

Rezone Application Submittal Information for Project No. 3030517-LU

1. Project number

3030517-LU (3030517-EG)

2. Subject property address

1620 16th Avenue, Seattle, Washington, 98122

3. Existing and proposed zoning classification

Existing: LR3 Proposed: NC3-65 (“M1”)

The Project site is currently split-zoned between Lowrise 3 (“LR3”) and Neighborhood Commercial 3, with a 65 foot height limit (“NC3-65”). *See* Figure A, Zoning Map. The site is located within the Capitol Hill Urban Center Village. The proposed rezone would change the zoning on the LR3 portion of the site (the “Contract Rezone Site”) to NC3-65 in order to create a consistent zoning condition across the entire Project site. It is anticipated that SDCI will recommend a “M1” suffix be added to the zoning of the Contract Rezone Site to indicate compliance with MHA requirements is necessary on the Site. For further discussion, see response to question 16 below.

4. Approximate size of property to be rezoned

7,200 square feet.

5. Environmentally Critical Area (ECA) information

There are no environmentally critical areas on the Project site or within 25 feet.

6. Applicant information

a. Owner

1620 Holdings LLC
c/o Jewish Family Services of Seattle
Attn: Keara Kazanjian
1601 16th Avenue,
Seattle, WA 98122

b. Owner’s Representative

Russ Woodruff, Milestone Management Group, LLC
6902 56th Ave S
Seattle, WA 98118
russ@milestone-gp.com

b. Architect

Weinstein A+U
Attn: Ed Weinstein and Daniel Goddard
2200 Western Avenue, Suite 301
Seattle, WA 98121
edw@weinsteinau.com and danielg@weinsteinau.com

c. Land Use Attorney

Hillis Clark Martin & Peterson P.S.
Attn: Abigail DeWeese
999 3rd Ave, Suite 4600
Seattle, WA 98104
abigail.deweese@hcmp.com

7. Property legal description

Lot 2, Block 11, Renton’s Addition to the City of Seattle, according to the plat thereof recorded in Volume 3 of Plats, page 118, records of King County, Washington.

Assessor Parcel Number 7234600470.

The complete legal description for the Project site, which includes property in addition to the Contract Rezone Site is included on the Master Use Permit plans.

8. Present uses of property

The Contract Rezone Site contains a two-story single-family structure that has been converted to five apartment units.

9. What structures will be demolished or removed?

The existing structure would be demolished and removed. A tenant relocation license will be sought as part of the Master Use Permit process.

10. What are planned uses for the property if a rezone is approved?

The proposal is for a seven-story mixed-use building spanning the Project site. The building would contain approximately 88 residential units, below-grade parking for approximately 105 vehicles, and up to approximately 2,500 square feet of neighborhood-serving commercial space along 16th Avenue. Vehicle parking access is proposed from 16th Avenue, which requires a design review departure approval. The below-grade parking would serve the uses in the building but would also provide off-site replacement parking for the 46 parking spaces for Jewish Family Services office use that were established under Master Use Permit number 3007628.

11. Does a specific development proposal accompany the rezone application?

Yes, see Master Use Permit plans.

12. Reason for the requested zoning classification and / or new use.

The rezone would increase the height limit on the Contract Rezone Site and result in a consistent zoning condition across the entire Project site. Consistent zoning will allow for 12 additional residential units an Urban Center where additional residential density is appropriate. Rezoning is also appropriate based on the zoning pattern of the area; proximity to Madison Street, a principal arterial with frequent transit that is slated for additional investment; and proximity to neighborhood services like a grocery store and restaurants. Rezoning also carries out the intent of the City’s Comprehensive Plan, and implements the City’s Mandatory Housing Affordability (“MHA”) program requirements on the Contract Rezone Site.

13. Anticipated benefits the proposal will provide.

The rezone will provide numerous benefits to Capitol Hill and the greater Seattle area. For instance, the rezone will contribute positively to the City’s housing supply. The Project will provide 88 new residential units with frequent transit access, which is 12 more units the Project would be able to provide without the rezone. The development on the Contract Rezone Site will also comply with the City’s MHA program requirements, and thereby contribute positively to housing affordability in the City. It is anticipated that development on the Contract Rezone Site will generate approximately \$815,000.00 in affordable housing fees or as a result of MHA implementation.

Further, redevelopment of the site will enhance the streetscape along 16th Avenue. The Project is thoughtfully designed with several elements that break down the bulk of the building and result in an overall massing with an intimate, human scale along 16th Avenue. Such elements include, significant setbacks from the adjacent building to the north, thoughtfully planned inset balconies, a rich and textured material palette, and overhead weather protection. The streetscape would also be improved with a new sidewalk, landscaping, and street trees, all while striving to retain the mature, existing street trees near the southernmost tip of the Project site adjacent to the alley. On-site, the Project would meet or exceed the City’s green factor requirements.

The inclusion of commercial space in the Project also provides the opportunity for appropriate neighborhood commercial uses and neighborhood-based employment opportunities. The Project proposes a two-story approximately 10-foot ground level setback to enhance the pedestrian experience while at the same time providing space for a potential future restaurant to spill-out and activate the sidewalk. Further, the commercial space is located on the south part of the 16th Avenue frontage, providing a connection to the Madison Co-Op’s commercial grocery use directly to the south of the Project site.

14. Summary of potential negative impacts of the proposal on the surrounding area.

Key considerations are height, bulk and scale transitions to the parcels abutting the site on the north, and the relationship of the Project to structures across the alley and 16th Avenue that are in LR3 zones. Compatibility issues have received close attention by the applicant and the City as part of the Early Design Guidance (EDG) process. Consistent with the EDG guidance, the proposal incorporates the Board's recommended height, bulk, and scale measures to provide an appropriate transition to other properties. One way the Project achieves an appropriate transition is by providing a generous structure setback of approximately 21 feet from the north property line starting at level 2. This setback provides light, air, and relief between the Project and the existing building to the north. The Project is also set-back from the east alley lot line approximately 10 feet on level 2, providing additional, generous separation from the existing uses to the east across the alley. The Project is separated from existing buildings by the alley or the 16th Avenue right-of-way on all other sides, which provide appropriate separation.

Other potential impacts like increased traffic, noise, and construction impacts are considerations that are anticipated to be mitigated through compliance with City codes and the SEPA process.

The applicant is also sensitive to potential shadow impacts. Shadow studies indicate that shadowing on the Project site's neighbors to the north, east, and west are not exacerbated by the contract rezone proposal. Shadow studies are provided in Figure C, below.

15. List of other permits or approvals being requested in conjunction with the proposal:

The Master Use Permit for the Project includes SEPA and Design Review components in addition to rezone approval. The Project will also require a demolition permit, street improvement permit, a building permit and other minor permits.

16. Written analysis of rezone criteria (code criteria are in *italics*):

16.1 Applicant's Summary of Rezone Analysis

All of the applicable rezone criteria suggest the proposed rezone is appropriate, but a few criteria strongly support approval. These criteria include SMC 23.34.008.C (related to zoning pattern), SMC 23.34.008.D (related to consistency with neighborhood plans), and SMC 23.34.078.B (related to NC3 locational criteria).

The Project's thoughtful design response also ensures the building will fit into its surroundings and supports rezone approval. In particular, the approximately 21-foot setback from the north property line provide and approximately 11-foot setback from the east property line provide generous separation between the Project and the existing buildings. *See also*, Figure F, Massing and Zoning Envelope Studies.

16.2 SMC 23.32.004 Contract Rezones

23.34.004 - Contract rezones

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

The subject application is for a contract rezone. If the rezone is approved, then a PUDA will be executed and recorded by the property owner as a condition of contract rezone approval.

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.

SMC Chapter 23.58B specifies a framework for affordable housing requirements associated with new commercial floor area. Those requirements apply to Land Use Code and Land Use Map amendments that increase commercial development capacity. Similarly, SMC Chapter 23.58C specifies a framework for affordable housing requirements associated with new residential development. Those requirements apply to Land Use Code and Land Use Map amendments that increase residential development capacity. The City's affordable housing requirements for new residential and commercial capacity are called its "Mandatory Housing Affordability" program or "MHA" program.

Where a contract rezone results in increases to commercial and residential development capacity, the MHA program requirements in SMC Chapter 23.58B and SMC Chapter 23.58C, respectively, are applicable through the terms of a contract rezone in accordance with Section 23.34.004.B and Director's Rule 14-2016. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property shall be subject to applicable requirements of the MHA program. The PUDA shall specify the payment and performance calculation amounts for purposes of applying both Chapters in this case, (although the amount of non-commercial space on the Contract Rezone Site does not exceed the exemption threshold per SMC 23.58B.040.A.1.b.1 and SMC 23.58B.050.A.1.b.1). It is the City's practice to include a M1 zoning suffix when property is rezoned from LR3 to NC3-65, such a suffix is anticipated here.

The Contract Rezone Site is in a “high” MHA payment and performance area. *See* SMC 23.58B.050, Map A, SMC 23.58C.050, Map A.

Based on Director’s Rule 14-2016 and the fee and performance amounts in SMC Ch. 23.58B and SMC Ch. 23.58C, the anticipated payment and performance amounts will be as follows:

Residential (“M1”): \$29.75 per square foot fee amount; 10% performance requirement.

Commercial (“M1”): \$12.75 per square foot fee amount; 8% performance requirement.
(*Note, the amount of commercial square footage in the Project is below the 4,000-square foot exempt level for MHA-C compliance).

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

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

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

The applicant does not seek a City Council waiver from bulk or off-street parking and loading requirements at this time. Departures from Code standards are anticipated to be addressed through the Design Review process or through Type 1 administrative waivers available through the Master Use Permit process. There were six potential departures that were identified at the Early Design Guidance stage, which are listed below. The Project is also seeking a Type 1 administrative waiver for driveway and parking aisle slope greater than 15 percent.

- **Triangular Setback Reduction:** Reduction in the 15-foot triangular setback up to 5 feet. *See* SMC 23.47A.014.B.3. The building would be located outside the setback above level 1 where it provides a generous approximately 21-foot setback along the north property line adjacent to the occupied levels of the neighboring building to the north.
- **Openings Adjacent to Property Line:** Reduce the 5-foot separation requirement up to 4 feet to allow the garage entrance to be located 1 foot from the property line. *See* SMC 23.47A.014.B.5. Locating the parking garage entry proximate to the property line would best minimize its presence along 16th Avenue. The opening would be located below the first occupied level of the neighboring building to the north.

- **Parking Location:** Locate parking garage access along 16th Avenue rather than the alley. *See* SMC 23.54.032.A.1.a. Locating the parking on 16th Avenue ensures the parking ramp works with the site's topography and avoids conflicts with the existing residential and non-residential users of the constrained alley. Safety measures such as paving, mirrors, and design treatments would ensure pedestrian safety at the garage entrance. If this departure is not supported by SDCI or the DRB, then the applicant may seek City Council's support for waiving required alley access.
- **Parking Space Size:** Reduce the minimum 35% large parking spaces to 20%. *See* SMC 23.54.030.B.2.a. Additional medium-size parking spaces would be provided to maximize the efficiency of irregular-shaped garage dictated by the site's trapezoidal geometry.
- **Driveway and Curb Cut Width:** Reduce the driveway and curb cut width from 22 to 20 feet. SMC 23.54.030.D.2, SMC 23.54.030.F.2.b. The narrower garage width would minimize its appearance on 16th Avenue and serve as a traffic calming device that would enhance pedestrian safety. Further, if the structure was solely in residential use, then only a 20-foot driveway and curb cut for two-way traffic would be required. The 22-foot requirement is driven by the fact that the parking will serve a mix of uses, including Jewish Family Services office uses. Jewish Family Services believes a narrower driveway will adequately serve its parkers.
- **Sight Triangles:** Eliminate sight triangles in lieu of more appropriate safety measures like mirrors, textured pavement, and other design elements to enhance pedestrian safety. SMC 23.54.030.G.1.

16.3 SMC 23.34.007 Rezone Evaluation

23.34.007 - Rezone evaluation

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

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

No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone and height designation for the site. All of the applicable rezone criteria are considered in this application to allow for a balanced evaluation.

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 subsection 23.60A.042.C.

The proposed rezone is not a shoreline environment redesignation, so the Comprehensive Plan Shoreline Policies are not used in this analysis.

To show consistency with the City's Comprehensive Plan, applicable sections of SMC Chapter 23.34 are addressed in this rezone application. Comprehensive Plan policies and goals are not required to be separately reviewed for non-shoreline rezones.

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

The site is located within the Capitol Hill Urban Center established in the Comprehensive Plan. The provisions that pertain to areas inside urban centers apply to this rezone application.

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

The subject rezone is not a redesignation of a shoreline environment, so this application is not subject to the identified code sections.

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 so it should not be evaluated as a Type V Council land use decision.

16.4 SMC 23.34.008 General Rezone Criteria

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 percent of the growth estimates adopted in the Comprehensive Plan for that center or village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The Contract Rezone Site is in the Capitol Hill Urban Center. In urban centers, zoned capacity shall be not less than 125% of the Comprehensive Plan's adopted growth estimates. The City's 2035 Comprehensive Plan states that housing growth in First Hill/Capitol Hill Urban Center is expected to be an additional 6,000 additional housing units, with a target density of 15 households per acre. The proposed rezone would slightly increase the zoned capacity and would not reduce capacity below 125% of growth targets. By allowing 12 additional units, the rezone actually aids the City's ability to meet the housing growth and target densities in the Plan.

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

The Contract Rezone Site is currently zoned LR3, but the balance of the Project site is zoned NC3-65. The proposed change to NC3-65 matches the functional and locational criteria for the NC3-65 zone. Please see the analysis of the functional and locational criteria below.

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

Zoning History:

The Contract Rezone Site has not been rezoned recently. The Site's zoning history is as follows:

- 1923 to 1947 – Commercial or Industrial
- 1947 to 1957 – Second Residence / Commercial District
- 1957 to 1991 – Multiple Residential District
- 1991 to present – Lowrise 3

The property adjacent to the Contract Rezone Site that is included in the Project site maintained the same zoning designation as the Contract Rezone Site (Multiple Residence District) until 1991 when it was rezoned Neighborhood Commercial 3, with a 40-foot height limit. That property was rezoned again in 1995 to the present 65-foot height limit.

This zoning history was compiled with the help of Jeffrey Dela Cruz at SDCl.

MHA Implementation:

Potential zoning changes for the Contract Rezone Site and vicinity are under consideration by the City Council as part of implementation of the MHA program. The City published a rezone map that includes the Contract Rezone Site in November 2017, which proposes to maintain the LR3 zoning but would add an "M" suffix to allow apartment development up to a 54-foot height limit. *See* CB 119184 (Sec. 36). The remainder of the Project would be rezoned to allow 75-foot building heights.

The proposed rezone height is only 11 feet higher than what is proposed by the City Council. The additional height is appropriate on the Contract Rezone Site as it will provide an appropriate sloping transition to the lower-zoned LR3 “M” areas to the north in the future condition. It is also appropriate as the Project proposes generous setbacks that will result in an appealing urban environment when constructed. As discussed further below, the Contract Rezone Site and the Project have several characteristics that warrant higher zoning.

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.

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

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.

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.

Site is within the jurisdictional boundaries of the adopted Capitol Hill Neighborhood plan. The adopted Plan does not include policies expressly for the purpose of guiding future rezones nor did it require rezoning of particular properties when it was adopted. The adopted portions of the Plan have been incorporated into the City’s 2035 Comprehensive Plan and address future development in the context of goals and policies for housing, design, and zoning regulations. The most relevant goals and policies are addressed in the table below. In general, the goals and policies in the Plan support rezone approval.

Capitol Hill Neighborhood Plan Goals and Policies:

Goal / Policy Number	Statement	Rezone Proposal Consistency
CH-P4	Strengthen and enhance the character of the major residential neighborhoods and encourage a greater range of housing choices affordable to a broad spectrum of the entire community.	Consistent. The Project provides approximately 83 new residential units over the existing on-site supply. The units would be a mix of studio and 1-bedroom units. Further, rezone approval would support housing affordability by providing 12 additional units and requiring compliance with the MHA program on the Contract Rezone Site.

CH-G2	An enhanced neighborhood with diverse land uses, a mixture of housing types including single-family and dense multifamily, and vibrant commercial districts.	Consistent. The character of this segment of 16th Avenue between East Olive Street and East Madison Street already contains three large multifamily buildings and Jewish Family Services' existing office building. The Project would reflect this existing density.
CH-P5	Encourage the preservation of the neighborhood's architectural quality, historic character, and pedestrian scale.	Consistent. The Project is designed to enhance the pedestrian environment by providing a two-story setback, weather protection, and neighborhood-serving commercial space on the 16th Avenue Facade. The proposed Project design and contemplated materials are also high-quality, which will contribute to the architectural richness of the neighborhood. The Project seeks to use higher-quality brick and glass materials at the base of the building where the presence of such materials is most noticeable. Expansive windows and metal-framed decks are proposed at the upper levels.
CH-P8	Enhance and protect the character of the diverse residential districts.	Consistent. The Project will enhance the character of the neighborhood by providing a thoughtfully designed building, additional residential use and neighborhood-scale commercial space.
CH-P9	Zoning and design guidelines should ensure that new development complements the existing architectural fabric of the neighborhood.	Consistent. Through design review and Master Use Permit approval, the Project will comply with the applicable zoning standards and design guidelines.
CH-G3	A community with a full range of housing types from single-family homes to multifamily contributing to a diverse, densely populated neighborhood.	Consistent. The Project will increase the density and residential opportunities in the neighborhood.

CH-P11	Seek tools to retain and increase housing affordable to households with incomes at and below the median income.	Consistent. Development on the Contract Rezone Site will comply with the MHA program’s requirements, which will support affordable housing for low-income households.
CH-P15	Encourage the development of high-quality new housing that blends with historic housing	Consistent. The Project’s design and contemplated material palette provide a rich, modern texture that complements the nearby Marquis Co-Op and Garden Court Condominiums buildings, both of which have brick facades.
CH-G4	A neighborhood that recognizes and meets the diverse and distinctly different human service needs of a culturally and economically diverse population.	Consistent. The Project will help support Jewish Family Services, the property owner. Jewish Family Services is a non-profit organization that “helps vulnerable individuals and families in the Puget Sound region achieve well-being, health and stability.” Jewish Family Services provides myriad programs that support children, families, elders, refugees, immigrants, and people with disabilities. One such program is its Polack Food Bank that serves vulnerable members of the Jewish Community and food insecure households in Capitol Hill, the Central District, and Downtown.
CH-P22	Promote safety and a civil environment in the neighborhood’s public spaces.	Consistent. The Project will enhance safety by providing more “eyes on the street” and by installing street improvements (including a potential mid-block crosswalk, pending SDOT support) that enhance pedestrian safety and security.
CH-G6	A pedestrian-oriented neighborhood with a balanced transportation environment that emphasizes public transit, yet also facilitates vehicular mobility	Consistent. The Project will provide more potential riders of the transit infrastructure in the neighborhood, including Light Rail and frequent bus service. At the same time, the Project will address the parking needs of the

	and addresses the parking needs of businesses, residents, and students.	immediate community by providing on-site parking for building residents and Jewish Family Services.
CH-P27	Encourage traffic-calming measures in residential neighborhoods.	Consistent. The Project will provide street improvements and is exploring the potential for a mid-block crosswalk, which would act as a traffic-calming measure.
CH-P28	Discourage commuter and employee parking in the neighborhood.	Consistent. The Project will provide an adequate number of parking spaces to support Jewish Family Services office operations, which are located across 16th Avenue.

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.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

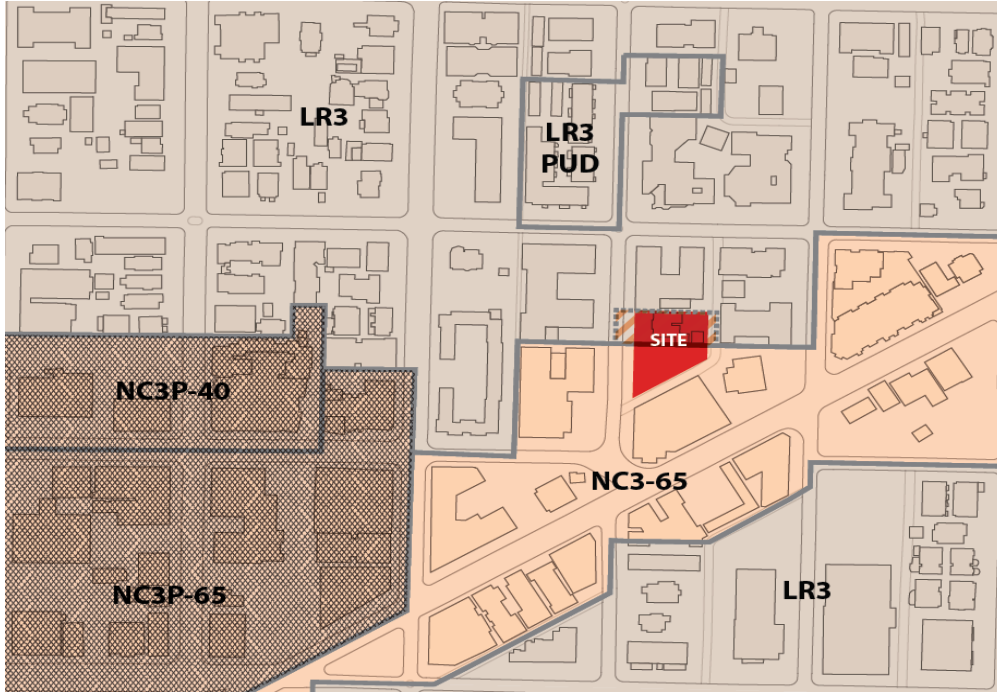
- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces.*

The Contract Rezone Site is bordered on two sides by public rights-of-way that provide adequate separation between uses. Further, the subject block is a unique configuration in that it has an angled alley that wraps two sides of the Project site. To the east of the Site (and to the south of the entire development site) is a 16-foot alley that provides separation from residential and institutional uses located across the alley. Similarly, to the west of the Site is 16th Avenue, a 66-foot right-of-way that provides separation from the residential and institutional uses located across the street. *See* Figure A, Existing Zoning Map.

There are no specific natural features that provide separation between the Site and the neighboring residential building to the north, but the Project proposes to set-back the structure approximately 21 feet from the north property line above level 1. Landscaping will be provided in the setback area. This will provide adequate separation between the Project and the occupied levels of the adjacent building. The Project will also set-back along the south property line abutting the alley in a tiered fashion, with setbacks at grade ranging from zero to more than 20 feet in depth, and with a setback of approximately 11 feet at the upper

levels. All of these setbacks will ensure the Project fits within its context and is sensitive to surrounding uses.

Figure A, Existing Zoning Map



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.*

See discussion of physical buffers and setbacks above. Zone boundaries would continue to follow platted lot lines.

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

The rezone proposal would bring the boundary of the NC3 zone north for the width of one parcel, approximately 60 feet. The overall zoning pattern of the area, which reflects LR3 zoning adjacent to NC3-65 zoning would be maintained. The preferred pattern of commercial uses facing one another would also be maintained as the Project's neighborhood-serving commercial use would be located on the southern portion of the Project site, facing Jewish Family Services' existing office use to the west. *See* Master Use Permit Plans. To the south and southeast, the Project would face NC3 zoning. To the east, although the Project would face residential LR3 zoning and development, the building would

appear to be a residential structure, consistent with that zoning. See Figure B, Surrounding Uses.

Figure B, Surrounding Uses



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

The Contract Rezone Site is in the Capitol Hill Urban Center, where heights above 40 feet are considered appropriate.

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 Project requires demolition of the existing housing, but would result in an overall net gain of 83 housing units. Further, 12 additional units will result specifically from the rezone. In addition, development on the Contract Rezone Site will implement and comply with the City's MHA program, and thereby positively contribute to the supply of affordable housing in the City.

b. Public services;

The additional 12 units would require police and fire service; however, public services available to the Project are anticipated to be sufficient due to its location in a highly-developed urban area. No appreciable negative impacts to public services are anticipated due to the additional housing made possible by the rezone.

The Project is located less than 200 feet from East Madison Street, a principal arterial with frequent transit service that is slated for a bus rapid transit line anticipated to begin service in 2021. The nearest proposed bus rapid transit stop would be located one block from the Project site at 17th Avenue and East Madison Street. The additional housing made possible by the height increase will provide riders to support this transit investment.

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

The rezone would allow approximately 2 stories of additional development above the existing LR3 height limit, but it would not change the predominant residential use of the Contract Rezone Site. Therefore, no significant, appreciable impacts to environmental factors like noise, air and water quality, plants, glare, odor, and energy conservation are anticipated as a result of the rezone. The SEPA checklist submitted with the MUP application also addresses impacts on environmental factors and does not anticipate any significant adverse impacts.

Further, the Project will implement Green Stormwater Infrastructure such as green roof and plantings over structure, and new plantings in the right-of-way to reduce storm water runoff and mitigate impacts. The Project also proposes solar panels on the roof to serve the building.

Although the Project will cast some shadows on the adjacent residential building, the shadows are not anticipated to be appreciably different than would occur under the LR3 designation. *See attached*, Figure C, Shadow Studies. In fact, the 21-foot setback proposed by the Project effectively serves to minimize shadow impacts compared to a project under existing zoning or the City's proposed MHA upzone. *Id.*

d. Pedestrian safety;

The Project would increase pedestrian safety along 16th Avenue in a few ways. The Project proposes updating the sidewalk condition, and adding lighting and overhead weather protection to ensure pedestrian comfort. The Project also proposes a transparent ground-level lobby and a neighborhood-serving commercial space that will encourage an active and welcoming pedestrian realm. Further, addition of more intensive residential and commercial uses on the site will provide more "eyes on the street" and thereby increase safety.

Adequate pedestrian safety measures like textured paving, mirrors, signage, and other features would be proposed at the 16th Avenue garage entrance to minimize conflicts between cars and pedestrians. No audible or flashing warnings are proposed.

e. Manufacturing activity;

The Project does not displace or propose manufacturing activity, so this criterion is not applicable.

f. Employment activity;

The Project proposes up to approximately 2,500 square feet of commercial space, which is intended to be developed for neighborhood-serving retail or restaurant use. That space will introduce commercial use on the site where none currently exists and thereby would have a positive impact on employment activity.

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

The Contract Rezone Site is not located within a historic district, nor are there any designated landmark structures on or immediately adjacent to the Site. As the existing structure on the Site is more than 50 years old, an Appendix A accompanies the Master Use Permit application. There are several apartment buildings in the vicinity of the Site that were constructed in the 1920, but none appear to be inventoried or designated as landmarks. The 1903 Gaffney House, currently used as an elder care facility, is located across the alley to the east of the Site at 1605 17th Avenue and has been inventoried by the Department of Neighbors as likely meeting landmark criteria. Gaffney House is also listed on the National Register of Historic Places. Impacts to that facility from the Project are unlikely given the existence of the intervening alley.

h. Shoreline view, public access and recreation.

The Project does not impact shoreline views, access, or recreation. This criterion is not applicable.

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;***
- e. Utility and sewer capacity;***
- f. Shoreline navigation.***

The Contract Rezone Site is directly served by 16th Avenue, considered a neighborhood access street. East Madison Street, located less than 200 feet from the Project site is a principal arterial.

A traffic study was prepared for the Project and accompanies the Master Use Permit application. The traffic study addresses information relevant to criteria .a through .d. The traffic report concludes that the increased traffic anticipated from the Project is modest and meets the City's concurrency and Level of Service ("LOS") standards for measured streets and intersections. Although traffic anticipated from the Project is anticipated to increase

delay at nearby intersections by between .1 to 3.5 seconds, the LOS at each studied intersection is anticipated to stay the same with or without the Project. The traffic study concludes that local intersections operate at acceptable levels of service with the Project, and compared to existing conditions, delay does not significantly increase.

No parking is required in the Project, but replacement parking for Jewish Family Services will be provided sufficient to accommodate the demand related to its office use as documented through Master Use Permit 3007628. Up to 54 parking spaces will be retained by Jewish Family Services to provide replacement parking. The remaining 51 or more parking stalls will be available to support the commercial and residential uses in the building. This parking is anticipated to be sufficient to accommodate residential parking demand without any spill-over parking impacts.

The Project site is also within a designated frequent transit area and is currently served by two bus routes—Route 11: Madison Park to Downtown, and Route 12: Interlaken Park to Downtown. Peak travel time service headways are around 15 minutes and both routes run daily. A RapidRide route is also proposed on East Madison Street with service beginning in 2021.

With respect to utility and sewer capacity, the Water Availability Certificate evidencing adequate water service capacity was approved on December 8, 2017. There is an existing 12-inch stormwater main in 16th Avenue that will be extended across the full frontage of the Project site as part of the development. On-site stormwater management meeting the requirements of SMC 22.805.050.B and Director’s Rule 21-2015 will be provided.

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

Changed circumstances is not required for rezone approval. Nonetheless, there are several circumstances that support approving the rezone.

- The City has continued to emphasize growth in urban centers and villages in its Comprehensive Plan as the areas that are most appropriate for accommodating the highest density development. The Contract Rezone Site is within the Capitol Hill Urban Center. The City’s latest Comprehensive Plan, adopted in 2016, emphasizes locating density in urban centers and villages under the following rationale: “They are the places best equipped to absorb more housing and businesses and to provide the services that new residents and employees will need.” Accordingly, the proposed rezone will allow for 12 additional housing units in an area where the City has said it makes sense to locate density.

Further, the Comprehensive Plan shows that residential growth in Capitol Hill has been significant since the late 90’s when the Neighborhood Plan was adopted. Between 1996 and 2015, the number of housing units in Capitol Hill increased by 37%. *See* Seattle 2035 Comprehensive Plan, Growth Strategy Appendix. That

increase is significant, but less than the growth experienced in other urban centers, likely due to the already highly-developed nature of this area. Based on the prior growth trend and forecasted growth, the City is planning for 20% more housing units in Capitol Hill over the next 20 years (6,000 new units). *Id.* This rezone will help achieve that desired growth.

- The City has an affordable housing and homelessness crisis, and it created the Mandatory Housing Affordability program to tackle that crisis. MHA implementation is tied to allowing increased density and this rezone will implement the program on the site. The MHA program is an additional changed circumstance favoring this rezone.

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

Not applicable. The Contract Rezone Site is not located within an overlay district.

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

Not applicable. The Contract Rezone Site contains no environmentally critical areas.

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:

Not applicable. The Contract Rezone Site is not located in a zone with an incentive zoning suffix.

16.5 SMC 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 rezone seeks to increase the allowed height limit on the Contract Rezone Site from the current 44 feet allowed under LR3 zoning (for apartments in urban centers with a partially below-grade story) to 65 feet allowed under NC3-65 zoning. A 65-foot height limit would be consistent with the type and scale of development intended for Urban Centers. It is also consistent with the type and scale of development that already exists in the immediate vicinity of the Project (including the immediately adjacent Madison Crossing Apartments). The rezone allows for development of 12 additional units, which is not anticipated to appreciably increase the demand for goods and services. Further, the change from LR3 to NC3 would allow for the same multifamily residential uses that are currently allowed, so 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 topography of the Contract Rezone Site slopes upward approximately 10% from the 16th Avenue right-of-way to the alley. The slope of the Site is generally consistent with the slope of the surrounding area, which slopes upward fairly steeply to the crest of Capitol Hill, which is located nearby at approximately 17th Avenue along the East Madison Street corridor.

The predominant views in this area would be from Madison Street, and would be to the east across Lake Washington to Bellevue and to the west down Madison to Downtown Seattle. Due to the Site's location mid-block and the highly developed nature of the Capitol Hill Urban Center, the rezone is not anticipated to result in public view blockage. The Project may block territorial views of the City from adjacent residential structures across the alley, but such view blockage would also occur if the Project was proposed without the rezone. It is not anticipated that any other significant view blockage would occur.

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 Madison Street corridor is predominantly zoned with a 65-foot height limit that extends inward a half- to full-block from that street to the adjacent residential areas. This is the height limit on the other half of the Project site. Newer buildings in the immediate vicinity (like the Madison Crossing Apartments) reflect development up to this height limit, although older buildings, which are not representative of the development potential, are lower.

Recent projects in the vicinity that reflect this height limit include:

- 1401 East Madison Project (permits issued 2017): A six-story mixed-use building with approximately 138 residential units, 3,000 square feet of ground-level commercial space, and 80 below-grade parking spaces.
- 1420 East Madison Project (permits issued 2012): A six-story mixed-use building containing approximately 70 residential units, 3,000 square feet of ground-level commercial space, 4 live/work units, and 70 below-grade parking spaces.
- 1501 East Madison / Bullit Center (permits issued 2011): A six-story structure containing 44,000 square feet of office space.

- 1500 East Madison / The Pearl Apartments (permits issued 2006): A six-story mixed-use building containing approximately 80 residential units, 8,000 square feet of ground-level commercial space, and 95 below-grade parking spaces.
- 1523 East Madison Street (permits issued 2013): A five-story mixed-use building containing approximately 55 residential units, 2 live/work units and 800 square feet of ground-level commercial space.

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.

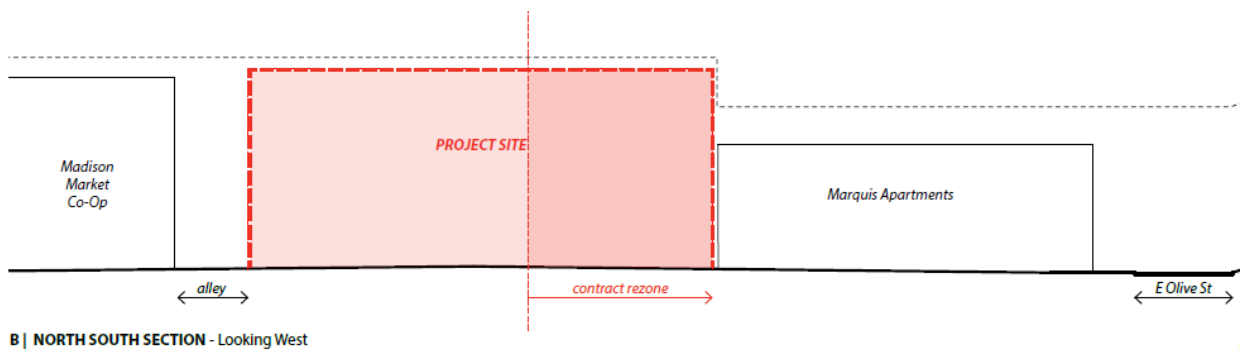
The Contract Rezone Site is not adjacent to any buildings developed under Major Intuition Overlay height limits.

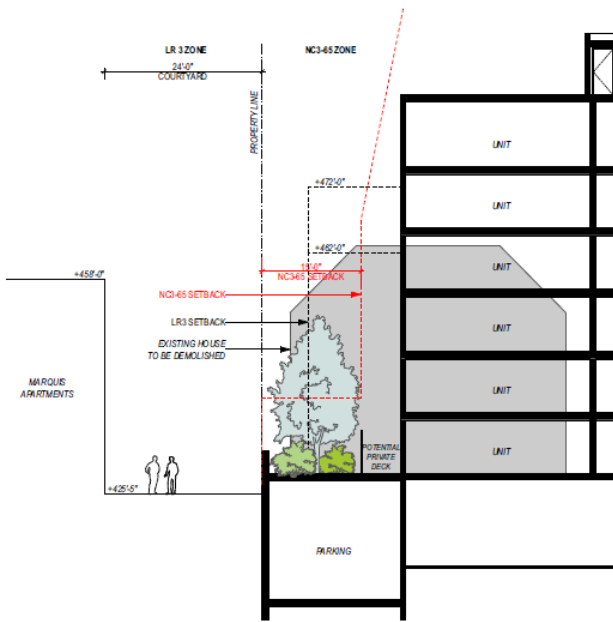
The surrounding NC3 parcels have a height limit of 65-feet. The surrounding residential parcels have a height limit of 44 feet (for apartments in urban centers with a partially below-grade story). The height limit proposed is only 21-feet higher than what is allowed under adjacent LR3 zoning. This is typically considered a compatible height differential.

Further, as depicted below, the proposed Project is designed to be compatible with the heights of the adjacent structures to the north and the south, and would generally be compatible with development resulting from the proposed MHA program implementation height limits for the area. See Figure D, Massing and Zoning Envelope Studies.

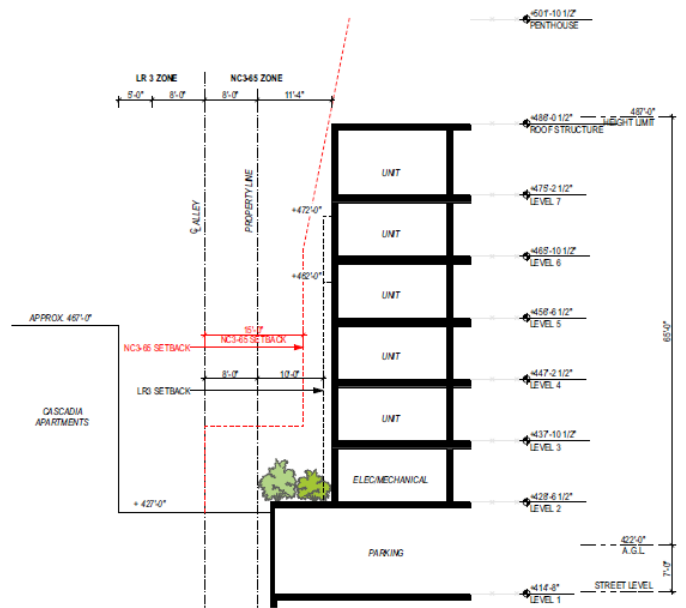
Physical buffers are described above in response to criteria SMC 23.34.008.E.2.

Figure D, Massing and Zoning Envelope Studies





Setback Diagram at the Marquis Apartments



Setback Diagram at the Alley

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

The adopted portions of the Capitol Hill Neighborhood Plan do not require height limits different than those appropriate under the criteria in SMC 23.34.008 and .009.

16.6 SMC 23.34.072 Designation of Commercial Zones

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

The Project does not propose commercial development in a residential area. Uses on the Contract Rezone Site would be primarily residential, consistent with the current LR3 zoning. Further, this area is already a mixed-use area as a grocery store and office building are adjacent uses. Numerous restaurants, neighborhood services, and shops are also located nearby.

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

Not applicable. This area is already zoned with a multi-family designation and does not meet the locational criteria for single-family zoning.

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

Not applicable. The Contract Rezone Site is not adjacent to any single-family zoning.

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

The change in the zoning designation of the Contract Rezone Site would not diminish the compact commercial character of the commercial corridor along East Madison Street. A portion of the Project’s site is already zoned NC3, and commercial uses would be limited to that portion of the Project’s site.

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

As NC3 zoning already exists on this block, a rezoned of the Site would not create a new business district.

16.7 SMC 23.34.078 Neighborhood Commercial 3 (NC3) Zones, Function and Locational Criteria

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

- 1. A variety of sizes and types of retail and other commercial businesses at street level;***
- 2. Continuous storefronts or residences built to the front lot line;***
- 3. Intense pedestrian activity;***
- 4. Shoppers can drive to the area, but walk around from store to store;***
- 5. Transit is an important means of access.***

There is currently a moderate variety of commercial spaces available along this portion of the East Madison Street corridor, introduction of the neighborhood-serving commercial space in the Project (envisioned to be a small retail space or café) would increase this variety. Nearby

goods and services available within a 1-2 block vicinity include:

- Bar Cotto (1546 15th Ave)
- 7-Eleven Gas Station (1522 E Madison St)
- Little Uncle Thai (1523 E Madison St)
- Central Co-Op Grocery (1600 E Madison St)
- Shell Madison Gas Station (1701 E Madison St)
- Trader Joe's Grocery (1700 E Madison St)
- Ding Ho Laundry & Cleaners (1722 E Madison St)

See also, Figure B, Surrounding Uses (above).

Shoppers can also drive to the area and walk from store to store. The site is also accessible by frequent transit, and will be served by bus rapid transit starting in 2021.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. The primary business district in an urban center or hub urban village;***
- 2. Served by principal arterial;***
- 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;***
- 4. Excellent transit service.***

The Capitol Hill Urban Center contains two primary business districts per its Neighborhood Plan, the “North Anchor” and the “South Anchor.” The Contract Rezone Site is within a 5-minute walk radius of the South Anchor business district.

Further, the Site is served by East Madison Street, a principal arterial with frequent transit service that is located less than 200 feet from the Project site. Transit service in the vicinity will only improve with the implementation of the RapidRide “G” line on Madison Street, anticipated to begin service in 2021.

Last, the closest low-density residential area (LR1/RSL) is several blocks to the southeast. The zoning in the immediate vicinity is either NC3 or LR3, both of which provide an appropriate zone transition.

Figure C, Shadow Studies

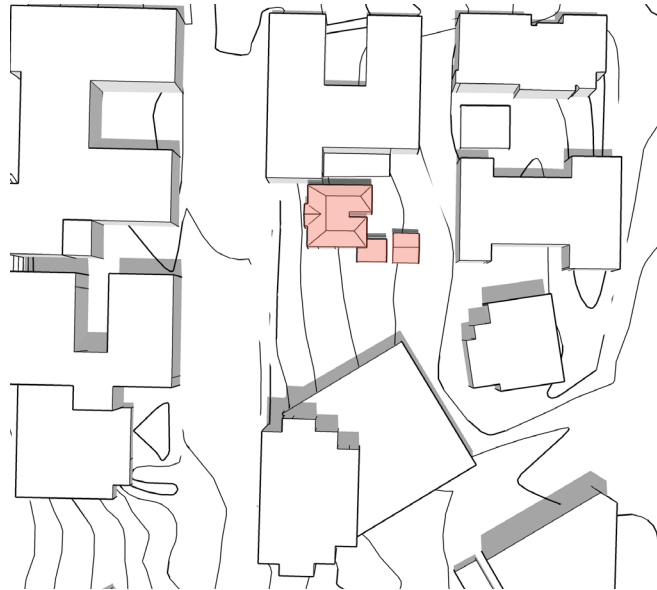
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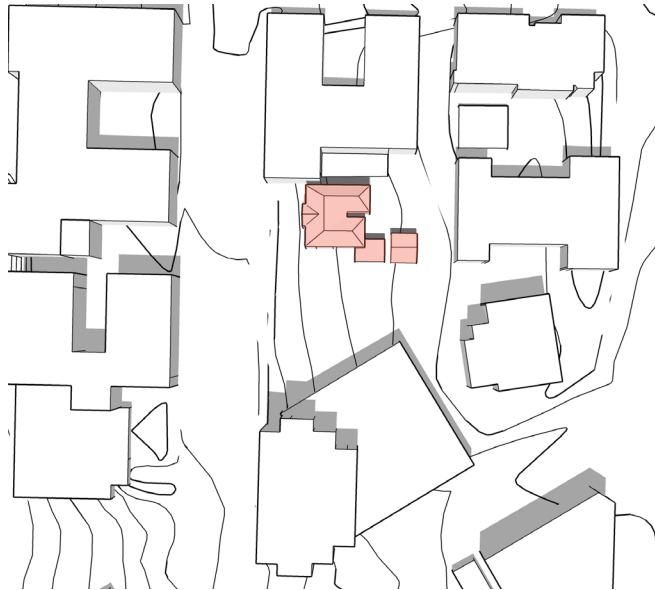
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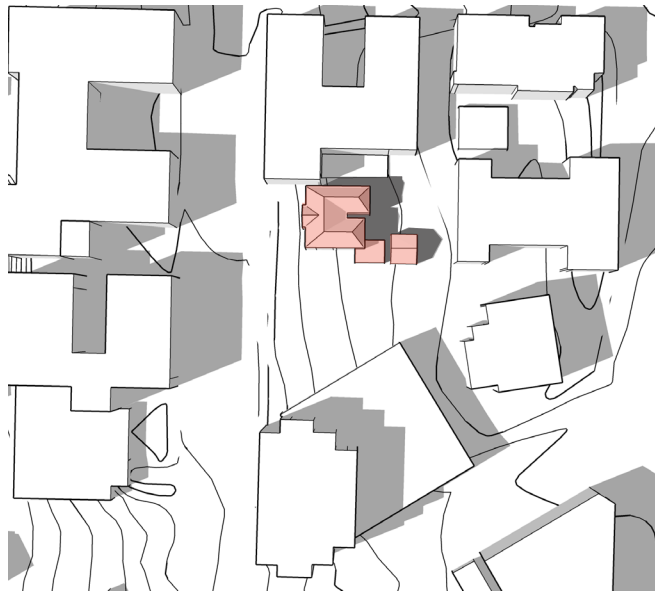
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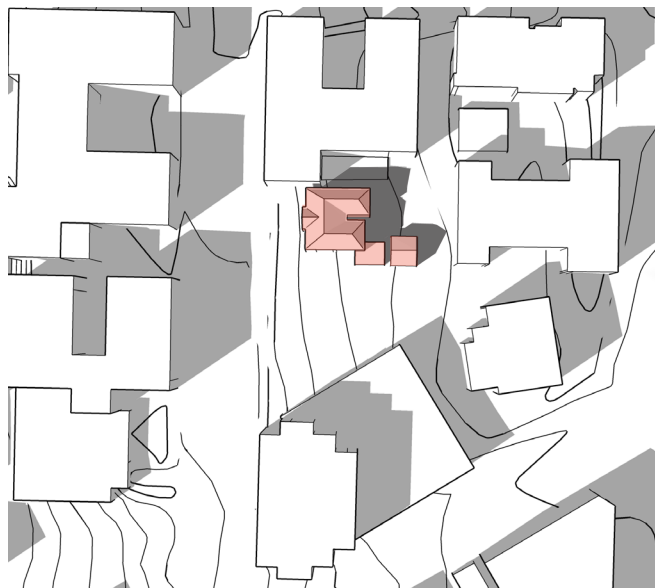
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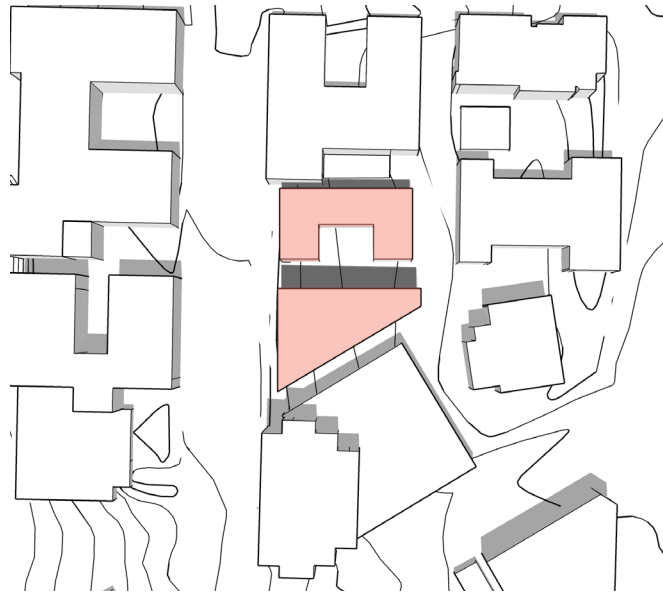
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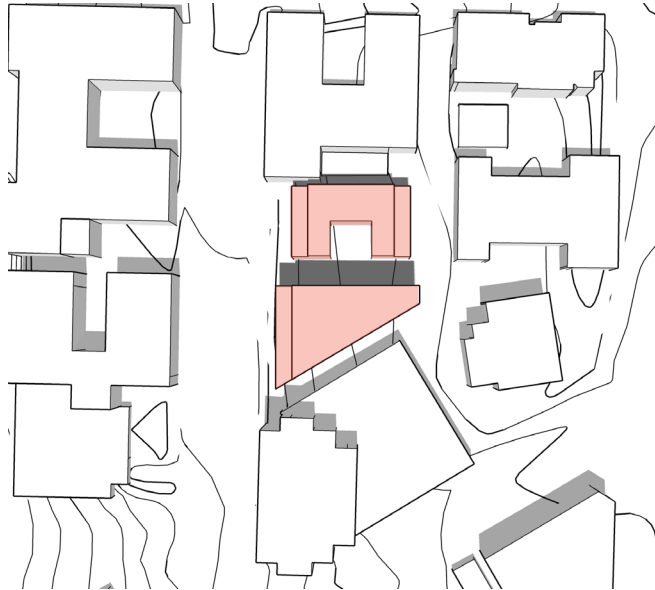
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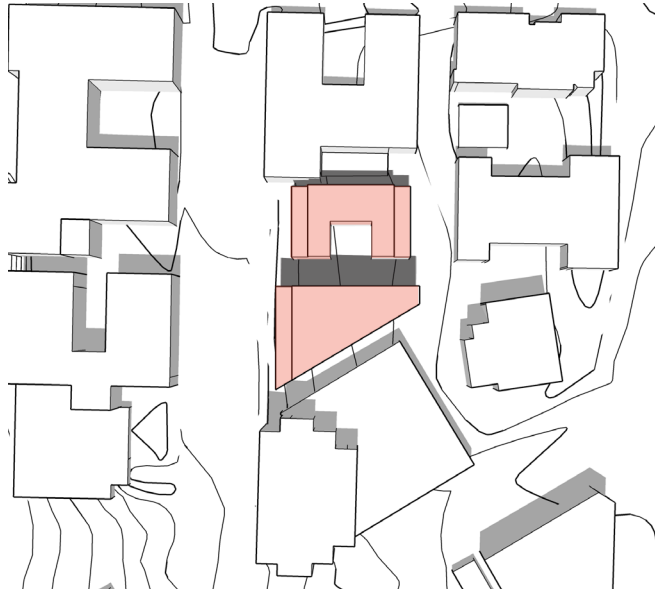
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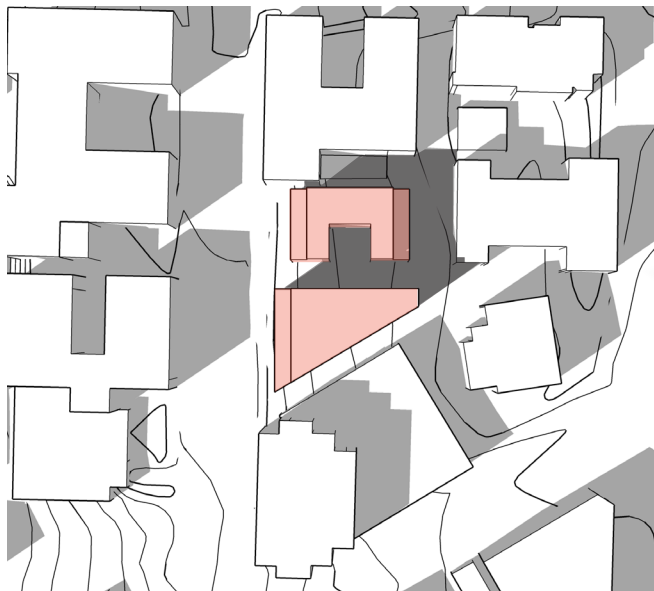
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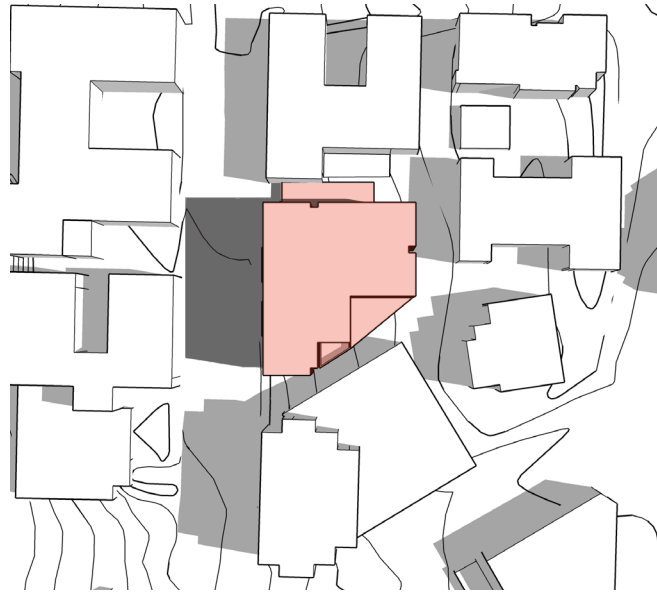


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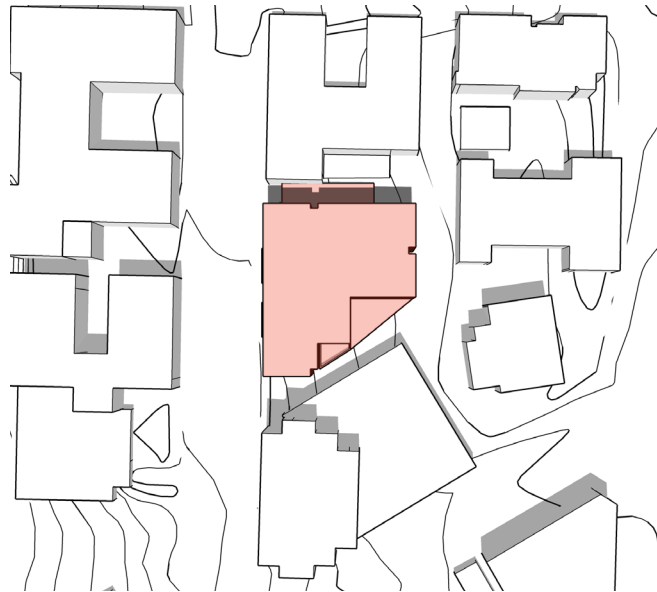
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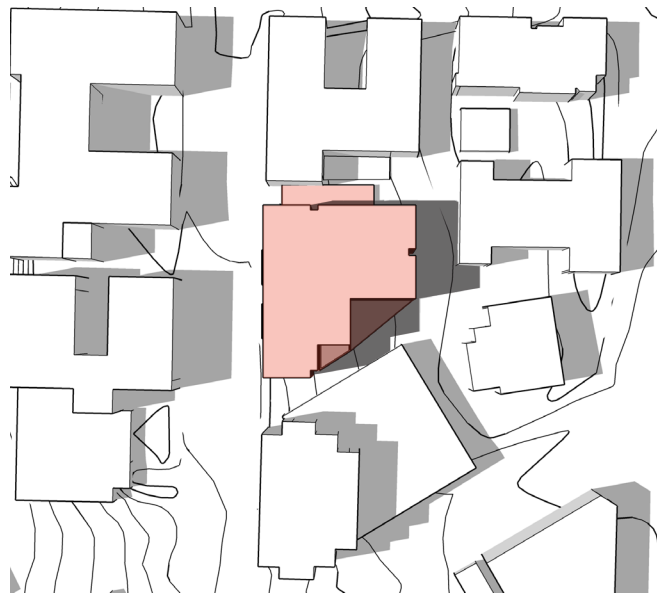


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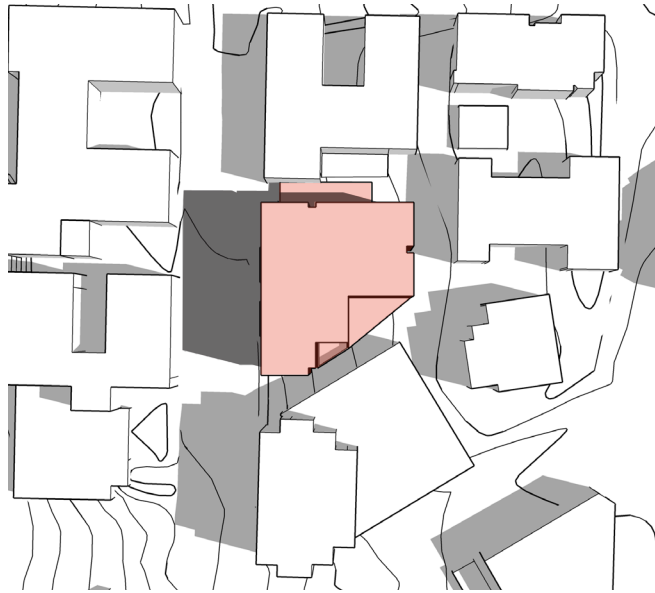
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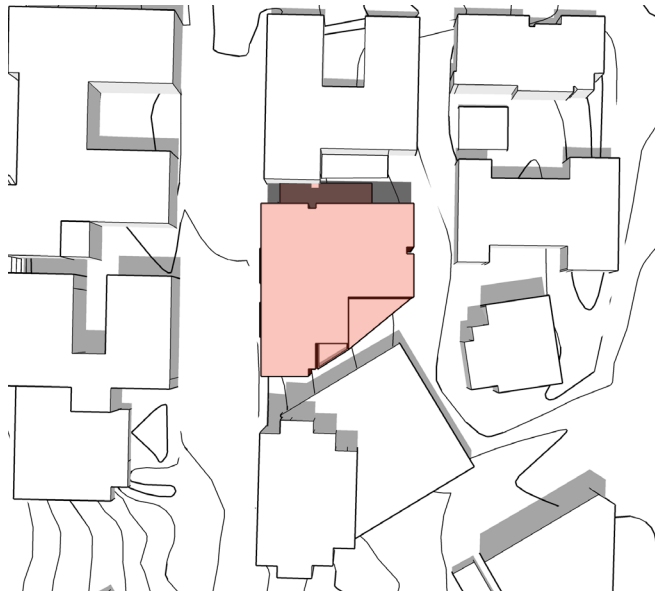
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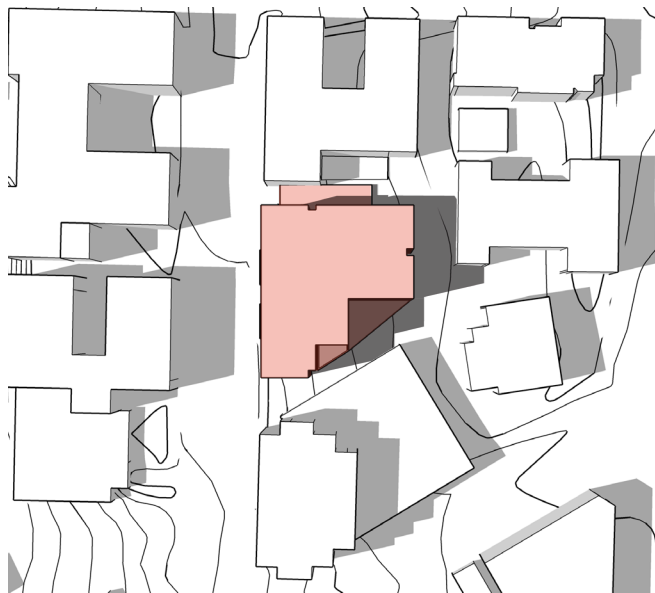
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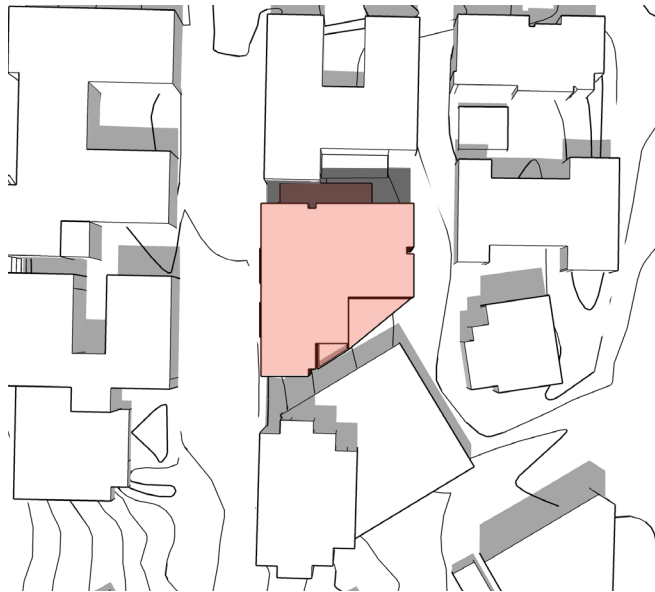
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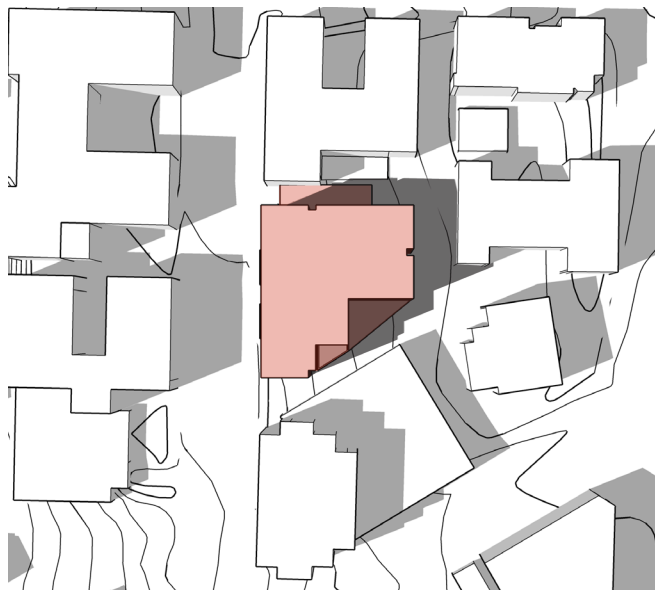
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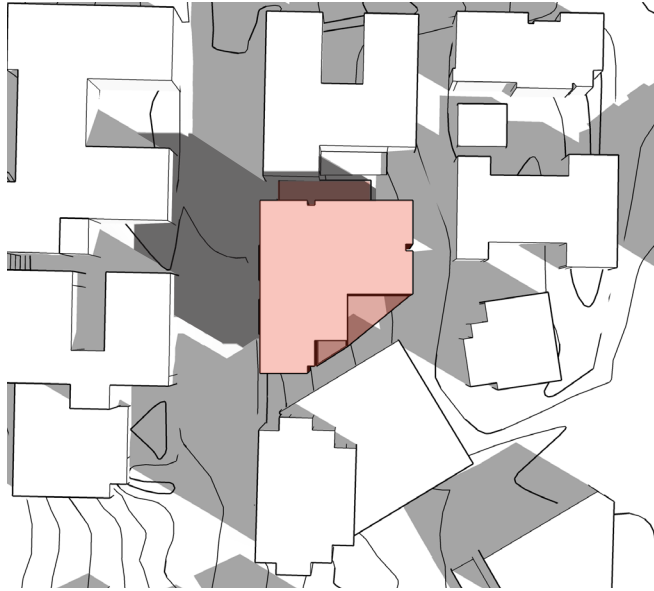
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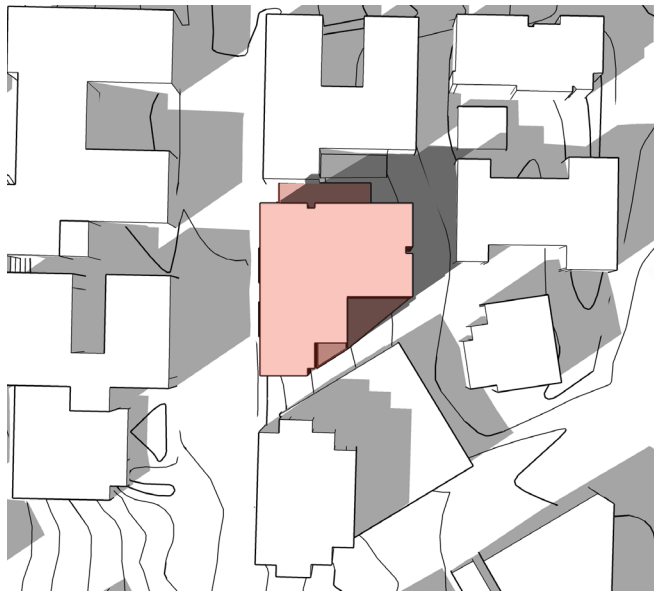
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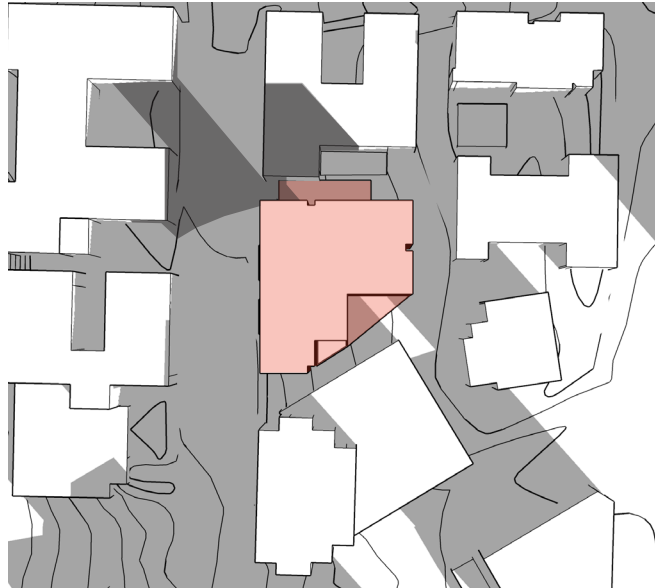


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