residential zoning.

The neighborhood was originally developed in the early 1900's with single family residences, brick apartment buildings and one-story commercial structures along Greenwood Avenue North and Phinney Avenue North. Over the past century, newer commercial structures and apartment buildings have replaced the older structures. More recently, a few four-story mixed-use developments have been constructed within the immediate neighborhood. The commercial uses along Greenwood Avenue North are predominately neighborhood-related or eating establishments. Phinney Avenue North, to the south has a more residential feel befitting its Lowrise-Residential Commercial (LR3 RC) zoning.

### **EARLY DESIGN GUIDANCE MEETING: August 15, 2016**

#### **Public Comment**

The following public comments were offered at this meeting:

##### **Height, Bulk and Scale**

- Expressed concern regarding the additional building height, noting that the additional height will increase shadows and has the potential to create a canyon effect along the Greenwood corridor.
- Would like to see a more robust shadow study provided to assess impacts to the sidewalk and the single family zone.
- Felt that the additional building height will detract from the neighborhood's attractive appearance and quaint residential quality.
- Expressed concern that the proposed building height would set a new precedent for buildings along Greenwood Avenue North.
- Concerned that the proposed height is not compatible with the surrounding community and that the structure height will negatively impact the single family homes.
- Noted that the mass and scale is inappropriate for the neighborhood; would like to see the height of the building reduced by 15'.
- Noted that the neighborhood plan identifies the town center at 85th/Greenwood where 65' tall buildings are appropriate.
- Felt drawings and models are misleading.
- Expressed concern that sunlight will not reach the center of the site.

- Noted that center courtyard is south facing so light will enter the center of the site.
- Encouraged the public to think about the long-term change of Greenwood and the Urban Village. Noted that future legislations proposed as part of HALA will allow buildings 55' tall.
- Would like to see the building over 40' in height setback 10-15 feet from the property line.
- Felt drawings should show the adjacent building context.
- Appreciated the setback provided on the upper floors.
- Felt the proposed park will be dwarfed by the building.
- Would like to see an upper level setback provided adjacent to the park.
- Noted that the public benefits provided with the project make the height worthwhile.

#### Architectural Concept

- Expressed support for an innovative building and architectural concept. Felt the proposed building is a better design than what could be built under 40' in height.
- Applaud design with an open courtyard concept.
- Felt the design is interesting and exciting. The concept has been well-developed with attention to design principals.
- Applaud the inspired design. Felt the design captures the successful qualities of the Chop House on Capitol Hill. Noted the combination of park and retail could be very successful and lead to positive interactions between building and neighborhood residents.
- If rezone is rejected, would like to see the design applied to a smaller building.
- Noted the success of the building would depend on the use of high quality materials.
- Noted that places have an intrinsic identity and for Greenwood, light and air is the primary characteristic of the neighborhood.
- Would like to see affordable housing included in the project.
- Would like to see a design option with a corner plaza open to the sky at Greenwood Avenue North and North 70<sup>th</sup> Street.

#### Site Design

- Would like to see a vibrant mix of commercial businesses.
- Expressed support for the restaurants in the commercial courtyard.
- Expressed concern regarding the treatment of retail spaces provided on Greenwood Avenue North.
- Noted that the ground floor commercial courtyard with views to a public park will be an asset to the community.
- Questioned whether the commercial courtyard and park will be open to the public.
- Expressed support for the park but noted concern that a private entry would dissuade use of the park by the public. Felt the design should incorporate signage to document the space as public.
- Concerned that park will become a camp for the local homeless.
- Supported project and the additional park space provided.
- Noted the design and programming of the park is very important to the adjacent single family homes. Concerned about noise impacts.
- Would use park space for kids.

#### Parking and Traffic

- Felt more parking should be provided.
- Would like to see traffic calming measures implemented on Greenwood Avenue North.
- Support the provided parking.

- Concerned increased curb bulb and the proposed parking entry may conflict with access across the street.
- Concerned about traffic on North 70<sup>th</sup> Street.
- Would like to see more information about how deliveries will be provided to the businesses in and adjacent to the structure.
- Would like to see a transportation report that studies impacts to the surrounding community. Specific attention should be given the emergency vehicle routes and the local daycare on Palatine Avenue North.

#### Public Outreach

- Would like to have a separate community meeting to review the proposal.
- Felt the next public meeting should be located in Phinney and a sound system provided.

All public comments submitted in writing for this project can be viewed using the following link and entering the project number: <http://web6.seattle.gov/dpd/edms/>

#### Priorities & Board Recommendations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance based on current adopted Citywide and Neighborhood-Specific Design Guidelines.

1. **Architectural Concept.** The Board agreed that the preferred Massing Option C provided the better design solution for the site. The concept includes a break in the south façade to allow light and air into the structure. The concept includes a five-story street wall along Greenwood Avenue North and North 70<sup>th</sup> Street with an upper level setback at the 6<sup>th</sup> floor. The massing also includes a step down in the northwest corner locating five stories with a roof deck adjacent to the single family zoning. The Board agreed that the building massing should be further developed to provide thoughtful transitions between the proposed building and the adjacent building and zoning context.
  - a. Maintain a strong street wall at ground level along Greenwood Avenue North and North 70<sup>th</sup> Street and develop the upper level massing to respond to the future massing context along each street. The Board noted that the building façade could be resolved and informed in a variety of ways including the following:
    - i. Study the scale and proportion of the future building context along each street.
    - ii. Review a possible two-story setback along the street right-of-way.
    - iii. Consider strategic erosion, modulation, fenestration and material applications to reduce the building mass along each street.
    - iv. Develop and appropriate massing response based on Height, Bulk and Scale Guidelines CS2-D and Greenwood/Phinney Specific Guideline CS2-I and CS2-II, CS2-VII and DC2-III.
  - b. The Board expressed concerns regarding building mass and shadow impacts of the increased height in relationship to the adjacent single family zone to the west and the single family structure to the north located in a commercial zone. At the Recommendation Meeting the Board would like to see a thoughtful transition between the proposed structure and the adjacent zones/structures.
    - i. Provide a revised site design that includes the adjacent single family lots that are part of the overall development proposal.

- ii. Utilize site design, the location of existing single family homes and mature landscaping to provide a ground level transition between the proposed development and adjacent uses.
    - iii. Study upper level massing location to incorporate meaningful and well-placed transitions to adjacent less intense zoning and uses.
    - iv. Transitions may include upper level setbacks, modulation, fenestration, architectural details, material detailing, privacy studies to reduce line of site concerns.
    - v. The upper level deck provided in the northwest corner should be set back from the roof edge to respect the privacy of the adjacent single family homes.
    - vi. Develop an appropriate massing response based on Height, Bulk and Scale Guidelines CS2-D and Greenwood/Phinney Specific Guideline CS2-I and CS2-II, CS2-VII and DC2-III.
  - c. The building is positioned at the terminus of North 70th Street heading west from Greenwood Avenue North. At the Recommendation Meeting, the Board would like more detail demonstrating how the architectural concept, fenestration and/or material treatment responds to the unique jog in the street grid. (CS2-C1, CS2-V)
  - d. At the Recommendation Meeting, the Board requested additional shadow studies, context elevations and perspective drawings from each corner. The Board was particularly interested in the resolution of the massing in the northwest corner. (CS2-D)
- 2. Commercial Corridor.** The Board noted that the unique ground floor open commercial courtyard allows movement of pedestrians through the site.
  - a. The Board noted that the open retail courtyard was integral to the success of the architectural concept. At the Recommendation Meeting, the Board requested more information about the following details:
    - i. The programming of the space for residents, retail/restaurant patrons, and the public accessing the open space. The space should be designed to be legible and comfortable for each user. (CS2-IV, PL1, PL2, PL3).
    - ii. The entry sequence for residential, commercial and park spaces, landscape, hardscape, material treatment, ground level commercial storefront design, outdoor seating design, lighting and signage. (CS2-IV, PL1, PL2, PL3, DC4)
  - b. The Board agreed that the commercial storefronts along Greenwood Avenue North required the same level of design detail as the interior courtyard spaces. The commercial spaces should be developed consistent with the precedent images but also per the Greenwood/Phinney neighborhood specific design guidelines for commercial corridors and storefront design. (CSII-I, CS3-A, CS3-II, PL2, PL3-C)
  - c. At the Recommendation Meeting, the Board requested details showing the right-of-way landscape improvements, first floor commercial treatment, and the entry to the courtyard space contribute and enhance the existing neighborhood character. (CS2-A, CS3, PC1-A-2, PL2-B)
- 3. Park/Open Space.** The project design includes a publicly accessible park. The Board applauded the innovative concept, but also expressed concerns regarding the programming and detailed design of the space. The Board would like to see the space further developed to provide a welcoming, safe, public amenity with sympathetic transitions to the single family homes adjacent.

- a. Create a gracious and welcoming entrance along North 70<sup>th</sup> Street. (CS-II-iv, PL1, PL2, DC3)
- b. Locate the open space at the sidewalk level on North 70<sup>th</sup> Street and navigate any required grade transitions through the site design. (CS-II-iv, PL1, PL2, DC3)
- c. Consider how cars, pedestrians, and back-of-house functions will coexist along the North 70<sup>th</sup> Street sidewalk. The treatment of the space should maintain a pedestrian centric focus. (CS-II-iv, PL1, PL2, DC3, DC1)
- d. Consider how the open space will be perceived and accessed through the site from Greenwood Avenue North. Utilize the design of entrances and the double height space, lighting, paving patterns, and/or signage to demonstrate the public access through the commercial courtyard. (CS-II-iv, PL1, PL2, DC3)
- e. Develop the open space with an active, low-noise retail/restaurant edge to add eyes and activity to the open space area. (CS-II-iv, PL1, PL2, DC3)
- f. Treat the open space to provide a considerate transition to the existing single family home to the west. (CS2-D5)
- g. Treat blank walls along the open space to be engaging and integrated in to the overall design and programming of the space. (CS-II-iv, PL1, PL2, DC3)
- h. At the Recommendation Meeting, the Board would like more detail on the programming of the park, the landscape/hardscape treatment, lighting, signage, hours of operation and ownership. (CS-II-iv, PL1, PL2, DC3)
- i. Design the park to create safe spaces where all users feel secure and comfortable. (CS-II-iv, PL1, PL2, DC3).

**4. Architectural Context and Materials.** The Board noted the proposed building is located within a neighborhood with a strong residential character.

- a. The Board would like more information showing how the design parti and material application will reduce the scale of the building. (CS2-VII, DC2, DC4)
- b. Project should utilize durable, high quality materials. (DC4)

## **RECOMMENDATION MEETING: May 1, 2017**

### **Public Comment**

The following public comments were offered at this meeting:

#### **Design Concept and Massing**

- Applauded removing the 6<sup>th</sup> floor of the structure and the overall reduction in height.
- Voiced support for the ground level retail spaces, the pedestrian friendly street edge, the developer's efforts to engage the community and the sustainable design features.
- Acknowledged the design effort to create a high-quality response to the existing context. Felt the building design compliments Greenwood Avenue North.
- Expressed support for the unique internal atrium design concept.
- Felt a red brick material application would fit the neighborhood character better than the more modern grey brick.
- Felt that the building should respond to the North 70<sup>th</sup> Street as a view corridor.
- Expressed concern that a building setback is not required by zoning along the zone edge between Single Family and the Commercial zone. Urged the Board to utilize the Height, Bulk and Scale City Design Guidelines to require a better transition between the two zones.

- Requested an additional setback on the 4<sup>th</sup> floor for the façade facing North 70<sup>th</sup> Street and the west façade facing the single family zone.
- Felt additional setbacks should be provided at the 5<sup>th</sup> floor on all sides of the building.
- Expressed concern the height of the structure will be approximately 70' with rooftop features.
- Expressed concern that the increased height of this building, and other buildings that may follow, will create an urban cannon on Phinney Avenue North.

#### North Wall

- Felt the blank wall on the north façade needs further treatment.
- Noted that the proposed trailing vegetation along the north wall is a great concept but that it must be maintained to be successful.

#### Privacy

- Would like to see smaller windows on 4<sup>th</sup> and 5<sup>th</sup> floors. Noted that people looking up at the windows from below can easily see into private spaces and that the light from the windows can create light pollution at night.
- Expressed concern regarding privacy for adjacent residential units.

#### Other

- Supported Greenwood Avenue North center lane for commercial deliveries, which is consistent with the existing commercial uses on the corridor.
- Expressed concern regarding the viability of commercial uses proposed. Noted many of the proposed uses already exist in the neighborhood at other locations.

All public comments submitted in writing for this project can be viewed using the following link and entering the project number: <http://web6.seattle.gov/dpd/edms/>

### **Priorities & Board Recommendations**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance based on current adopted Citywide and Neighborhood-specific Design Guidelines.

- 1. Architectural Concept and Height, Bulk and Scale.** The Board supported the revised massing which removed the 6<sup>th</sup> floor of the structure. The Board noted that the substantial massing change provides appropriate response to the zone transitions to the north, south, east, and west. The Board recommended that the architectural parti, which breaks the structure into four distinct masses separated by a highly transparent gasket, was successful in breaking down the mass of the structure horizontally creating good proportions. The Board also supported the 4-story brick base, with a material change, strategic use of setbacks, and architectural detailing to visually distinguish the 5<sup>th</sup> floor from the lower four floors. The Board noted that the high-quality material application at both at the base and the upper levels, coupled with the interior atrium and the large window fenestration, created a successful composition. The Board also acknowledged the large number of public comments regarding additional setbacks along the North 70<sup>th</sup> Street façade and the facade facing the single family zone.
- 2.**
  - a. The Board recommended that the additional 5<sup>th</sup> floor setback in the northwest corner was an adequate response to the EDG guidance to provide a thoughtful transition between the proposed building and the single-family zone. (CS2-D, CS2-II, CS2-VII)

- b. The Board conditioned that an additional setback should be provided in the southwest corner of the structure consistent with the northwest corner. The setback should be a minimum of 4 feet in depth. The Board agreed that the vertical gasket should maintain the existing depth of 6'-2". (CS2-D, CS2-II, CS2-VII)
  - c. The Board discussed additional setbacks along the North 70<sup>th</sup> Street façade. Ultimately the Board concluded that an additional setback would negatively impact the strong street wall along Greenwood Avenue North. The Board recommended that the Greenwood Avenue North façade should remain as currently designed. (CS2-C1, CS2-D, CS2-II, CS2-VII)
  - d. The Board clarified that the upper level setback on the southwest façade on North 70<sup>th</sup> Street should be maintained as a transition to the nearby lower height zoning, while also setting back the west façade as conditioned. (CS2-D, CS2-II, CS2-VII)
  - e. The Board noted the public comment concern regarding the potential urban canon on Greenwood Avenue North, but recommended that the building height and design as shown provide a reasonable proportion to the 100-foot right-of-way width on Greenwood Avenue North. (CS2-D)
  - f. In response to public comment, the Board recommended the Design team work with SDCI on the placement of rooftop elements including the greenhouse, the size and location of the solar panels, and the setback of the deck railing, to verify that the design minimizes the perceived height and bulk of structure when viewed from adjacent streets. (CS2-D, CS2-II)
- 3. Commercial Corridor.** The Board applauded the resolution to the publicly accessible commercial courtyard and agreed the design adequately responded to EDG pertaining to the courtyard's programming for use by residents, commercial patrons, and the public. The Board supported the continuous commercial frontage along Greenwood Avenue N wrapping onto North 70<sup>th</sup> Street.
- a. The Board recommended that the tall commercial storefront with expressed mullions provides a scale and character to the neighborhood commercial street consistent with the Greenwood Design Guidelines. (CS2-II, CS3-I and II, PL3-C)
  - b. The Board also supported the continuous high canopy, with wood soffit. The Board recommended that the wood soffit and use of wood in the interior courtyard provide a warmth to both spaces that should be maintained. (PL1, PL2-C)
  - c. The Board conditioned that the final gate design, for both entries to the commercial courtyard, to express either an artful or architectural composition, integrated into the overall building design concept. (PL2-B3, PL3-A, DC1-I, DC2-C)
- 4. Park/Open Space.** Since the EDG meeting, the project proposal was revised to remove the publicly accessible park from the southwest portion of the site. The revised proposal includes an undeveloped open space with additional plantings to provide a softened transition between the proposed building and the adjacent homes. The Recommendation packet notes that this area may be developed with a Detached Accessory Dwelling Unit (DADU) or single family residence at some time in the future. *[Staff Note: After the Recommendation meeting, it was confirmed by the SDCI zoning reviewer that the single family-zoned portion of the entire development site could be developed with a DADU only. Development of new single family residence in addition to the remaining existing single family residence would not be allowed by Code.]*

5. **Architectural Context and Materials.** The Board noted the proposed building is located within a neighborhood with a strong residential character. The Board supported the high-quality, tone-on-tone, textured, brick material application.
- a. The Board discussed the public comment regarding red brick, but recommended that the entire building material palette, with light grey brick, provides an elegant a cohesive design. (CS2-A2, CS2-C, CS3-A1, CS3-I, DC2i, DC4-A)
  - b. During the presentation, the applicant expressed a desire to use wood at 5<sup>th</sup> floor if the budget allowed. Since a sample was not provided, the Board was unable to recommend a specific material change. Should a material change be proposed later, SDCI staff will determine if the change is consistent with the original DRB recommendations for approval. (DC4-A)
  - c. The Board acknowledged that the west façade material application would need to be resolved once the upper levels setback was provided. (DC4-A)

## DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

### CONTEXT & SITE

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

#### CS1-B Sunlight and Natural Ventilation

**CS1-B-1. Sun and Wind:** Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

**CS1-B-2. Daylight and Shading:** Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

**CS1-B-3. Managing Solar Gain:** Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

#### CS1-C Topography

**CS1-C-1. Land Form:** Use natural topography and desirable landforms to inform project design.

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

#### CS1-D Plants and Habitat

**CS1-D-1. On-Site Features:** Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

#### CS1-E Water

**CS1-E-1. Natural Water Features:** If the site includes any natural water features, consider ways to incorporate them into project design, where feasible

**CS1-E-2. Adding Interest with Project Drainage:** Use project drainage systems as opportunities to add interest to the site through water-related design elements.

***Greenwood/Phinney Supplemental Guidance:***

**CL1-I Responding to Site Characteristics**

**CL1-I-i. Views:** Numerous east-west streets offer excellent views of Green Lake, Puget Sound and the Olympic and Cascade Mountains from Greenwood Avenue North. Where possible, buildings should be located to take advantage of these views and to enhance views from the public right-of-way. Examples of methods to do this include setbacks from view corridors, landscape elements and street trees to frame views rather than block them, and pedestrian spaces with views of the water and mountains.

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

**CS2-A Location in the City and Neighborhood**

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

**CS2-A-2. Architectural Presence:** Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

**CS2-B Adjacent Sites, Streets, and Open Spaces**

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

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

**CS2-C Relationship to the Block**

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

**CS2-D Height, Bulk, and Scale**

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

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

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

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

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

***Greenwood/Phinney Supplemental Guidance:***

**CS2-I Streetscape Compatibility**

**CS2-I-ii. Treatment of Side Streets:** Some treatment of side-streets off of Greenwood Avenue North and 85th Street is important to create an effective transition to residential neighborhoods. Some options to consider include:

- a. setbacks with view-framing landscaping (see CS1)
- b. arbors with hanging plants

- c. small outdoor spaces with trees and landscaping.

### **CS2-II Height, Bulk and Scale Compatibility**

**CS2-II-i. Impact of New Buildings on the Street:** Consider the setback of upper stories of new mixed-use development on Greenwood Avenue North and North/Northwest 85<sup>th</sup> Street to reduce the dominance of new buildings on the street. Also, new commercial development should respect the small-scale historical pattern of storefronts on Greenwood Avenue North. Typically, the older storefronts are about 50 feet in width and feature brick, stone or other masonry units. Some also feature architectural details that provide interest and a human scale to the buildings.

**CS2-II-ii. Zone Edges:** Careful siting, building design and massing are important to achieve a sensitive transition between more intensive and less intensive zones. Consider design techniques including:

- a. increasing the building setback from the zone edge at the ground level;
- b. reducing the bulk of the building's upper floors nearest to the less intensive zone;
- c. reducing the overall height of the structure; and
- d. using extensive landscaping or decorative screening.

**CS2-II-iv. Surrounding Open Space:** Contribute to the character and proportion of surrounding open spaces. Evaluate adjacent sites, streetscapes and open spaces for how they function as the walls and floor of outdoor spaces or "rooms" for public use to determine how best to support those spaces through project siting and design.

### **CS2-III Architectural Context/Building Entrances**

**CS2-III-i. Entrances:** Even when the principal off-street parking areas are located on the side of the building, a primary building entrance should be located at the corner. This concept is consistent with traditional neighborhood commercial designs and important in facilitating pedestrian activity at the street corners.

### **CS2-IV Mid-Block Connections**

**CS2-IV-i. Mid-Block Crossings:** Where relevant, consider incorporating and enhancing the mid-block connection concept. Mid-block connections should be visually open and activated by pedestrian lighting, landscaping and human scaled, pedestrian-oriented architectural features and details. Inclusion of public art and neighborhood signage is encouraged. These connections should align with the mid-block crosswalk and may vary in width.

### **CS2-V Street Pattern**

**CS2-V-i. Continuity:** New development should respond to the existing street pattern to create pedestrian and visual continuity.

### **CS2-VI Structure Orientation**

**CS2-VI-i. Orientation:** Buildings should generally be built to the edge of sidewalks without setbacks so that ground floor uses are visible and accessible from the pedestrian circulation system. The impacts of new structures on solar exposure should be considered. Buildings located on corners should be oriented to the corner and include entries, windows, canopies or other special architectural treatment. Automobile access, circulation or parking should not be located at the intersections of public streets. Blank walls should be avoided where possible and mitigated with architectural treatment where they are unavoidable.

### **CS2-VII Mass and Scale**

**CS2-VII-i. Reducing Visual Mass:** Consider reducing the impact or perceived mass and scale of large structures by modulating upper floors; varying roof forms and cornice lines; varying materials, colors and textures; and providing vertical articulation of building facades in proportions that are similar to surrounding plat patterns.

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

**CS3-A Emphasizing Positive Neighborhood Attributes**

**CS3-A-1. Fitting Old and New Together:** Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

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

**CS3-B Local History and Culture**

**CS3-B-2. Historical/Cultural References:** Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

***Greenwood/Phinney Supplemental Guidance:***

**CS3-I Architectural Concept and Consistency**

**CS3-I-i. Architectural Styles:** The Greenwood Avenue North/Phinney Avenue North and North/ Northwest 85th Street corridors are characterized by their utilitarian, non-flamboyant, traditional architectural styles (except for churches). Some important points to consider in making new development consistent and compatible with existing development include:

- a. small-scale architectural details at the ground level, including color, texture/patterns, materials, window treatment, sculptural elements, etc.
- b. landscaping is an important component of the overall character, particularly for residential development
- c. personalization of individual businesses is a key feature of both corridors.

**CS3-II Compatibility**

**CS3-II-i. Existing Pattern:** Consider using the human-scale historical pattern of storefronts on Greenwood Avenue North as a guide in developing new structures abutting TownCenter streets. New development should respond to Greenwood's existing context by matching window and opening proportions, entryway patterns, scale and location of building cornices, proportion and degree of trim work and other decorative details, and employing a variety of appropriate finish materials.

**PUBLIC LIFE**

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

**PL1-A Network of Open Spaces**

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

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

**PL1-B Walkways and Connections**

**PL1-B-1. Pedestrian Infrastructure:** Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

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

**PL1-B-3. Pedestrian Amenities:** Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

### **PL1-C Outdoor Uses and Activities**

**PL1-C-1. Selecting Activity Areas:** Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

**PL1-C-2. Informal Community Uses:** In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

**PL1-C-3. Year-Round Activity:** Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

### ***Greenwood/Phinney Supplemental Guidance:***

#### **PL1-I Pedestrian Open Spaces and Entrances**

**PL1-I-i. Pedestrian Open Spaces:** Small, usable open spaces are an important design objective. Open spaces incorporating the following features are encouraged with new commercial and mixed-use development:

- a. Good sun exposure during most of the year
- b. Located in areas with significant pedestrian traffic
- c. Storefront and/or residential windows face onto open space, at or above the ground level
- d. There are a variety of places to sit
- e. Pedestrians have something to look at, whether it is a view of the street, landscaping, a mural, etc.

#### **PL1-II Open Space**

**PL1-II-i. Urban Plaza:** Encourage a publicly accessible urban plaza, potentially incorporated into one of the north-south streets and any proposed midblock connection. This adjoining street could be temporarily closed to traffic for special public gatherings. The plaza could include seasonal landscaping and year-round green, seating walls, benches or other street furniture, and public art.

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

#### **PL2-A Accessibility**

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

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

#### **PL2-B Safety and Security**

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

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

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

**PL2-C Weather Protection**

**PL2-C-1. Locations and Coverage:** Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

**PL2-C-2. Design Integration:** Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

**PL2-C-3. People-Friendly Spaces:** Create an artful and people-friendly space beneath building.

**PL2-D Wayfinding**

**PL2-D-1. Design as Wayfinding:** Use design features as a means of wayfinding wherever possible.

***Greenwood/Phinney Supplemental Guidance:***

**PL2-I Pedestrian Open Spaces and Entrances**

**PL2-I-i. North/Northwest 85th Street Corridor and Greenwood Avenue North Corridor, North of North 87th Street:** New development should enhance the pedestrian environment and encourage pedestrian activity along the North/Northwest 85th Street corridor and the Greenwood Avenue North corridor, north of North 87th Street. The following measures should be encouraged:

- a. Building entries facing the street
- b. Pedestrian-oriented facades
- c. Weather protection
- d. Below-grade parking, when possible

**PL2-I-ii. Pedestrian Amenities:** When possible, new development should integrate pedestrian amenities including but not limited to street trees, pedestrian lighting, benches, newspaper racks, public art and bike racks to maintain and strengthen pedestrian activity.

**PL2-II Pedestrian Lighting**

**PL2-II-i. Safety and Comfort:** Pedestrian street lights should conform to the existing Greenwood lighting design plan (Lumec Z-14 Green finish GN8TX). New buildings are encouraged to incorporate custom lighting fixtures along sidewalks and public pathways. Special care should be made to not over-illuminate.

**PL2-III Street Elements**

**PL2-III-i. Public Art:** Small signs— especially blade signs that hang over sidewalks— should be incorporated. Signage for way-finding, especially parking, is encouraged. Coordinate signage plans with the Greenwood/Phinney Neighborhood Plan.

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

**PL3-A Entries**

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

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

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

### **PL3-C Retail Edges**

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

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

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

## **PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.**

### **PL4-B Planning Ahead for Bicyclists**

**PL4-B-2. Bike Facilities:** Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

## **DESIGN CONCEPT**

## **DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.**

### **DC1-A Arrangement of Interior Uses**

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

**DC1-A-2. Gathering Places:** Maximize the use of any interior or exterior gathering spaces.

**DC1-A-3. Flexibility:** Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

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

### **DC1-B Vehicular Access and Circulation**

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

### **DC1-C Parking and Service Uses**

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

**DC1-C-2. Visual Impacts:** Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

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

**Greenwood/Phinney Supplemental Guidance:**

**DC1-I Blank Walls**

**DC1-I-i. Storefronts:** Storefronts are encouraged to be located at the sidewalk edge, particularly in neighborhood commercial districts, and should be continuous, minimizing blank walls. Where unavoidable consider treating blank walls with one or more of the methods suggested in the Seattle Design Guidelines, including:

1. installing vertical trellis in front of the wall with climbing vines or plant material;
2. employing small setbacks;
3. employing different texture, colors, or materials;
4. providing art or murals.

**DC1-II Parking and Vehicular Circulation**

**DC1-II-i. Parking adjacent to a public street:** Consider mitigating the visual impacts with street trees, landscaping or other design features.

1. Curb cuts along North/Northwest 85th Street should be consolidated where feasible.
2. Entrances to parking could include special paving and other sidewalk treatments and amenities, such as additional landscaping, signage or art.

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

**DC2-A Massing**

**DC2-A-1. Site Characteristics and Uses:** Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

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

**DC2-B Architectural and Facade Composition**

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

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

**DC2-C Secondary Architectural Features**

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

**DC2-C-2. Dual Purpose Elements:** Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

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

**DC2-D Scale and Texture**

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

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

***Greenwood/Phinney Supplemental Guidance:***

**DC2-I Architectural Context**

**DC2-I-ii. Commercial and Mixed-Use:** Façade modulation and articulation are less critical in commercial or mixed-use structures as long as appropriate levels of detail are present to break up the façade. Many of these structures are simple boxes that are well fenestrated and contain a number of details that add interest at the ground level and lend buildings a human scale. Modulation of commercial and mixed-use structures at the street level is discouraged unless the space or spaces created by the modulation are large enough to be usable by pedestrians.

**DC2-II Human Scale**

**DC2-II-i. Building Composition:** New multi-story developments should consider methods to coordinate a building’s upper and lower stories. The parts should function as a composition—not necessarily requiring the top and bottom to be the same or similar.

**DC2-III Mass and Scale**

**DC2-III-i. Perceived Mass:** Consider reducing the impact or perceived mass and scale of large structures by modulating upper floors; varying roof forms and cornice lines; varying materials, colors and textures; and providing vertical articulation of building facades in proportions that are similar to surrounding plat patterns.

**DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.**

**DC3-A Building-Open Space Relationship**

**DC3-A-1. Interior/Exterior Fit:** Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

**DC3-B Open Space Uses and Activities**

**DC3-B-1. Meeting User Needs:** Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

**DC3-B-2. Matching Uses to Conditions:** Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

**DC3-C Design**

**DC3-C-1. Reinforce Existing Open Space:** Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

**DC3-C-2. Amenities/Features:** Create attractive outdoor spaces suited to the uses envisioned for the project.

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

**DC4-A Exterior Elements and Finishes**

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

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

**DC4-B Signage**

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

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

**DC4-C Lighting**

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

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

**DC4-D Trees, Landscape, and Hardscape Materials**

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

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

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

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

***Greenwood/Phinney Supplemental Guidance:***

**DC4-I Architectural Context**

**DC4-I-i. Signage:** The design and placement of signs plays an important role in the visual character and identity of the community. Key aspects of this effort are to ensure that the signs are at an appropriate scale and fit in with the building’s architecture and the local district. Small signs are encouraged in the building’s architecture, along a sign band, on awnings or marquees, located in windows or hung perpendicular to the building façade. The following signs are generally discouraged:

1. Large illuminated box (back-lit “can”) signs, unless they are treated or designed to be compatible with the character of surrounding development. Back-lit awnings should be limited to one horizontal-mounted lighting tube. Small neon signs are an alternative as long as they are unintrusive to adjacent residences.
2. Pole-mounted signs. Small monument signs are encouraged as part of low walls screening parking and abutting pedestrian-oriented space. Design should not present a visibility problem to a driver, pedestrian or bicyclist.

**DEVELOPMENT STANDARD DEPARTURES**

The Board’s recommendation on the requested departure(s) was based on the departure’s potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

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

1. **Sight Triangle (SMC 23.54.030.G.3):** The Code requires a minimum 10'x10' sight triangle provided on either side of a 10' wide driveway, measured from the back edge of the sidewalk. The applicant proposes to maintain a sight triangle on either side of the driveway but allow for a structure column to be in the west sight triangle.

The Board unanimously supported the requested departure. The Board agreed that the sight triangles were largely kept clear of obstructions, and the approaching cars would be traveling uphill at lower speeds. The Board agreed that the North 70<sup>th</sup> Street façade, with driveway, back of house uses, retail spaces, and the commercial courtyard entrance provide a successful pedestrian experience along the street, better meeting the intent of adopted Citywide Design Guidelines DC1-C2 Parking and Service Uses, Retail Edge, and PL3-A4 Ensemble of Elements.

2. **Street Level Transparency Standards (SMC 23.47A.008.B.2.a):** The Code requires a minimum of 60% of the street-level street-facing façade be transparent. The applicant proposes a 40.3% transparent façade along North 70<sup>th</sup> Street.

The Board unanimously supported the requested departure. As noted above, the North 70<sup>th</sup> façade includes a variety of uses including a commercial courtyard entry. If the courtyard entry was excluded from the calculation, the building would comply with standards. The Board conditioned that the final gate design be either an artful or architectural composition integrated into the overall building design concept, so that when closed after hours the building façade maintains a welcoming pedestrian streetscape. As conditioned, the North 70<sup>th</sup> Street façade will better meet the intent of adopted Citywide Design Guidelines DC1-I Blank Walls, PL3-C Retail Edge, and PL3-A4 Ensemble of Elements.

## **RECOMMENDATIONS**

### **Board Direction**

The recommendation summarized above was based on the design review packet dated Monday, May 1, 2017, and the materials shown and verbally described by the applicant at the Monday, May 1, 2017 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Provide an additional setback in the southwest corner of the structure, consistent with the northwest corner, at a minimum of 4 feet in depth. (CS2-D, CS2-II, CS2-VII)
2. Maintain the vertical gasket at the existing depth of 6'-2". (CS2-D, CS2-II, CS2-VII)
3. Maintain the wood soffit and use of wood in the interior courtyard. (PL1, PL2-C)
4. Design the gate for both entries to the commercial courtyard to express either an artful or architectural composition, integrated into the overall building design concept. (PL2-B3, PL3-A, DC1-I, DC2-C)

*The design packets include materials presented at the Early Design Guidance (EDG) and Recommendation meetings, and are available online by entering the project number (3023260) at this website:*

*<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>*

*These packets are also available to view in the file, by contacting the Public Resource Center at Seattle DCI:*

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

***Email: [PRC@seattle.gov](mailto:PRC@seattle.gov)***

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **Director's Analysis**

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

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

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

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

At the conclusion of the Recommendation meeting held on May 1, 2017, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F.3).

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

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

Applicant response to Recommended Design Review Conditions:

The applicant responded with a memo on July 12, 2017 describing their responses to the Board's Recommended Design Review Conditions. The current MUP drawings have been revised/updated (when applicable) to reflect the four Board recommended conditions noted in the Recommendation section noted above. SDCI confirms that the applicant's responses satisfy recommended conditions #1-#4.

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

The Director of Seattle DCI agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations have been met.

## **DIRECTOR'S DECISION**

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

## **II. ANALYSIS – REZONE**

Seattle Municipal Code (SMC) Chapter 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.004 (Contract rezones), 23.34.007 (Rezone evaluation), 23.34.008 (General rezone criteria) and 23.34.009 (Height limits of the proposed rezone).

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

### **SMC 23.34.004 Contract Rezoning.**

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

*applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA should require that the development of the rezoned portion of the project site is in substantial conformance with the approved plans for Master Use Permit (MUP) number 3023260.

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

The development proposal is to construct a five-story building comprised of residential and commercial uses. Thus, the proposed contract rezone from NC2-40 to NC2-65 is subject to a PUDA containing self-imposed restrictions in accordance with the provisions of Chapter 23.58B and 23.58C.

As noted above, in August of 2016, the City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). As described, SMC 23.58C is applicable through the terms of a contract rezone in accordance with SMC 23.34.004. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property be subject to the requirements of SMC 23.58C. A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development (MHA-R) in contract rezones*, DR 14-2016) has been approved pursuant to SMC 23.34.004.B. The rule specifies how to determine the appropriate MHA-R suffix

The Director's Rule provides a phased implementation calculation for proposals with complete Master Use Permit applications submitted before January 1, 2016. The subject application was submitted after this date (Complete: December 20, 2016) so the phased implementation provisions do not apply. Application of the Director's Rule indicates that the proposed rezone from NC2-40 to NC2-65 would fall under tier M1 and therefore receive an (M1) suffix.

As described, SMC 23.58B may be applicable through the terms of the contract rezone in accordance with SMC 23.34.004. As noted above, the subject application would fall into tier M1.

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

A PUDA will be executed and recorded as a condition of the contract rezone from NC2-40 to NC2-65 with the condition that the development shall be in substantial conformance with the approved plans for Master Use Permit number 3023260. The recorded condition will facilitate the use of an MHA suffix and any associated development standards identified in the Code for NC zones with a 65' height limit (self-limiting to 55').

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

At the time of the Seattle DCI recommendation, no waivers from bulk or off-street and loading requirements had been requested.

**SMC 23.34.007 Rezone Evaluation.**

***A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.***

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

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

This analysis evaluated the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) as they apply to the subject rezone (listed at the beginning of this "Analysis" section) and subject to the requirements of SMC 23.58.B and 23.58.C.

***C. Compliance with the provisions of this Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.***

The subject property is not located in the shoreline environment and the proposed rezone does not include a shoreline environment redesignation. Therefore, the Comprehensive Plan Shoreline Environment Policies were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

Part of the development site which is the portion of the site proposed to be rezoned (the eastern half measured at 12,185 sq. ft. in area), is located within the Greenwood/Phinney Ridge Residential Urban Village with boundaries as established in the Comprehensive Plan. The remaining portion of the subject site (western half) is outside of the boundary for this urban village. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside of urban villages.

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

The subject site is not in the shoreline environment and the proposed rezone is not a shoreline environment redesignation. Thus, the procedures and criteria in Sections 23.60A.042, 23.60A.060 and 23.60A.220 do not apply.

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

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

<b>SMC 23.34.007 Conclusion:</b> The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.
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**SMC 23.34.008 General rezone criteria**

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

Part of the development site (eastern half), in which is the portion of the site proposed to be rezoned, is located within the Greenwood/Phinney Ridge Residential Urban Village as described in response to SMC 24.34.007.D.

The estimated housing unit growth target for this Residential Urban Village in the Growth Strategy Appendix of the 2035 Comprehensive Plan is a density of 500 housing units at a growth rate of 30% between the years of 2015 to 2035. The established growth accommodation for residential

urban villages in the 2035 Comprehensive Plan is zoning that permits at least 12 dwelling units per gross acre.

The proposed rezone will not reduce the zoned capacity for the Greenwood/Phinney Ridge Residential Urban Village. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The applicant intends to develop the site with five floors of residential use (35 apartments) above a street-level commercial base and below-grade parking garage. The existing zoning would allow for four floors of residential use above the commercial/below-grade parking base (approximately 29 similarly-sized apartment units within the proposed commercial/residential design), leading to an increase in zoned capacity of approximately six residential units.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the 2035 Comprehensive Plan growth target.

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

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

No change to the NC2 zone designation is proposed, and thus the criteria for designation of commercial zones in SMC 23.34.072 are not a part of this proposal. The NC2 zone criteria in SMC 23.34.076 continue to match the characteristics of the area better than any other zone designation. The site is located in the primary business district in the Residential Urban Village, on streets with good capacity and moderate transit service.

Changes to the height designation is discussed below.

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

The zoning history for that portion of property seeking a rezone is as follows:

- 1947 – Business District Area C with height limit of 65’
- 1950 – General Commercial Zone with height limit of 60’
- 1988 – Neighborhood Commercial 2 with height limit of 40’
- 1994 – Urban Village and Neighborhood Plan introduced

As noted, the Greenwood Phinney Urban Village was established in 1994 and was zoned to its current zoning (NC2-40) in 1988.

The Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council in 2015 that included mandatory housing affordability for residential (MHA-R) and commercial (MHA-C) development. MHA would require that commercial and multifamily residential developments either include affordable

housing units in the building or pay into a fund to provide housing affordable to low-income households, in exchange for increases in development capacity.

The City is proposing requirements, area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement Mandatory Housing Affordability (MHA) requirements for multifamily and commercial development in certain areas. The proposal includes a change to the zoning of the commercially-zoned portion of the development site to NC2-55(M). Information pertaining to MHA (including draft MHA zoning maps and anticipated status of City Council's review of this proposed legislation can be here: [https://www.seattle.gov/hala/about/mandatory-housing-affordability-\(mha\)#mhazoningchanges](https://www.seattle.gov/hala/about/mandatory-housing-affordability-(mha)#mhazoningchanges).

#### ***D. Neighborhood Plans***

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

Portions of the Greenwood/Phinney Ridge Neighborhood Plan were adopted by City Council November 19, 1999 (Ordinance #119743). The adopted portions can be found in the City of Seattle 2035 Comprehensive Plan Adopted Neighborhood Plans (*section B-17*).

Historically, the City Council has passed several ordinances amending the Seattle Comprehensive Plan starting in year 2005 (Ordinance #121955). More recently, the City Council adopted the Seattle 2035 Comprehensive Plan in October of 2016, (Ordinance #125173). The goals and policies for the Greenwood/Phinney Ridge Adopted Neighborhood Plan found in the Neighborhood Plans section of this document (*pg. 324*) remain the same.

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

A portion of the subject property as described above is within the Greenwood/Phinney Ridge Residential Urban Village and is covered by the Greenwood/Phinney Ridge Neighborhood Plan.

- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.***

The above planning documents do not establish policies expressly for the purpose of guiding future rezones.

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

The Council-adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not identify any specific areas for rezone.

**SMC 23.34.008.D Summary:** There are no specific Land Use policies to guide rezones within the Greenwood/Phinney Ridge Neighborhood.

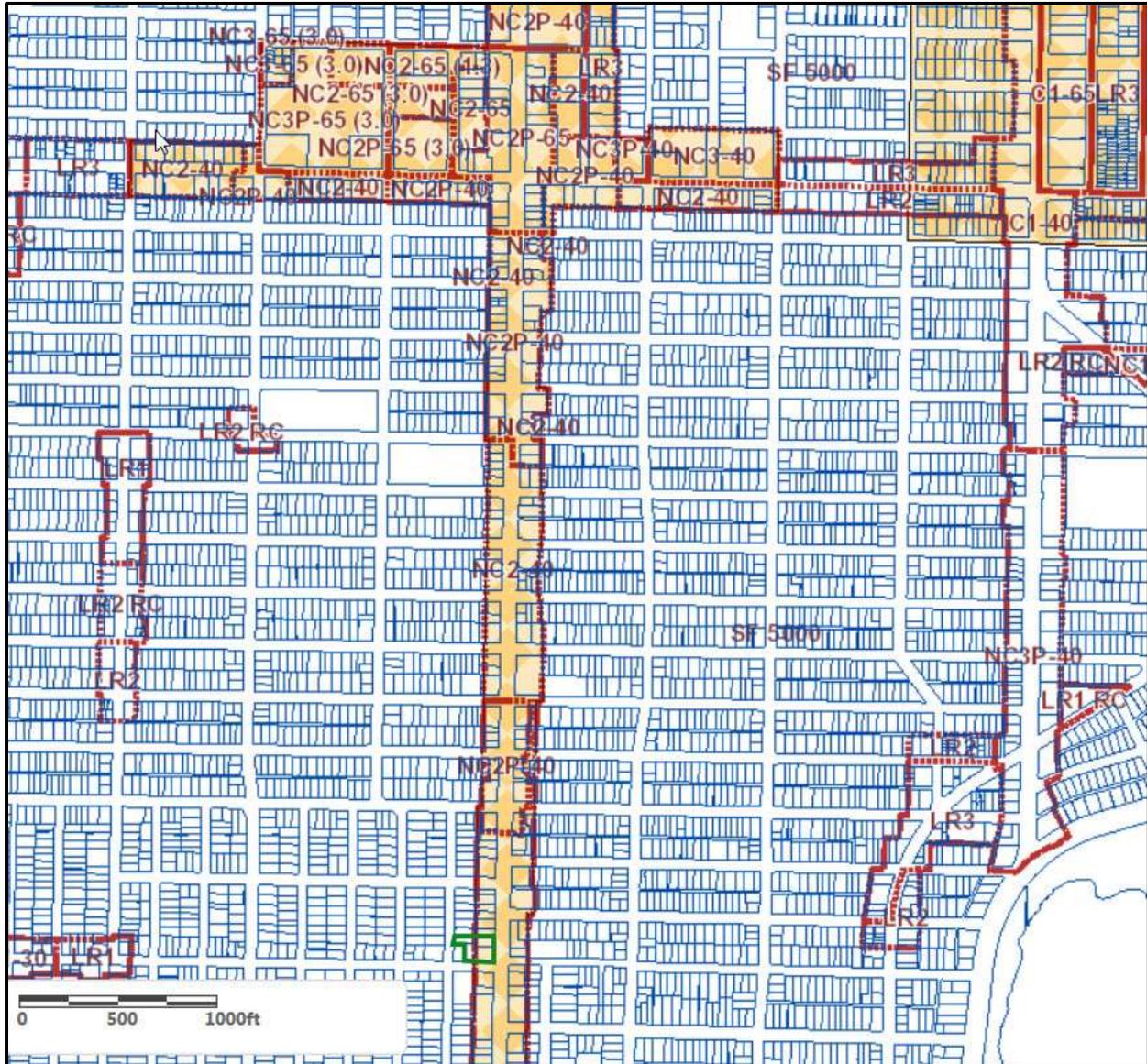
The proposed rezone is consistent with the density anticipated in and around the Residential Urban Village as contemplated in the Seattle Comprehensive Plan. The development is consistent with the adopted portions of Greenwood/Phinney Ridge Plan. The proposal will facilitate future development that will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

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

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

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

The Greenwood/Phinney Ridge neighborhood includes single family, multifamily and commercial zones of varying intensities and heights. In the immediate proximity, commercial zones are located adjacent to commercial, and commercial to residential. The predominant zoning pattern in this neighborhood is a 40' height Commercial zone in the urban village overlay (see yellow shaded area on the map below) located adjacent to a Single Family zone. There are some examples of a 40' height zone located adjacent to a 65' height zone and 40' and 65' height zones adjacent to Lowrise and Single Family zones. In some instances, the transition includes buffers, such as a right-of-way street/alley, but in other instances the transition occurs along a shared property line.



The entire development site abuts three streets: Palatine Avenue North, North 70<sup>th</sup> Street and Greenwood Avenue North. The rezone portion of the development site is located at the intersection of North 70<sup>th</sup> Street and Greenwood Avenue North. The overall development pattern illustrates mainly a 40' height commercial zoning north and south along Greenwood Avenue North and a decrease in zoning intensity and height as properties continue east and west along North 70<sup>th</sup> Street.



The general development pattern along the east and west sides of Greenwood Avenue North shows similar zoning intensity and height to the north and south. Conversely, the development pattern along the north and south sides of North 70<sup>th</sup> Street decreases in zoning intensity and height as the properties continue east and west of the corner properties at Greenwood Avenue North. The proposed rezone of a portion of the development site to NC2-65 would allow for a gradual transition between those properties zoned NC2-40 to the north, south, east and west. A gradual transition between zoning categories would not occur between the mid portion of the project site and the SF 5000 zoned properties to the east. This condition would allow for a 65' height zone in proximity to a single family zone in which the maximum permitted height limit for a structure is 30' per SMC 23.44.012.

Within the Greenwood/Phinney Ridge neighborhood, there is evidence of many transitions in zoning intensity at key intersections along Greenwood Avenue North. In the immediate proximity, commercial zones are located adjacent to residential zones.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*

- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces.*

The proposed rezone would result in a zone edge condition of NC2-65 adjacent to NC2-40 properties to the north, east and south; and NC2-65 in proximity to SF 5000 properties to the west.

Some buffers are present between the proposed and existing zoning designations. The NC2-65 zoning designation would be separated from the NC2-40 zoning designations to the east by Greenwood Avenue North, an 80' wide right-of-way. The NC2-65 zoning designation would be separated from the NC2-40 zoning designations to the south by North 70<sup>th</sup> Street, a 50' wide right-of-way. The NC2-65 zoning designation is proposed to follow existing platted lot lines, not extending to the development site's boundary lines to the west. Thus, a 55' wide buffer exists between the zoning designation line and the shared property line between the development site and the neighboring property to the west. This area is planned to be a landscaped open space.

The proposed rezone would also result in a zone edge condition of NC2-65 adjacent to NC2-40 with no street or topography separation. This condition is characterized at project site's north edge which abuts a two-story single family residence with a four-story detached accessory structure.

The proposed rezone includes a specific proposed development that has gone through the Design Review process consistent with SMC 23.41. The design that has been recommended for approval by the Design Review Board includes design strategies to address the appearance of height, bulk, and scale. The design review process also considered the transition to adjacent properties, to mitigate the impacts of the zone edge facing the neighboring properties. The details of that process and analysis are described in the Design Review section of this document.

### **3. Zone Boundaries.**

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

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

The proposed rezone would establish zoning boundaries with some physical buffers as described in response to subsection E2 above. The proposal would rezone a portion of the development site platted lot to NC2-65 zoning; continuing to follow platted lot lines and extend to the centerlines of existing adjacent streets (Greenwood Avenue North and North 70<sup>th</sup> Street).

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

The proposed rezone would maintain the existing pattern of commercially-zoned properties facing commercially-zoned properties across the street on both Greenwood Avenue North and North 70<sup>th</sup> Street. The proposed rezone will not create a new boundary between commercial and residential areas.

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

As described in response to SMC 23.34.007.D above, part of the subject site proposed to be rezoned (eastern half), is located within the Greenwood/Phinney Ridge Residential Urban Village with boundaries as established in the Comprehensive Plan. The remaining portion of the subject site (western half) is outside of the boundary for this urban village. The proposed rezone is for NC2-65. The proposal is consistent with this criterion.

**SMC 23.34.008 E Summary:** The proposed rezone would result in a zoning transition that currently exists in vicinity of the project site.

There is some effective separation provided by open space to the west and adjacent streets to the east and south. No physical buffer is present at the north property line.

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

- F. *Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

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

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

The future proposal will not displace any existing housing and will have a positive impact on the supply of housing on the site and its surroundings by providing 35 new residential dwelling units. The PUDA will ensure that the provisions of Chapters 23.58B and 23.58C will apply to the project proposal. Participation in the program will yield affordable housing within the project or an in lieu payment.

- b. *Public services;*

Public services will be available to the project due to its location in a highly developed urban area. No appreciable impacts to public services are anticipated due to the additional housing made possible by the height increase.

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

The proposed rezone will allow two stories of additional height without changing the type of uses allowed on the property. There will likely be no appreciable negative environmental impacts associated with allowing additional housing or commercial use at this urban site. A more detailed analysis is provided below.

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

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

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be in conformance with City of Seattle standards. The existing site is partially paved. The proposed rezone would not create the potential for more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation is proposed to comply with Land Use Code requirements. The proposed development has been designed to maintain existing mature street trees. The change in zoning would not reduce the vegetation requirements for future development.

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

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

Shadows – Potential development will create additional shadows. Design Review included consideration of shadow impacts from the proposal, and examined massing options to minimize shadow impacts. The increased shadows that would result from the proposed design are relatively small compared to that massing permitted in a 40’ zone.

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

***d. Pedestrian safety***

The area is currently developed with sidewalks, street lights and crosswalks. The proposed development includes public right-of-way improvements along Greenwood Avenue North and North 70<sup>th</sup> Street. Pedestrian safety will be enhanced by reducing the number of curb cuts associated with the auto-oriented existing conditions.

***e. Manufacturing activity;***

Anything other than light manufacturing is not permitted in the NC2 zone. No manufacturing uses are proposed on site.

***f. Employment activity;***

The existing and proposed zoning would both allow commercial uses at this site. New commercial facilities will be developed, which may provide additional employment opportunities.

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

There no designated Landmark structures or Historic Districts in the immediate vicinity. The closest designated landmark structure to the site is the John B Allen School, also known as the Phinney Community Center. This is not adjacent to the site and no impacts to architectural or historic structures or areas of value will result from this project.

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

The site is located at a considerable distance from any shorelines and therefore not subject to public access or recreation considerations. The topography of the area is not conducive of shoreline views. There are no nearby public parks with shoreline views across the subject property.

***2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:***

- a. Street access to the area;***
- b. Street capacity in the area;***
- c. Transit service;***
- d. Parking capacity;***

As described above, the proposed development site abuts three streets and the rezone portion of the development site (eastern half) abuts Greenwood Avenue North and North 70<sup>th</sup> Street. King County Metro Transit stops are located on Greenwood Avenue North. The transit stops provide access to transit route 5.

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

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

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the proposed development at this site. Any future development will go through city review and be required to meet/conform to city of Seattle standards, codes and/or ordinances.

***f. Shoreline navigation***

The area of the rezone is not located within a shoreline environment so shoreline navigation is not applicable to this rezone.

**SMC 23.34.008.F Summary:** The proposed rezone will allow development of a mixed-use commercial/residential building that will positively contribute to the City's supply of housing inventory. This building that will result in minor shadow impacts for the surrounding properties will not block any additional views beyond what would occur with the existing zoning designation.

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

*G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designation in this chapter.*

As described in SMC 23.34.008.C, the City is proposing requirements, area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement Mandatory Housing Affordability (MHA) requirements for multifamily and commercial development in certain areas which includes the rezone site. The proposal includes a change to the zoning of the commercially-zoned portion of the development site to NC2-55(M) (see [https://www.seattle.gov/hala/about/mandatory-housing-affordability-\(mha\)#mhazoningchanges](https://www.seattle.gov/hala/about/mandatory-housing-affordability-(mha)#mhazoningchanges)). It is important to note that proposed design is limited to 55' at the top of the roof.

**SMC 23.34.008 G Summary:** The proposed rezone responds to changed circumstances for this area.

*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.

**SMC 23.34.008 H Summary:** The proposed rezone and development is not currently located in an Overlay District and none is proposed.

*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 site is not located in or adjacent to a critical area; therefore, this criterion does not apply.

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

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

*for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned*

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

**SMC 23.34.008 Conclusion:** The proposed rezone will allow for a development to be permitted to be constructed 25' taller than the maximum height limit permitted in the current zoning (40'). However, the proposed design is planned to be limited to 55' in height to the top of the roof. The proposed development has been reviewed through Design Review, including strategies to ease the transition to less intensive adjacent zones. The proposed rezone meets all other requirements of SMC 23.34.008, per the analysis above.

**23.34.009 - Height limits of the proposed rezone**

*If a decision to designate height limits in residential, 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 Seattle 2035 Comprehensive Plan states, "Residential urban villages are areas of residential development, generally at lower densities than urban centers and hub urban villages. While they are also sources of goods and services for residents and surrounding communities, for the most part they do not offer many employment opportunities." The proposed rezone lies within the boundaries of the Greenwood/Phinney Ridge Residential Urban Village and would allow increased density in this urban village.

The existing zoning allows a combination of multifamily and commercial uses for that portion of the site that is within the NC2-40 zone abutting Greenwood Avenue North and North 70<sup>th</sup> Street. The proposed rezone would allow an additional 25' in height and would increase the capacity for multifamily residential uses. The variety and size of commercial uses that are allowed would not change. There is no potential to displace preferred uses.

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

The site is generally flat and is at the top of Phinney Ridge. The surrounding area to the north, south, east and west of the subject site is also relatively flat. There appears to be no topographic conditions that would either lessen or increase the impacts of a height increase on the surrounding areas.

The Land Use Code does not include criteria for protection of views from private property. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

***C. Height and Scale of the Area.***

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

The existing zoning at a portion of this site is NC2-40. The proposed zoning is NC2-65. In the NC2-40 zone, an additional 4' of building height may be obtained through the requirements in SMC 23.47A.012.A, including provision of 13' floor-to-floor non-residential uses at the street level. A 65' NC zone does not allow additional height per SMC 23.47A.012.A. Other rooftop features are permitted above the 40' and 65' height limit per SMC 23.47A.012.C, including mechanical equipment and stair/elevator penthouses such as the ones proposed with this development. Zoning review for compliance with all building height provisions in SMC 23.47A.012 is a Type I review as defined in SMC 23.76.004.

The current height limit at this site is 40'. Nearby zones include height limits of 30', 40' and 65'. The proposed development would be consistent with the predominant height and scale of nearby newer development, which is representative of the area's anticipated overall development potential. The proposed development would also be consistent with the anticipated proposed scale of development being contemplated for the forthcoming HALA/MHA zoning to NC2-55(M). The predominant existing development in this area is older, and generally not built to the 40' height limit, and there is additional capacity for more retail and residential development. It appears, therefore, that existing development is not a good measure of the area's existing development potential. The existing single family development in the area is older as well.

***D. Compatibility with Surrounding Area.***

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

The subject property is not in or near a Major Institution. The proposed 65' height limit would not match the existing height of the adjacent/immediate existing properties.

The proposed development is 55' in height, and includes setbacks and modulation at the west, east, north and south property lines. The proposed rezone would be consistent with the scale of newer development in the area and the anticipated scale of development being contemplated for the forthcoming HALA/MHA zoning.

***E. Neighborhood Plans***

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*
- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section (23.34.009) and Section 23.34.008.*

As described in response to SMC 23.34.008.D above, portions of the Greenwood/Phinney Ridge Neighborhood Plan were adopted by City Council November 19, 1999 (Ordinance #119743). The adopted portions can be found in the City of Seattle 2035 Comprehensive Plan Adopted Neighborhood Plans (*section B-17*). The adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not explicitly address height recommendations that relate to future proposed rezones.

**SMC 23.34.009 Conclusion:** The additional height increase that would result in a change of zoning from NC2-40 to NC2-65 would meet the criteria of SMC Section 23.34.009, as described above. No additional views from private property would be blocked by the additional building height resulting from the contract rezone.

### **RECOMMENDATION – REZONE**

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposal to rezone a portion of subject property from Neighborhood Commercial 2 with 40' height limits (NC2-40) to Neighborhood Commercial 2 with a 65' height limit (NC2P-65) be **CONDITIONALLY APPROVED**, subject to the conditions summarized at the end of this report. The existing Single Family 5000 zoned portion of the subject property will remain the same zoning designation.

### **III. ANALYSIS – SEPA**

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 21, 2017 (in error-should be July 21, 2016). The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

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

### Short Term Impacts

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

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Construction Impacts - Parking and Traffic

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

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

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

### Construction Impacts - Noise

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

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

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

#### *Construction Impacts – Mud and Dust*

Approximately 4,444 cubic yards of material will be excavated and removed from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site.

No further conditioning of the impacts associated with these construction impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.B).

#### *Environmental Health – Contaminated Soils*

Existing contamination could have an adverse impact on environmental health. It is the City's policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions, to the extent permitted by federal and state law.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As noted in the SEPA checklist, known contaminants associated with a past dry cleaning use at this site has been previously remediated. Furthermore, correspondence from Ecology ("*No Further Action*" dated April 13, 2015) states that "Ecology has determined that no further action is necessary to clean up contamination at the Site."

The compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

### Long Term Impacts

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

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The proposal includes a contract rezone which will allow additional building mass and an additional 25' height at this site. The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

### Parking

The contract rezone will allow for more density and may generate more parking demand. The proposed development includes 35 residential units with 26 off-street vehicular parking spaces; and ground-floor commercial tenant spaces (restaurant). Tilghman Group Transportation Planning (TGTP) prepared parking analysis (Parking Supply and Demand for 7009 Greenwood Avenue North memo dated December 5, 2016, Revised memo dated February 15, 2017 and 2<sup>nd</sup> Revision memo dated June 5, 2017) for the subject site to provide preliminary parking information and assess the expected parking demand and supply. The parking analysis indicates a peak demand for approximately 54 vehicles from the proposed development. Peak residential demand typically occurs overnight. However, the TGTP memo indicates that parking demand for the combined residential and commercial use (restaurant) is expected to peak between 7:00 pm and 8:00 pm when most residents are home and the restaurant is busiest.

The parking analysis documented 368 legal parking spaces within 800' of the site and noted that the existing on-street parking utilization rate is approximately 104% at 7:00 pm. The proposed development peak demand of 54 parking spaces would not be accommodated by the proposed 26 parking off-street spaces in the development, resulting in a spillover demand ranging from 11 vehicles overnight (residential spaces) to 29 vehicles in the early evening. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 112%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 117% within 800' of the site. The traffic consultant concluded that the consequences of the additional demand for parking will be that more vehicles park farther from the site and from Greenwood Avenue North at the busiest times; noting that spillover parking from the project is anticipated to favor parking west of Greenwood Avenue North for an easier walk to the site.

SDCI has reviewed the transportation material and concurs with TGTP findings. Additionally, SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Urban Villages within 1,320 feet of frequent transit service. This site is located within the Greenwood-Phinney Ridge Residential Urban Village and within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

### Transportation

The increase in density allowed by the contract rezone could impact traffic patterns in vicinity of the proposal site. The transportation information (TGTP Trip Generation for 7009 Greenwood Avenue North-Revised dated February 15, 2017, Updated memo dated June 5, 2017) indicated that the project is expected to generate a net total of 340 daily vehicle trips, with 28 net new PM Peak Hour trips. Truck trips associated with the restaurant use could be as high as approximately 20 per day.

TGTP has provided analysis of historical collision data for intersections and roadway segments adjacent/in vicinity to the project site (TGTP Pedestrian Safety for 7009 Greenwood Avenue North dated October 3, 2017). The study specified that historical records obtained from the Seattle Department of Transportation (SDOT) for the most recent 5.75-year period showed a relatively small number of accidents and no fatalities at intersections and roadway segments near the project site during this time.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy

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

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

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

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

### **CONDITIONS – DESIGN REVIEW**

#### *Prior to Certificate of Occupancy*

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Tami Garrett, [tami.garrett@seattle.gov](mailto:tami.garrett@seattle.gov)) or a Seattle DCI assigned Land Use Planner.

#### *For the Life of the Project*

2. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, [tami.garrett@seattle.gov](mailto:tami.garrett@seattle.gov)) or a Seattle DCI assigned Land Use Planner.

### **RECOMMENDED CONDITIONS – REZONE**

The Director recommends approval of the contract rezone from NC2-40 to NC2-65(M1) subject to the following conditions, which shall be contained in the PUDA:

#### *Prior to Issuance of a Master Use Permit*

3. The provisions of SMC 23.58B and/or 23.58C shall apply to the rezoned property.

#### *Prior to Issuance of a Building Permit*

4. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3023260.

**RECOMMENDED CONDITIONS – SEPA**

*Prior to Issuance of Excavation/Shoring or Construction Permit*

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Tami Garrett, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: January 16, 2018

TG:drm

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

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

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

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

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