



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

Record Number: 3030517-LU
Applicant: Daniel Goddard, Weinstein A+U
Address of Proposal: 1620 16th Avenue
Clerk File No.: 314400

SUMMARY OF PROPOSAL

Council Land Use Action to rezone a parcel of land from LR3(M) (Lowrise 3(M)) to NC3-65(M1) (Neighborhood Commercial 3-65'(M1)). Project includes a 7-story, 88-unit apartment with restaurant. Parking for 105 vehicles proposed. Existing building to be demolished. Early Design Guidance conducted under 3030517-EG.

The following approvals are required:

- I. **Administrative Design Review with Departures** (SMC Chapter 23.41)*
**Any departures are listed near the end of the Design Review Analysis section of this decision.*
- II. **Contract Rezone** (SMC Chapter 23.34): From Lowrise 3(M) (LR3 (M)) to Neighborhood Commercial 3-65(M1) (NC3-65(M1)) – Recommendation to the Hearing Examiner

SEPA DETERMINATION

- Determination of Nonsignificance (DNS)
 - Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
 - No mitigating conditions of approval are imposed.
- Determination of Significance (DS) – Environmental Impact Statement (EIS)
- Determination made under prior action.
- Exempt

BACKGROUND

State Environmental Policy Act (SEPA)

A SEPA checklist was submitted for review with this application. Subsequently, the SEPA application was withdrawn due to a revision to Washington State law which exempts the project from SEPA (Senate Bill 5412).

Design Review

On April 27, 2020, the Seattle City Council passed emergency legislation (Council Bill 119769), allowing projects subject to full design review (SMC 23.41.014) to opt into Administrative Design Review (SMC 23.41.016) temporarily while the City developed alternatives to in-person meetings during the COVID-19 civil emergency. As one of the projects impacted by Design Review Board in-person meeting cancellations, this project elected to make this change and opt into Administrative Design Review.

The Design Review component of this MUP has a vesting date of March 19, 2018 (SMC 23.76.026). As of this vesting date, the subject site was zoned lowrise 3 (LR3) (north parcel) and neighborhood commercial 3 with a 65-foot height limit (NC3-65) (south parcel).



Analysis of the project's compliance with the Design Review approval criteria is found below in Section I.

Citywide Rezone

In 2015, the Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council that included mandatory housing affordability for residential and commercial development. Included were area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement MHA requirements for multifamily and commercial development in certain areas.

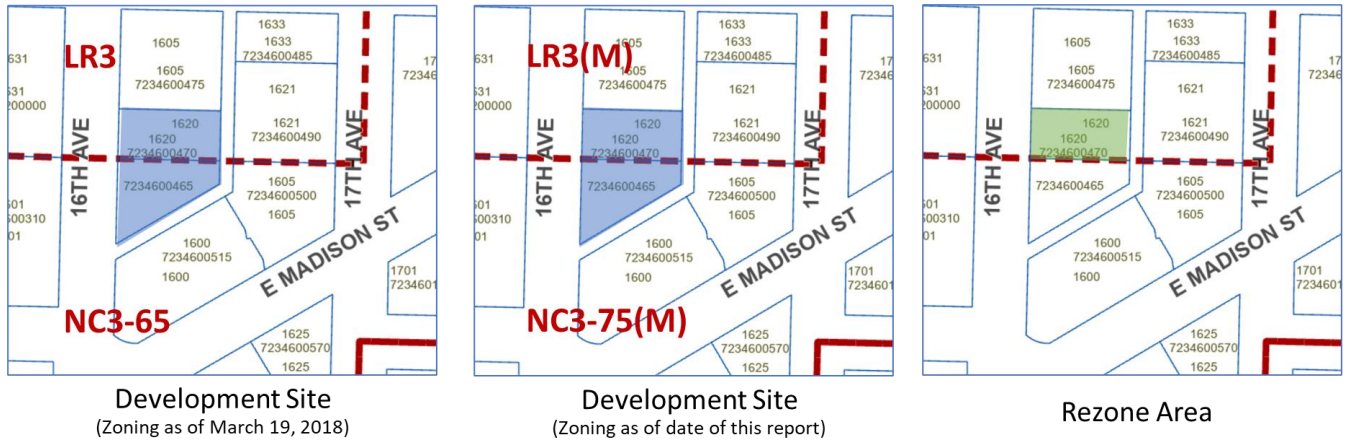
In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004.

Subsequently, the citywide rezone was adopted, effective April 19, 2019, changing the subject site's zoning designations from LR3 and NC3-65 to LR3(M) and NC3-75(M) respectively. The applicant proposes to rezone the north parcel only, from LR3 to NC3-65(M1); therefore, the project has been designed to comply with the standards of NC3-65(M1) (north parcel) and NC3-65 (south parcel) including the applicable MHA provisions of SMC 23.58B and 23.58C.

Analysis of the project's compliance with the contract rezone approval criteria is found below in Section II.

Proposal Site Information

The development site consists of two parcels addressed as 1610 16th Avenue (parcel identification number (PIN) 723460-0465) and 1620 16th Avenue (PIN 723460-0470). The maps below illustrate the development site (in blue color tone), zoning designations (in red font), and the portion of the development site that is proposed to be rezoned (in green color tone).



The south parcel is currently zoned NC3-75(M); no zone change is proposed to this parcel.

SITE AND VICINITY

Site Zone: Lowrise 3 with a Mandatory Housing Affordability Suffix of “M” (LR3(M)) and Neighborhood Commercial 3 with a maximum height limit of 75-feet and a “M” MHA suffix (NC3-75(M))¹

Zoning Pattern: (North) LR3(M)
 (South) NC3-75(M)
 (East) LR3(M) and NC3-75(M)
 (West) LR3(M) and NC3-75(M)

Environmentally Critical Areas: No mapped environmentally critical areas (ECAs) on or near the site.

Lot Area: 15,000-square feet

Current and Surrounding Development; Neighborhood Character; Access: The project site is comprised of two existing parcels. The north parcel contains an existing two-story apartment building with detached garage structure, and the south parcel contains an existing surface vehicular parking area. This mid-block property is located on the east side of 16th Avenue within the First Hill/Capitol Hill Urban Center Village. Large mature street trees dominate the 16th Avenue pedestrian experience.

Surrounding development includes a mix of commercial and residential structures of a variety of architectural styles and building heights. To the north is a three-story residential building (Marquis Apartments – 1605 East Olive Street). Across the alley to the east and southeast, is three-story apartment building with accessory parking (Cascadia Apartments – 1621 17th Avenue) and an assisted living facility (Gaffney House – 1605 17th Avenue). To the south, across the alley, is a six-story commercial and residential building (Madison Crossing/Central Co-op – 1600 E Madison Street), a four-

¹ A portion of the proposal is vested to a previous zoning designation of NC3-65.

story apartment building (Garden Court Condominiums – 1631 16th Avenue), and a three-story commercial office building (Jewish Family Service Capitol Hill Campus – 1601 16th Avenue) are across 16th Avenue, west of the subject property.

East Madison Street, located half a block to the south, is a primary vehicular and pedestrian connection to Downtown from the surrounding neighborhood. Institutional and commercial uses are primarily located in larger scaled buildings organized along E Madison Street with generally smaller-scaled residential buildings located a block north and south of E Madison Street. There are several exceptions in which larger residential buildings are located further from E Madison Street to the west and east of the project site.

PUBLIC COMMENT

The public comment period ended on August 27, 2018. 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 offering support for the project and sharing concerns with transportation, carbon emissions, height, density, and shadow impacts.

I. ANALYSIS – DESIGN REVIEW

The design review packets include information presented at the meetings and through design review. These packets are available online by entering the record numbers at this website:

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

The meeting reports and any recordings of the Design Review Board meetings are available in the project file. The meeting reports summarize the meetings and are not transcripts.

EARLY DESIGN GUIDANCE April 25, 2018

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Representatives of the Marquis Apartment Co-op Association:
 - Voiced support for the design Option 3 (applicant's preferred design) because of its generous setbacks from the shared north/south property line.
 - Supported a design that includes parking garage access from 16th Avenue instead of the alley. Felt this design would minimize traffic impacts in the alley.
 - Requested clarification about the proximity of the Option 3 massing to the project's north boundary line.
 - *Applicant explained that there is approximately 21' between the edge of the Marquis building and the edge of upper-level massing design of Option 3.*
 - Concerned about shadow impacts to the Marquis apartment's outdoor courtyard at their site's southeast corner. Encouraged a design that minimizes continual shade to this existing outdoor amenity space.
- Disappointed that the presentation focused on the street-facing façade (west) and lacked information about the development of the remaining elevations (south, east and north) which will be very visible to the surrounding neighbors and pedestrians.
- Asked how the future design will address drainage and stormwater runoff impacts; and if

the existing alley will be improved.

- *Project landscape architect explained that the landscape design will include several stormwater planters intended to slow down the storm surge. Also, stated that the design team will coordinate with the City (SDCI and SDOT) about required alley improvements.*

SDCI staff also summarized design related comments received in writing prior to the meeting:

- Concerned that the proposed building will obstruct the view from neighboring apartment buildings, both in the units and from the rooftop deck. Concerned that the loss will make the space feel claustrophobic as opposed to spacious.
- Supported the preferred massing alternative as it provides good transitional scale.
- Supported garage access on 16th Avenue.
- Supported the contract rezone with the preferred massing scheme because of the generous setbacks that have been provided to allow some light into the back courtyard and to units on the south side of the building.
- Encouraged parking and vehicle access on 16th Avenue due to pedestrian safety on the alley, amount of traffic, trash and recycling pick up, reduced impact to parking on 16th Avenue, and limiting traffic to the up-zoned south end of the street to maintain a more pedestrian friendly environment in the low-rise zone to the north.
- Desired less density on the site. Requested viable options for fewer stories and parking levels to protect against risks associated with mental encroachment and physical gridlock off E Madison Street.
- Representatives of the Madison Crossing Development (apartments and Central Co-op grocery)
 - Appreciated the design team's outreach to our staff about the planning of the design.
 - Supported vehicular access on 16th Avenue instead of the existing alley because vehicular access from the street will provide for easier access and better visibility.
 - Echoed support for the Option 3 massing as it provides good transitional scale.

Additional comments provided to SDCI included the following:

- A representative of Historic Seattle:
 - Provided historical commentary concerning the existing residential structure at the project site. Noted that the residential structure appears to retain physical integrity and should be referred to the Department of Neighborhood Landmark staff to determine if a landmark nomination would be required.
 - Asked if the Board had been briefed on the existing structure's potential landmark status.
 - *The SDCI Land Use Planner explained that usually the Board would receive an update about an existing structure's historic status/landmark nomination prior to the Recommendation meeting—assuming that both SDCI/applicant had received DON's input about the existing structure before this future meeting had occurred.*
 - Encouraged the City to carefully consider the existing structure's historic contribution to the neighborhood prior to any approval to demolish the structure.
- Recognized the value and improvement the project will provide to the neighborhood.
- Desired to see further efforts to reflect human values in the context of the specific businesses that bring traffic to this area.
- Concerned about impact to current volumes of vehicle and pedestrian traffic and patients

- at Sound Mental Health.
- Supported the contract rezone associated with the project.
- Against a seven-story development with vehicular access from the street. Concerned about pedestrian safety and shade impacts to Garden Court residential building across the street from the subject property.
- Discouraged the usage of noisy and flashing light measures to alert pedestrians about oncoming traffic.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable citywide and neighborhood design guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with traffic impacts and historic preservation are not part of this review.

Seattle Department of Transportation (SDOT) offered the following comment prior to the meeting:

- In consideration of the site's proximity to several transit options (bus, light rail, streetcar) and bike facilities, SDOT encourages improvements that preserve and enhance the safety of all roadway users, particularly people walking and biking.
- SDOT strongly supports vehicle access exclusively from the alley and does not support the requested departure from alley access requirements.
- Stated that street trees will be required along 16th Avenue meeting SDOT's standard dimensions (5.5' planting strip adjacent to the curb with a 6' minimum sidewalk). Advised that existing street trees should be preserved and protected during construction; and a street tree protection inspection should be scheduled with SDOT Urban Forestry.

All public comments submitted in writing for this project can be viewed using the following link and entering the record 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.

- 1. Design Concept, Architectural Composition and Massing:** The design of the new commercial/residential development should complement the existing architectural context and character, provide an appropriate transition to the adjacent zone and be respectful to surrounding/adjacent sites. (CS2.A, CS2.C.2, CS2.D, CS3.A)
 - a. The Board reviewed the applicant's materials and voiced initial concern about the lack of massing variation amongst the presented design options for the mid-block project site. After listening to the design team's presentation which included a summary of their design development process of the site, an explanation of the existing site constraints (sloped topography, trapezoidal shape, alley circulation/traffic, etc.) and a streetscape rendering of the preferred architectural massing design (Concept 3); the Board unanimously supported the applicant's preferred design scheme (Concept 3). Thus, the Board proposed that design scheme Concept 3 move forward to MasterUse Permit (MUP) submittal with the following guidance:
 - i. Overall, the Board was complementary of the architectural expression of the street-facing building elevation (west façade), massing proportions/scale; and

supported the direction of the massing development of Concept 3. However, the Board agreed with public comment that minimal information about the remaining building elevations (north, south and east) had been presented to the Board. The Board recognized that the proposal will be highly visible from surrounding properties/streets and stated that each building façade should be as attractive and well composed as the presented streetscape rendering of the west façade. Thus, the Board requested to review detailed renderings of all building elevations that articulate a unified composition at the Recommendation phase. (CS2.A, DC2.B)

- ii. It is imperative that the future design be respectful of adjacent properties and that the future massing provide an appropriate transition to the Lowrise-zoned properties north, east and west of the project site. The Board was satisfied with the general massing moves of the building form. However, the Board recognized that further refinement of the east, west and especially the north-facing massing was essential to clarify how the future massing would respond to certain adjacency pressures (i.e., privacy, light, outdoor activities/spaces, shade, etc.). The Board requested that the applicant continue to apply measures (setbacks, materials, articulation, etc.) to the specified facades that minimizes impacts to the surrounding residential properties. The Board also requested a window study, shadow analysis and elevation/perspective views showing both the proposed development and adjacent buildings be provided at the Recommendation meeting. (CS1.B.2, CS2.D, CS2.I.vi CAPITOL HILL)
- b. The Board reviewed the precedent images in the design packet and communicated positive feedback about the application of material shown. The Board indicated the building exteriors be constructed with high-quality materials that age well and also stated support for the application of materials (brick, fenestration) on the building form as illustrated in the streetscape rendering presented at the EDG meeting. (DC4.I CAPITOL HILL, DC4.II CAPITOL HILL)

2. 16th Avenue Frontage and Landscaping:

- a. The Board stated that the new design should complement and positively contribute to the existing streetscape character along 16th Avenue which was described by the Board as having a park-like setting. The Board appreciated the applicant's intent to dedicate ground-level interior space for a future restaurant use with outdoor seating. The Board asked that the design team explore methods that ensures this commercial use connects well with the public realm. (CS2.B.2, PL2.I CAPITOL HILL, PL2.II CAPITOL HILL, PL2.III CAPITOL HILL)
- b. The Board voiced concern about the viability/health of the existing stately trees that are currently oriented near the site's southwest corner protruding over the sidewalk and onto the project site; and strongly encouraged that these trees be preserved. The applicant explained that those trees are considered "Street Trees" because they are planted within the 16th Avenue right-of-way. Consequently, the Seattle Department of Transportation (SDOT) has purview over the Street Trees and potential street improvements. The Board expects the applicant to address Board comments/concerns directly with SDOT during the initial Master Use Permit (MUP) review process and provide street improvement design specifics (Street Trees, landscaping, pavement, design elements, etc.)/SDOT feedback at the Recommendation meeting. (DC3.II CAPITOL HILL)
- c. The Board encouraged further study of the ground-plane commenting that recessed areas without entries/activation may become conducive to unwanted activity. (PL2.B, PL3.A)

- d. Board comments pertaining to the landscape concept focused on the landscaping proposed at the street and the podium level along the site's north boundary line. The Board requested that the design team consider plantings that minimize impacts to neighboring outdoor amenity spaces (Marquis courtyard) and the public realm (16th Avenue). (DC3.II CAPITOL HILL, DC4.D)
- e. In response to public concerns about climate change and stormwater runoff impacts, the Board encouraged the design team to demonstrate methods that incorporate green infrastructure in the design. (DC3.I.vi CAPITOL HILL, DC3.I.vii CAPITOL HILL)

3. Vehicular Access:

- a. At the EDG meeting, the Board listened the applicant's design rationale for the necessity of a development that provides vehicular access to garage parking via 16th Avenue as opposed to the existing alley. The Board also considered public comments/opinions from surrounding neighbors as to why street access was preferred over alley access to proposed garage parking. In reviewing the site analysis and graphics outlined in the design packet, as well as information verbalized at the meeting, the Board voiced initial support for vehicular access to parking from the street (16th Avenue) and identified code departures related to parking access. Ultimately, the Board stated that special attention to pedestrian safety and accessibility should be prioritized and incorporated in the next design iteration. (PL2.A, DC1.B.1, See Departures 1, 2, 3, 5 and 6)
- b. The Board stated that that the garage door screening treatment should be designed and referenced the commercial building across the street from the proposal site (Jewish Family Services building) as a good precedent to emulate (transparency, material, etc.). (DC1.C.2, DC4.II CAPITOL HILL)

RECOMMENDATION June 10, 2020

STAFF NOTE

As outlined per Council Bill 119769, SDCI accepted the applicant's written request to transition the project application from Full Design Review to Administrative Design Review.

PUBLIC COMMENT

SDCI staff received the following design related comments:

- A representative of Full Life Care (the Gaffney House Resident Care Facility):
 - Expressed support for the presented massing scheme inclusive of parking garage access from the street (16th Avenue) and the related contract rezonerequest.
- A representative of the Marquis Apartment Co-op Association:
 - Voiced continued support for the preferred massing alternative with parking entry on 16th Avenue and the contract rezone because the proposed design provides generous setbacks from the shared property line to allow light in the Co-op's frequently utilized back courtyard and in the units on the building's south-facing facades.
 - Explained that vehicular access is strongly desired from 16th Avenue because traffic impacts to existing properties that abut the alley would be minimized. Felt that the parking entry location and design would allow for a safe coexistence of cars and pedestrians and would maintain a more pedestrian-friendly environment in the lowrise-zoned area north of the project site.

- A representative of Sound Mental Health:
 - Expressed appreciation that the developer (Jewish Family Service Organization) and design team has taken into consideration safety, convenience, neighborhood character, as well as a good neighbor approach to their design and planning.
 - Voiced support of the contract rezone, the proposed design and the garage entry design departure allowing access to onsite parking from 16th Avenue. Noted that the intersection to the alley from East Olive Street is very tight and has limited visibility. Concerned that a design that would require vehicular access from the alley would lead to traffic jams, frustration and potential safety issues for both residents and transportation drivers who drop-off and pick-up clients at Sound's front entrance in proximity of this intersection.
- Some encouraged a design with parking access from the alley to address concerns about pedestrian and bicyclist safety on 16th Avenue.
- Some commenters encouraged a design with no onsite parking or minimal onsite parking for specific purposes (i.e., accessible stalls, move in/move out areas, deliveries etc.) accessed from the alley to prioritize the safety for pedestrians and cyclist using 16th Avenue.
- Several comments supported placing the parking garage access on 16th Avenue instead of the alley. Commenters felt that requiring vehicular access solely from the alley would increase alley usage which is currently impacted by existing users (solid waste pickup, grocery store, elementary school/daycare, etc.) and would cause safety concerns for future pedestrians, cyclists and drivers.
- Multiple comments supported the project.
- Many comments opposed the proposed development.
- Supported preservation of the existing residential structure.
- Encouraged incorporating the existing structure into the design of the planned development.
- Asked if there was an opportunity to incorporate legacy representation in the project, such as murals representing the local community.
- Several comments preferred a shorter massing form – three to five stories in height maximum.
- Concerned about light and shadow impacts to adjacent and surrounding properties.
- Some liked that the design includes a ground-level restaurant use with outdoor seating and encouraged the creation of a locally owned restaurant tenant (not a chain restaurant).
- Some felt that the ground-level restaurant is not an appropriate use for the existing surrounding residential character of the neighborhood. Stated a preference for ground-level residential uses instead of a restaurant or lobby.
- Described the proposed design scale as being too big with imposing glass and the form too homogenous and bland to create a desired lively, local street front. Suggested referencing older or pre-mid-century buildings for cues on how to make the design human scale-more intimate (example - Westman's Bagels).
- Multiple comments opposed to eliminating the existing trees and greenery.
- Encouraged the landscape design to be human-scaled and include pollinators and biodiversity, not big block plantings on grid of the same plants.
- Asked about tree protection measures that will retain and promote the long-term growth of the mature trees abutting 16th Avenue.
- Expressed that the design should be setback an additional 1-2 feet to maintain the character of the vibrant green street and viability of the large trees in the right-of-way. Felt that it would be a fair tradeoff for the departure to allow parking access from 16th Avenue

- rather than the alley as required per code.
- Questioned the proposed location of solid waste storage and pick up.
- Requested additional shadow studies depicting current structures only and a proposed development if the zone modification is not approved.

SDCI staff received non-design related comments concerning the proposed rezone, noise from loading, views, density, parking quantity, homelessness, housing affordability, housing availability, environmental impacts (air quality), traffic, street improvements (loading zone), transportation and construction impacts (noise, shoring, etc.).

One purpose of the design review process is for the City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are not part of this review.

Seattle Department of Transportation (SDOT) offered the following comments:

- The proposed 16th Avenue frontage design (excluding vehicular access) is improved to meet the standards outlined in Streets Illustrated. SDOT also supports the short-term bicycle parking as shown in the 16th Avenue right-of-way.
- SDOT reiterated that vehicular access to future onsite parking should occur exclusively from the alley and not the street (16th Avenue) because allowing vehicular access from 16th Avenue introduces additional conflict points between pedestrians, cyclists and motorists. Thus, SDOT does not support the requested departure from alley access requirements.
- Stated that the entire width of the portion of alley abutting the lot and a connecting street should be improved per Land Use Code requirements (paved, dedication, etc.).

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

SDCI PRELIMINARY RECOMMENDATIONS & CONDITIONS

SDCI visited the site, considered the analysis of the site and context by the proponents, considered past direction by the East Design Review Board and considered public comment. SDCI design recommendations are summarized below.

1. Design Concept, Architectural Composition and Massing:

- a. Staff evaluated and supports the amended preferred design option Concept 3 which generally represents the massing proportions, height and scale that was supported by the Board during the EDG phase of review. Staff acknowledges public comment in support of the design and those listing concerns with the height, scale, shadows cast by the proposal, design response to context/history, and design concept. Overall, Staff agrees that the presented design is a good complement to the existing architectural context and character, and an appropriate transition between adjacent zones. (CS2.A, CS2.C.2, CS2.D, CS3.A)
- b. Staff supports past Board direction that the future design be respectful of adjacent properties and provide an appropriate transition to the Lowrise-zoned properties north, east and west of the project site. Staff reviewed the applicant's graphics (elevation views, window study, sun/shadow studies) and considered public

commentary. Staff is satisfied that the design and site planning has been refined by the inclusion of additional articulation, strategic fenestration arrangement, opaque elements, increased setbacks and landscape buffers to minimize future disruption to surrounding properties. (CS1.B.2, CS2.D, CS2.I.vi CAPITOL HILL)

- c. Staff examined the detailed elevations and renderings of the building's facades and agreed that the totality of the building elevations results in a unified design. Staff states that the prominent areas at upper-levels of the west street-facing façade appear too planar and recommends a condition to modify this façade in a manner that adds more depth and visual interest (i.e., increased window depth, etc.). (CS2.A, DC2.B, DC2.C)
- d. Staff considered public comment about the overall design concept and evaluated the proposed materials, color palette and concept development strategy regarding materiality and composition all identified in the design packet (pgs. 16-17, 40-41). Staff recommends approval of the applicant's intent to apply varied high-quality and durable materials (brick, integral color fiber cement panel, metal panel, wood siding) to the building's facades. The appearance of the brick material varies in the design packet (solid color vs varied color). Staff recommends a condition that the brick material should be clarified in the final MUP drawings and modified, if necessary, to positively complement the neighborhood character. (CS3.I CAPITOL HILL, DC4.I CAPITOL HILL, DC4.II CAPITOL HILL)
- e. Staff is satisfied with the conceptual signage as illustrated in the design packet (pg.50). (DC4.B)
- f. Staff approves the conceptual lighting design as presented in the Recommendation design packet (pgs. 48-49). (DC4.C)

2. 16th Avenue Frontage, Streetscape, Open Space and Landscaping:

- a. Staff generally supports the evolution of the 16th Avenue frontage and streetscape design. Staff acknowledges public comment related to street trees, existing landscaping, solid waste storage and collection location, proposed landscaping, and requesting setbacks to allow for more landscaping. Staff appreciates and recommends approval of the arrangement of the street-level uses, the ground-level landscaping and the ensemble of elements (lighting, outdoor seating, operable storefronts, glazed canopies, etc.) designed to engage pedestrians and positively contribute to the existing streetscape character along 16th Avenue. However, Staff does agree with public sentiment that additional design treatment should be applied to the building's street-level facades closest to the sidewalk edge to add human scale. Thus, Staff does not support the code departure request for non-residential street-level transparency as presented and recommends a condition to modify this aspect of the design regarding the relevant code departure as described in the Departures section of this document. (CS2.B.2, PL2.I CAPITOL HILL, PL2.II CAPITOL HILL, PL2.III CAPITOL HILL, PL3.C, PL3.I CAPITOL HILL, DC2.D, See Departure 2)
- b. Staff verified that the Board's past concerns regarding the viability and health of the existing stately trees near the site's southwest corner within the 16th Avenue right-of-way (Street Trees) have been addressed. Staff agrees with public comment about the street trees and is pleased that these Street Trees will be preserved and protected during construction, as noted per SDCI/SDOT correspondence in the Recommendation design packet (pg. 21). (DC3.I.v CAPITOL HILL, DC3.II CAPITOL HILL)
- c. Staff recommends that past Board concerns about site security at the ground-plane have been addressed in the current design iteration. (PL2.B, PL3.A)
- d. Staff recommends approval of the evolution of the landscape concept and upper-level amenity areas. Staff especially appreciates the design evolution of the upper-level courtyard/amenity area at the north property line adjacent to the property north of

the project site (Marquis Apartments) which has been enhanced with landscaping/fencing, and organized to buffer the Marquis Apartment's courtyard from the proposed building. (DC3.B, DC3.II CAPITOL HILL, DC4.D)

3. Vehicular Access:

- a. In terms of vehicular access to the subject property:
 - i. Staff reviewed and considered public comments/opinions from surrounding neighbors explaining why street access was preferred over alley access to proposed garage parking.
 - ii. Staff reviewed and considered public comments/opinions from surrounding neighbors explaining why alley access was preferred over street access to proposed garage parking.
 - iii. Staff reexamined the applicant's design rationale for seeking vehicular access to the garage parking from the street (16th Avenue). In reviewing the site analysis and graphics (ramping diagrams, etc.) outlined in the packet in addition to the aforementioned items from the public and the applicant, Staff recommends approval of the proposed vehicular access to parking from the street (16th Avenue) with the caveat that all proposed measures for pedestrian safety and accessibility are incorporated in the design. SDCI conditionally recommends approval of the code departure related to parking access, as described in the Development Standard Departures below. (CS2.D.5, PL2.A, DC1.B.1, DC1.C, See Departure 1)
- b. Staff approves of the garage door screening and agrees that its design is aesthetically pleasing and consistent with the proposed building's design. (DC1.C.2, DC4.II CAPITOL HILL)

DEVELOPMENT STANDARD DEPARTURES

SDCI Staff's preliminary recommendation on the requested departures are based on the departures' potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departures.

At the time of the RECOMMENDATION review, the following departures were requested:

1. **Parking Location and Access (SMC 23.47A.032.A.1 & 23.54.030.F.7):** The Code requires access to parking shall be from an alley if the lot abuts an alley improved to the standards of SMC 23.53.030.C, or if the Director determines that alley access is feasible and desirable to mitigate parking access impacts. If the alley access is infeasible, the Director may allow street access. Additionally, curb cuts are not allowed on streets if alley access to a lot is feasible but has not been provided per SMC 23.54.030.F.7. The applicant proposes a design review departure that vehicular access to the parking garage be allowed via a curb cut abutting 16th Avenue in lieu of the adjacent alley. The applicant's rationale is that the proposed design with the departure lessens the impact on its immediate neighbors and, as presented, would be configured to provide a safe pedestrian environment and a better response to Design Guidelines.

Staff has reviewed public commentary regarding vehicular parking access, feedback from City staff (SDOT, SDCI Zoning), the applicant's justification with supporting materials/graphics and considered past Board initial support and direction regarding vehicular access from 16th Avenue. Staff agrees that this vehicular access departure would result in an overall design that would better meet the intent of Design Guidelines CS2.D.5 Respect for Adjacent Sites, PL2.A Accessibility, DC1.B.1 Access Location and Design, DC1.C Parking and Service Uses provided

that the safety and security of pedestrians is prioritized. Staff recognizes the proposed safety measures (in concrete lighting, textured pavement, mirror) illustrated in the design packet intended to address pedestrian safety. Staff is not certain that the identified safety measures are enough to address potential conflicts between pedestrians and motorists-particularly those motorists seeking the non- residential garage parking area onsite to visit the offsite commercial use (Jewish Family Services). Therefore, Staff recommends approval of this departure subject to the following condition:

The design review departure from the Parking Location and Access requirements (SMC 23.47A.032.A.1 & 23.54.030.F.7) requires additional operational measures/cueing devices/elements (i.e., mirrors, pavement pattern, textured pavement, lighting, signage, etc.) that ensure pedestrian safety is enhanced and incorporated in a manner that is consistent with the overall architectural concept. The applicant shall submit proposed parking garage access programing information to SDCI outlining instructions/methods that demonstrate parking ingress/egress functions from the street via secured garage entry by the varied persons that will parking onsite (residents, staff, non-residential users, visitors). These operational measures/cueing devices/elements will be verified by the SDCI Transportation Planner.

With this condition, the proposed design with departure better meets the intent of Design Guidelines DC1-B Vehicular Access and Circulation and DC1-I Parking and Vehicle Access.

- 2. Non-Residential Street-Level Transparency Requirements (SMC 23.47A.008.B.2.a):** The Code states that 60% of the street-facing facade between 2' and 8' above the sidewalk shall be transparent. For purposes of calculating the 60% of a structure's street-facing facade, the width of a driveway at street level, not to exceed 22', may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street. The applicant requests that the transparency requirement for the non-residential portions of the design's street-facing façade be reduced from 60% to 55%. Per the applicant, the street-level building façade is organized around three brick piers that delineate residential and commercial areas at street level. Although the return walls at the brick piers in front of the commercial space (restaurant) are glazed, this transparency standard only considers portions of the building facade that are parallel to the street and not perpendicular to the street. The applicant's rationale is that this departure allows the proposed design to provide separate functional entries as required by the building program and creates human-scale spaces that will serve to activate the streetscape consistent with design guidelines.

Staff has reviewed the applicant's materials/justification and considered past Board direction regarding street-level engagement. Staff does not support this departure as proposed, because the decreased transparency applied to the ground-level, street-facing facades closest to the sidewalk does not meet the intent of Design Guidelines PL2.B.3 Street-Level Transparency, PL3.C Retail Edges, and PL3.I.iii CAPITOL HILL Visual Access. However, Staff could support a minor reduction in transparency if the refinement of the design better meets the intent of the Design Guidelines specified above. Therefore, Staff recommends approval of a modification of this departure subject to the following condition:

The applicant must further refine the design to be compliant with applicable transparency requirements to provide increased visual access into the non-residential interior spaces. A

reduced code departure from the transparency requirement shall be granted if, after further refinement of the design to incorporate transparency along those portions of the non-residential use façade that are closest to the property line, a departure is necessary to result in a well-composed street-level frontage that is consistent with the overall architectural concept (PL2.B.3 Street-Level Transparency, PL3.C Retail Edges, and PL3.I.iii CAPITOL HILL Visual Access).

- 3. Depth Provisions for New Structures (SMC 23.47A.008.B.3.a):** The Code states that non-residential uses greater than 600 sq. ft. shall extend an average depth of at least 30' and a minimum depth of 15' from the street-level, street-facing façade. The applicant proposes a non-residential use (restaurant) with a reduced average depth from 30' to 26'. The applicant explains that the crenulated ground-level frontage provides an intimately scaled, weather-protected space in front of the restaurant, allowing activity associated with the restaurant to engage and activate the streetscape. The restaurant space would comply with this code requirement if the depth of exterior dining terrace were considered as part of this measurement. Per the applicant, this departure allows for a better scaled building that activates the streetscape consistent with the design guidelines.

Staff reviewed this departure request for modification to the depth provision of the commercial restaurant interior tenant space and agrees in principle that as designed this departure would result in an overall design that would better meet the intent of Design Guidelines CS2.B.2 Connection to the Street, PL3.C.3 Ancillary Activities, PL3.I CAPITOL HILL Human Activity. Staff recommends approval of this departure subject to the following condition:

The design of exterior space abutting the commercial tenant space currently planned for outdoor dining associated with the restaurant use shall be maintained in the final design and shall be dedicated for ancillary activities (seating, restaurant dining, vending) to occur in the future if another commercial use is proposed for this space.

- 4. Setback Requirements (SMC 23.47A.014.B.1):** The Code states that a 15' triangular setback is required where a lot abuts the intersection of a side lot line and front lot line of a lot in a residential zone. The applicant proposes to reduce the triangular required setback from the code-required 15' to 10' along the side lot line at the site's northwest corner. Per the applicant, the portion of building encroaching in this setback is the garage with a height of approximately 13' and will have minimal impact on the zero-lot line building to the north as shown in the design packet (pgs. 18-19). The applicant's rationale is that this departure allows the parking garage entry to be in line with the building's main street-level façade consistent with the overall building design. The applicant explains that adhering to the required triangular setback would result in an inconsistent building mass at street-level with the larger portion of the parking entry being exposed to residents at the neighboring site to the north.

Staff agrees that this departure would result in a more uniform street-level design consistent with the overall building design strategy and would better meet the intent of Design Guidelines CS2.D Height, Bulk and Scale, CS2.I CAPITOL HILL Streetscape Compatibility, DC2.A.1 Site Characteristics and Uses, and DC2.B.1 Façade Composition. SDCl recommends approval of this departure.

5. **Setback Requirements (SMC 23.47A.014.B.5):** The Code explains that no entrance, window or other opening is permitted closer than 5' to an abutting residentially-zoned lot. The applicant proposes that the parking garage opening abutting 16th Avenue be located 1' from the north property line. Per the applicant, the parking garage entry is located at approximately the same level as the parking garage of the neighboring building (Marquis Apartments) and below the neighboring building's first occupied level. The applicant states that siting the garage entry closer to the north property line aligns the parking entry well with the development's upper-level massing and allows a cleaner organization of the overall building concept.

Staff's assessment of the existing adjacent context, proposed building siting and window study supports the applicant's assertion that the parking garage entrance minimizes potential impact to the neighboring residential property north of the project site. Staff agrees that this departure would result in an overall design that would better meet the intent of Design Guidelines CS2.D Height, Bulk and Scale, CS3.A.1 Fitting Old and New Together, and DC2.D.1 Human Scale. SDCI recommends approval of this departure.

6. **Driveway Width Standards (SMC 23.54.030.D.2):** The Code requires the minimum width of driveways for two-way traffic serving parking associated with nonresidential uses shall be 22' and the maximum width shall be 25'. The applicant requests that the driveway width be reduced to 20' instead of the code-required 22' in width. The applicant explains that a narrower driveway is desired to minimize the presence of the parking entry abutting 16th Avenue and will serve as a traffic calming mechanism to assist in reducing vehicular speeds while entering/exiting the garage.

Staff reviewed this departure request in conjunction with the applicant's departure request for reduced curb cut width (Departure #7). Staff agrees that this departure would result in a design that improves the pedestrian environment and pedestrian safety consistent with Design Guidelines CS2.B.2 Connection to the Street, DC1.B.1 Access Location and Design, and DC1.C.2 Visual Impacts. SDCI recommends approval of this departure.

7. **Curb Cut Width Standards (SMC 23.54.030.F.2.b):** The Code explains for a driveway serving two-way traffic to non-residential parking, the minimum curb cut width is 22' and the maximum width is 25'. The applicant requests that the driveway curb cut width be reduced to 20' instead of the code-required 22' in width. The applicant explains that the reduced curb cut width is consistent with the narrower driveway width which is desired to minimize the presence of the parking entry abutting 16th Avenue and will serve as a traffic calming mechanism to assist in reducing vehicular speeds while entering/exiting the garage.

Staff reviewed this departure request in conjunction with the applicant's departure request for reduced driveway width (Departure #6). Staff agrees that this departure would result in a design that improves the pedestrian environment and pedestrian safety consistent with Design Guidelines CS2.B.2 Connection to the Street, DC1.B.1 Access Location and Design, and DC1.C.2 Visual Impacts. SDCI recommends approval of this departure.

8. **Sight Triangle Requirements (SMC 23.54.030.G.1):** The Code states that for two-way driveways less than 22' wide, a sight triangle on both sides of the driveway shall be provided. The driveway shall be kept clear of any obstruction for a distance of 10' from the intersection of the driveway with a sidewalk. The applicant proposes a reduced sight triangle at the north

side of the vehicular driveway abutting 16th Avenue resulting in the following modified sight triangle dimensions:

a. North side of driveway – 2'-6" x 2'-6" (departure amount equates to 7'-6" x 7'-6"). The applicant asks that various measures (mirrors, textured pavement, cast in concrete lighting, etc.) be allowed in lieu of the required sight triangle to address pedestrian safety. The applicant rationalized that, in addition to reducing the driveway/curb cut widths, minimizing the sight triangle at the north side of the driveway will assist in minimizing the width and perceived size of the parking garage entry, lessen its appearance at the sidewalk and maintain the entry in scale with the surrounding neighborhood.

Staff reviewed this departure request for modification to the sight triangle requirement and agrees that this departure would result in an overall design that would better meet the intent of Design Guidelines CS2.B.2 Connection to the Street, DC1.B.1 Access Location and Design, DC1.C.2 Visual Impacts provided that the safety and security of pedestrians is prioritized. Therefore, Staff recommends approval of this departure subject to the following condition:

The design review departure from the sight triangle requirements (SMC 23.54.030.G.1) requires design measures/cueing devices/elements (i.e., mirrors, pavement pattern, textured pavement, lighting, signage, etc.) that ensure pedestrian safety is enhanced and incorporated in a manner that is consistent with the overall architectural concept.

DESIGN REVIEW GUIDELINES

Board Priority Guidelines: CS2.A.1, CS2.D.3, CS3.A.1, CS3.A.3, CS3.B.2, CS3.I.iv CAPITOL HILL, PL3.A.4, PL3.C.3, DC1.B and DC2.B.

The Citywide and Neighborhood guidelines recognized by the East Design Review Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

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

CS1-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

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

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.

Capitol Hill Supplemental Guidance:

CS1-I Energy Use

CS1-I-i. Heating/Cooling: Integrate new buildings and site with external direct heating/cooling system(s)

CS1-I-ii. Renewable Energy: Incorporate building-integrated renewable energy generation, provide for potential expansion with adjacent properties

CS1-I-iii. Meters: Provide individual, advanced meters for every residential unit

CS1-I-iv. Usage Feedback: Provide publicly visible displays of energy use

CS1-II Plants and Habitat

CS1-II-i. Habitat on Building: Enhance urban wildlife corridors by creating new habitat for insects and birds through design and plantings for green roofs, walls, and gardens. Maximize use of native species.

CS1-II-ii. Habitat in Right-Of-Way: Create habitat through right-of-way improvements and/or integrated green roofs and walls

CS1-III Water

CS1-III-i. Visible Water: Provide publicly visible displays of water use

CS1-III-ii. Shared Systems: Provide shared site-wide systems for rain water harvesting, greywater reuse, blackwater processing/reuse, centralized shared water cisterns. Provide for potential expansion with adjacent properties.

CS1-III-iii. Flow Reduction: Reduce flows into the municipal water system through stormwater management of building green roofs and walls.

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-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

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-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

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.

Capitol Hill Supplemental Guidance:

CS2-I Streetscape Compatibility

CS2-I-i. Sidewalk Width: Retain or increase the width of sidewalks

CS2-I-ii. Street Trees: Provide street trees with tree grates or in planter strips

CS2-I-iii. Entrances: Vehicle entrances to buildings should not dominate the streetscape

CS2-I-iv. Townhouse Orientation: Orient townhouse structures to provide pedestrian entrances to the sidewalk

CS2-I-v. Multiple Frontages: For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments.

CS2-I-vi. Zoning Sensitivity: Where possible, new development in commercial zones should be sensitive to neighboring residential zones.

CS2-II Corner Lots

CS2-II-i. Residential Entries: Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.

CS2-II-ii. Retail Corner Entry: Provide for a prominent retail corner entry.

CS2-III Height, Bulk, and Scale Compatibility

CS2-III-i. Building Mass: Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.

CS2-III-ii. Views: Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.

CS2-III-iii. Sunlight: Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.

CS2-III-iv. Broadway Scale: Help maintain and enhance the character of Broadway by designing new buildings to reflect the scale of existing buildings.

CS2-III-v. Broadway Storefronts: The pedestrian orientation of Broadway should be strengthened by designing to accommodate the presence or appearance of small storefronts that meet the sidewalk and where possible provide for an ample sidewalk.

CS2-IV Light Rail Station Sites

CS2-IV-i. Broadway Character: Enhance the character of Broadway as one of Capitol Hill's most prominent and vibrant shopping and public main streets.

CS2-IV-ii. Street Edge: Facades facing Broadway should reinforce the street edge.

CS2-IV-iii. Visual Break: Design the Broadway E. façade of site A such that there is a discernible visual break in the building mass that marks the pedestrian passthrough

CS2-IV-iv. Pedestrian Passthrough: Design the Broadway E. façade of site A such that a pedestrian pass through between the building and the plaza to the east is provided. The crossing should be of a highly transparent nature, and be a prominent feature of building design.

Consider the following:

- a. An inviting entry feature such as cascading stair or terrace (especially Site A)
- b. Commercial and retail uses that activate Broadway E. and that 'turn-the-corner' into the mid-block crossing on Site A.
- c. Use mid-block crossing as transition point of building character, scale or mass.

CS2-IV-v. Visual Integration: Consider design approaches that visually integrate the 10th Avenue E. frontage with the low-rise multifamily residential context to the east. Setbacks at the upper levels are a valuable tool to help accomplish a scale compatible with that across the street.

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-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

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-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

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.

Capitol Hill Supplemental Guidance:

CS3-I Architectural Concept and Consistency

CS3-I-i. Signage: Incorporate signage that is consistent with the existing or intended character of the building and neighborhood

CS3-I-ii. Canopies: Solid canopies or fabric awnings over the sidewalk are preferred.

CS3-I-iii. Illuminated Signs: Avoid using vinyl awnings that also serve as big, illuminated signs.

CS3-I-iv. Materials: Use materials and design that are compatible with the structures in the vicinity if those represent the neighborhood character.

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.

Capitol Hill Supplemental Guidance:

PL1-I Pedestrian Links

PL1-I-i. Pedestrian Links: Consider design approaches that provide clear, unobstructed pedestrian links between the station entries, public spaces on E. Denny Way, and the plaza space across E. Denny Way.

PL1-II Lighting

PL1-I-i. Lighting: Consider additional pedestrian lighting such as catenary suspended lighting to enhance the E. Denny Way Festival Street.

PL1-III Network of Public Spaces

PL1-III-i. Public Space Accessibility: Consider design approaches that make new public spaces easily accessible from existing sidewalks and public areas, and proposed new light rail station entries.

PL1-III-ii. Plaza: Consider design approaches to the pedestrian pass throughs of Site A and Site B in a way that draws the public into the plaza.

PL1-IV Outdoor Uses and Activities

PL1-IV-i. Plaza Activation: Within the plaza, consider appropriate substructures, built elements and utility connections to ensure the proposed plaza can be used for Farmer's Markets, performance and other temporary uses that provide interest and activity.

PL1-IV-ii. Grade Transitions: Consider taking advantage of grade changes between the plaza level and adjacent sites to create transitions used for seating or other amenities.

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.

Capitol Hill Supplemental Guidance:

PL2-I Human Scale

PL2-I-i. Building Entries: Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.

PL2-I-ii. Pedestrian Character: Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.

PL2-II Pedestrian Open Spaces and Entrances

PL2-II-i. Entryways: Provide entryways that link the building to the surrounding landscape.

PL2-II-ii. Link Open Spaces: Create open spaces at street level that link to the open space of the sidewalk.

PL2-II-iii. Ingress/Egress: Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.

PL2-II-iv. Residential Entrances: Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where unavoidable, minimize their impact to the vitality of the retail commercial streetscape.

PL2-III Personal Safety and Security

PL2-III-i. Lighting/Windows: Consider

- a. pedestrian-scale lighting, but prevent light spillover onto adjacent properties
- b. architectural lighting to complement the architecture of the structure
- c. transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach.

PL2-III-ii. Travel Area Distinction: Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.

LIGHT RAIL STATION SITES

PL2-I Safety and Security

PL2-I-i. Upper-Level Amenity: Consider including amenity areas on upper levels of structures around the plaza as well as active uses fronting the plaza that contribute to eyes-on-the-plaza.

PL2-I-ii. Balconies/Terraces: Consider including usable balconies and terraces associated with individual housing units facing onto the plaza to provide oversight and contribute to architectural interest facing the plaza.

PL2-I-iii. Pedestrian Lighting: Consider installing pedestrian lighting such as catenary lighting along the E Denny Way Festival Street between sites A and C.

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-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

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-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

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.

Capitol Hill Supplemental Guidance:

PL3-I Human Activity

PL3-I-i. Open Storefronts: Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods.

PL3-I-ii. Outdoor Seating: Provide for outdoor eating and drinking opportunities on the sidewalk by allowing restaurant or café windows to open to the sidewalk and installing outdoor seating while maintaining pedestrian flow.

PL3-I-iii. Visual Access: Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.

LIGHT RAIL STATION SITES

PL3-I Street-Level Interaction

PL3-I-i. Flexible Retail: Consider designing flexible retail spaces facing Broadway to potentially accommodate either a combination of smaller businesses or a larger 'anchor' or destination retail tenant.

PL3-I-ii. Active Uses: Consider encouraging activating uses in the ground level façades of Sites A fronting the plaza to provide eyes on the plaza and during the day and evening.

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

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

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.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

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-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

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-3. Multiple Uses: Design parking areas to serve multiple uses such as children’s play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

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.

Capitol Hill Supplemental Guidance:

DC1-I Parking and Vehicle Access

DC1-I-i. Continuous Crosswalks: Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.

DC1-II Screening of Dumpsters, Utilities, and Service Areas

DC1-II-i. Dumpsters: Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.

DC1-II-ii. Screening: For new development along Broadway that extends to streets with residential character—such as Nagle Place or 10th or Harvard Avenues East (see map on page 12)—any vehicle access, loading or service activities should be screened and designed with features appropriate for a residential context.

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 Façade Composition

DC2-B-1. Façade Composition: Design all building façades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all façades 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 façades 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 façades 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 façades, 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.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

Capitol Hill Supplemental Guidance:

LIGHT RAIL STATION SITES

DC2-I Architectural Concept

DC2-I-i. Building Identity: Consider an architectural concept that will contribute to distinct building design identities that function as a whole.

DC2-I-ii. Intersection Focus: Consider design approaches that could give a strong form or focus on site A at the intersection of Broadway E. and E. John St. near the main (north) station entry without obscuring or competing with the visual orientation to the transit station entrance. This could be a prominent retail entry, an architectural expression or other feature.

DC2-I-iii. Grade Change: Consider addressing the grade change between Broadway E. and Nagle Place in such a way that engages the E. Denny Way Festival Street.

DC2-II Massing

DC2-II-i. Sun/Air Exposure: Consider scaling the mass of buildings on sites A and C facing the plaza and the E. Denny Way Festival Street so as to provide favorable sun and air exposure to the proposed plaza and Festival Street.

DC2-II-ii. Solar Setbacks: If proposing setbacks, consider the solar exposure achieved for the plaza and E. Denny Way Festival Street.

DC2-III Secondary Architectural Features

DC2-III-i. Station Entry: Consider design approaches that visually integrate the base of the building on Site A with the north station entry. Consider extending design elements from the station into the design of the base of the building on Site A.

DC2-III-ii. Public Art: Consider dynamic public art, information (potentially transit or train related) or dynamic displays including movies, green wall treatment, or public art installations to integrate the central vent shaft facility as a focal point of the plaza.

DC2-III-iii. Varied Facades: Consider exploring architectural features within ground level façades at the plaza such as recesses, bays, colonnades to ensure interest and variety.

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-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

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.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

Capitol Hill Supplemental Guidance:

DC3-I Residential Open Space

DC3-I-i. Open Space: Incorporate quasi-public open space with residential development, with special focus on corner landscape treatments and courtyard entries.

DC3-I-ii. Courtyards: Create substantial courtyard-style open space that is visually accessible to the public view.

DC3-I-iii. View Corridors: Set back development where appropriate to preserve view corridors.

DC3-I-iv. Upper-floor Setbacks: Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.

DC3-I-v. Street Trees: Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.

DC3-I-vi. Landscape Materials: Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.

DC3-I-vii. Porous Paving: Use porous paving materials to enhance design while also minimizing stormwater run-off.

DC3-II Landscape Design to Address Special Site Conditions

DC3-II-i. Aesthetic Consistency: Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character.

DC3-II-ii. Mature Street Trees: Supplement/complement existing mature street trees.

DC3-II-iii. Onsite Trees: Incorporate street trees in both commercial and residential environments in addition to trees onsite.

LIGHT RAIL STATION SITES

DC3-I Open Space Concept

DC3-I-i. Plaza Relationship: Consider the relationship of the plaza to the surrounding buildings as well as to the E. Denny Festival Street and Cal Anderson Park a primary design consideration — one that will orient and elevate the design quality of adjacent streets and building façades.

DC3-I-ii. Festival Street Relationship: Consider design approaches that are informed but not dictated by that of the E. Denny Festival Street.

DC3-I-iii. Overhead Protection: Consider accommodating and not precluding temporary overhead protection across the plaza.

DC3-I-iv. Future Infrastructure: Anticipate and accommodate infrastructure for future programming of the plaza such as access to electricity and water.

DC3-I-v. Plaza Surface: Consider the following:

- a. A progression of landscape and paving from green and soft at the park edge to a more urban texture at Broadway

- b. Textures and interest in the ground plane
- c. Places to sit gather and rest
- d. Restrict vehicular access across the plaza to those needed for servicing site A and Sound Transit access
- e. Explore integration of an artistic, removable weather protection cover/canopy over the plaza

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.

DC4-E Project Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

Capitol Hill Supplemental Guidance:

DC4-I Height, Bulk, and Scale

DC4-I-i. Materials: Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials. The

Broadway Market is an example of a development that blends well with its surroundings and includes a mixture of materials, including masonry.

DC4-II Exterior Finish Materials

DC4-II-i. 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.

1. Use wood shingles or board and batten siding on residential structures.
2. Avoid wood or metal siding materials on commercial structures.
3. Provide operable windows, especially on storefronts.
4. Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.
5. Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
6. The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

LIGHT RAIL STATION SITES

DC4-I Building Materials

DC4-I-i. High Quality Materials: Consider using high quality materials that support pedestrian use and enjoyment of sidewalks and public spaces, including retail frontages and building façades.

RECOMMENDATIONS

The analysis summarized above was based on the design review packet received by SDCI and uploaded to the portal on Thursday, May 07, 2020. After considering the site and context, considering public comment, reconsidering the previously identified design priorities and reviewing the materials, the Recommendation phase of the subject design and departures are APPROVED with the following preliminary conditions:

1. Modify the upper-levels of the west street-facing façade in a manner that adds more depth and visual interest (i.e., increased window depth, etc.). (CS2.A, DC2.B, DC2.C)
2. The brick material should be clarified in the final MUP drawings and modified, if necessary, to positively complement the neighborhood character. (CS3.I CAPITOL HILL, DC4.I CAPITOL HILL, DC4.II CAPITOL HILL)
3. The design review departure from the Parking Location and Access requirements (SMC 23.47A.032.A.1 & 23.54.030.F.7) requires additional operational measures/cueing devices/elements (i.e., mirrors, pavement pattern, textured pavement, lighting, signage, etc.) that ensure pedestrian safety is enhanced and incorporated in a manner that is consistent with the overall architectural concept. The applicant shall submit proposed parking garage access programming information to SDCI outlining instructions/methods that demonstrate parking ingress/egress functions from the street via secured garage entry by the varied persons that will parking onsite (residents, staff, non-residential users, visitors). These operational measures/cueing devices/elements will be verified by the SDCI Transportation Planner. (CS2.D.5, PL2.A, DC1.B.1, DC1.C)

4. The applicant must further refine the design to be compliant with applicable transparency requirements to provide increased visual access into the non-residential interior spaces. A reduced code departure from the transparency requirement shall be granted if, after further refinement of the design to incorporate transparency along those portions of the non-residential use façade that are closest to the property line, a departure is necessary to result in a well-composed street-level frontage that is consistent with the overall architectural concept. (PL2.B.3, PL3.C, PL3.I.iii CAPITOL HILL)
5. The design of exterior space abutting the commercial tenant space currently planned for outdoor dining associated with the restaurant use shall be maintained in the final design and shall be dedicated for ancillary activities (seating, restaurant dining) to occur in the future if another commercial use is proposed for this space. (CS2.B.2, PL3.C.3, PL3.I CAPITOL HILL)
6. The design shall include measures/cueing devices/elements (i.e., mirrors, pavement pattern, textured pavement, lighting, signage, etc.) that ensure pedestrian safety is enhanced and incorporated in a manner that is consistent with the overall architectural concept. (CS2.B.2, DC1.B.1, DC1.C.2)

ANALYSIS & DECISION – ADMINISTRATIVE DESIGN REVIEW

DIRECTOR'S ANALYSIS

The administrative design review process, prescribed in SMC 23.41.016.G., describes the content of the SDCI Director's administrative design review decision as follows:

1. A decision on an application for a permit subject to administrative design review shall be made by the Director.
2. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall be based on the extent to which the proposed project meets the guideline priorities and in consideration of public comments on the proposed project.

Subject to the preliminary design review conditions identified during the recommendation phase of review, the design of the proposed project was found by SDCI staff to adequately conform to the applicable design review guidelines.

SDCI staff identified elements of the design review guidelines which are critical to the project's overall success.

SDCI staff worked with the applicant to update the submitted plans to address the preliminary design review conditions identified during the recommendation phase of review. The applicant's response to the preliminary design review conditions is included in *Design Recommendation Conditions of Approval Supplemental Information* (Weinstein A+U, August 13, 2020), and summarized as follows:

1. The modulation of the upper-levels of the west street-facing façade (facing 16th Avenue) were modified to include deep insets at regular intervals resulting in no expanse of the upper-level façade exceeding 27-feet, three-inches. Representative examples and details in section and plan are included on pages four-five (*Design Recommendation Conditions of Approval Supplemental*

Information, Weinstein A+U, August 13, 2020) and shall be included in the construction permit plan set. Such a condition is included at the end of this document. This response resolves the preliminary condition #1 from the design recommendation phase of review for the MUP decision.(CS2-A, DC2-B, DC2-C).

2. The proposed brick material includes a single color, *charcoal*, consistent with the modern design of the building. Subtle color variation within the brick occurs within a batch and between batches and are apparent in comparable brick masonry used at the University of Washington's Elm, Alder, and Poplar Halls and Cedar Apartments. The brick will be evaluated during construction prior to installation in order to confirm the color and variation are consistent with that depicted in the Design Review renderings. The MUP plan set includes details describing this material and color. This response satisfies the preliminary condition #2 from the design recommendation phase of review for this MUP decision.
3. The proposed design incorporates features to minimize the potential impact on pedestrian circulation. The function of the overhead garage door is intended to minimize the potential obstruction of the sidewalk at the garage entry, facilitate easy access by vehicles, and positively address the appearance of the garage entry from the street. The default position of this garage door will be closed which will allow for the screening of the garage opening. The garage door will function in two modes depending on time and day of week. The garage door will be in business hour mode from 8:45 AM to 5:15 PM, Monday through Friday. During this time, the garage door will be activated by vehicle sensor loop embedded in the driveway on approach of any vehicle. Building residents and staff of the Jewish Family Service will be able to utilize a remote radio transmitter to trigger the garage door to open on approach. Outside of business hours and on weekends, the garage door will be activated only by using a remote radio transmitter to provide secure operation. Only authorized users will have access to the parking garage using radio transmitters. Requirement equipment for the garage door operation is listed on page eight (*Design Recommendation Conditions of Approval Supplemental Information*, Weinstein A+U, August 13, 2020) and shall be included in the construction permit plan set. Such a condition is included at the end of this document. This response resolves the preliminary condition #3 from the design recommendation phase of review for the MUP decision. (CS2-D, PL2-A, DC1-B, DC1-C).
4. The solid/void at the base of the building is reinforced through the application of building materials. Large expansive windows occur at the setbacks and contrast with opaque brick piers. Additional glazing (narrow punched openings at the brick piers at the street level) were added in the brick piers. The asymmetric location results from the location of the recessed rain leader and the location of the demising wall behind the middle pier. Windows are shown and described as black storefront punched windows in the MUP plan set. This response satisfies the preliminary condition #4 from the design recommendation phase of review for this MUP decision.
5. The outdoor terrace depicted adjacent to the street level commercial is intended to be an extension of the interior space. The outdoor space associated with the restaurant use shall be maintained in the final design and shall be dedicated for ancillary activities (seating, restaurant dining) to occur in the future if another commercial use is proposed for this space (CS2-B, PL3-C, PL3-I). Such a condition is included at the end of this document. This response satisfies the preliminary condition #5 from the design recommendation phase of review for this MUP decision.

6. The proposed garage access from 16th Avenue provides access consistent with other driveway accesses on both sides of 16th Avenue. This suggests that locals are used to driveway interactions on 16th Avenue and mitigates the safety risks if this was the first or only driveway access off 16th Avenue. A number of additional measures have been considered as part of the design including the configuration of the parking entry ramp and its interface with the public ROW; warning features that heighten pedestrian awareness of the parking garage entry; enhanced lighting; and a convex traffic mirror. These proposed measures are passive features intended to work subtly and complement the residential character of 16th Avenue.

The parking garage entry ramp configuration allows vehicles to return to a horizontal position before entering the right-of-way and cross the sidewalk. A relatively flat space of 18-feet is proposed at the top of the ramp inboard of the property line. This configuration provides clearer sight lines and better vehicle control reducing distraction or disorientation. Additionally, the driveway width is narrower than otherwise required to promote slower speeds.

A cast-in-place vehicle detection loop will be located at the base of the parking garage entry ramp as part of the access control for the parking garage door. This loop will trigger the garage door to open as vehicles exit the garage without the need for a radio transmitter and the potential to distract motorists.

Building setbacks and plantings are proposed adjacent the street-level portions of the building and are set back approximately 9.5-feet from the property line and 12-feet from the back of sidewalk. Plantings adjacent the driveway are low profile in order to maximize visibility for motorists and pedestrians.

A convex traffic mirror will be mounted to the building adjacent the garage entry to improve sight lines to the north of the garage entry and allow pedestrians to see approaching vehicles.

According to the *Design Recommendation Conditions of Approval Supplemental Information* document (Weinstein A+U, August 13, 2020), specialty paving pattern and texture are proposed at the intersection of the sidewalk and parking garage driveway: a one-foot by two-foot paving pattern which differs subtly from the SDOT standard of two-foot by two-foot paving pattern. This specialty paving and pattern, however, are not reflected in the approved 30% Street Improvement Permit drawings found in the MUP plan set. Improvements to the right-of-way are reviewed and permitted by SDOT. This specialty paving pattern identified by the applicant in *Design Recommendation Conditions of Approval Supplemental Information* (Weinstein A+U, August 13, 2020) is not a condition of approval.

Cast-in-place drive-over lighting is proposed in the driveway adjacent the sidewalk. The shielded directional lighting will illuminate the sidewalk signaling the presence of the garage to pedestrians and improve visibility for motorists.

These proposed measures/cueing devices/elements are intended to enhance pedestrian safety along 16th Avenue, consistent with Design Review condition #6. Details describing these features (parking garage entry ramp configuration, cast-in-place vehicle detection loop, building setback and plantings, traffic mirror, and cast-in-place drive-over lighting) shall be included in the construction permit plan set. Such a condition is included at the end of this report. This

response satisfies the preliminary condition #6 from the design recommendation phase of review for this MUP decision. (CS2-B, DC1-B, DC1-C)

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 SDCI finds that the proposal is consistent with the City of Seattle Design Review Guidelines.

DIRECTOR'S DECISION

The Director CONDITIONALLY APPROVES the proposed design and the requested departures with the conditions listed 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 provided in SMC 23.76, *Procedures for Master Use Permits and Council Land Use Decisions*. The owner/applicant has made application, with supporting documentation, consistent with SMC 23.76.040.D., for an amendment to the Official Land Use Map with a specific development proposal. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in SMC 23.34.004.

The applicant's proposed contract rezone includes a specific development proposal and a change in the zoning designation of the north portion of the development site, specifically to the north tax parcel, herein referred to as the "north parcel" and identified as 1620 16th Avenue (King County parcel identification number: 7234600470). The requested change in zoning designation is from LR3(M) to NC3-65(M1).

The applicable criteria for assessing this rezone request are stated in SMC sections:

- 23.34.004, Contract rezones.
- 23.34.006, Application of MHA suffixes in Type IV rezones
- 23.34.007, Rezone evaluation.
- 23.34.008, General rezone criteria.
- 23.34.009, Height limits of the proposed rezone
- 23.34.013, Designation of multifamily zones
- 23.34.020, Lowrise 3 (LR3) zone, function and locational criteria
- 23.34.024, Midrise (MR) zone, function and locational criteria.
- 23.34.028, Highrise (HR) zone, function and locational criteria.
- 23.34.070, Residential-Commercial (RC) zone, function and locational criteria.
- 23.34.072, Designation of commercial zones.
- 23.34.074, Neighborhood Commercial 1 (NC1) zones, function and locational criteria.
- 23.34.076, Neighborhood Commercial 2 (NC2) zones, function and locational criteria.
- 23.34.078, Neighborhood Commercial 3 (NC3) zones, function and locational criteria

This analysis is provided below, with applicable portions of the rezone criteria shown in *italics*, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezones

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

A PUDA shall be executed and recorded as required by this code section. The Director recommends a condition that the development of the rezoned property be in substantial conformance with the approved plans for Master Use Permit 3030517-LU.

This MUP includes a Type II land use decision and Type IV Council land use decision: Design Review (SMC 23.41) and Contract Rezone (SMC 23.24), respectively. This MUP will be ready to issue, or approved for issuance, after the Type IV Council land use decision is made (SMC 23.76.028).

The Type II MUP (Design Review) will have a term of three years from the date it is approved for issuance (SMC 23.76.029) and will expire at the end of the three-year term unless it is renewed or unless a fully complete building permit application is submitted according to the requirements of SMC 23.76.030, and the building permit is subsequently issued. Once the building permit is issued, the MUP term is extended based on the term for which the building permit is issued, including renewals of the building permit. This could provide a MUP term of more than six years. The Type IV MUP (Contract Rezone) will expire along with the Type II MUP (Design Review) pursuant to SMC 23.76.060.

The applicant requests a Type IV MUP (Contract Rezone) term greater than that provided by Code (SMC 23.76.060), citing current economic considerations, the language of SMC 23.76.060.C.1. and examples of other Type IV MUPs (Contract Rezones) approved by Council in recent years. The applicant's request is described in their letter titled, Application by Jewish Family Service for Rezone of 1620 16th Avenue SDCI Project No. 3030517-LU (Hillis, Clark, Martin, & Peterson P.S., February 8, 2023). The following is a summary of the applicant's request.

The rationale informing the applicant's request for an extension is described in their letter (Application by Jewish Family Service for Rezone of 1620 16th Avenue SDCI Project No. 3030517-LU, Hillis, Clark, Martin, & Peterson P.S., February 8, 2023) and includes considerations such as the property owner's nonprofit status and organizational mission, and current economic considerations such as high interest rates, supply chain issues, and construction costs. The applicant concludes that an extended term for the contract rezone would allow "flexibility to allocate the agency's funds fully informed by its mission, rather than being subject to an inflexible [...] timetable set by the code."

Secondly, the applicant notes SMC 23.76.060.C.1. which states, "The provisions of this subsection 23.76.060.C.1 apply except as otherwise provided in the Council decision on a contract rezone. A zoning designation established by a contract rezone shall expire three years after the date of the Council action approving the rezone, except as follows: (...)." The applicant notes that Council may approve a contract rezone with an expiration term greater than three years and requests the same, specifically referencing the examples listed below.

Lastly, the applicant cites the following five Type IV MUPs (Contract Rezones) that were approved in recent years, and all include the same term language in their ordinance which reads, *The zoning designations established by Section 2 of this ordinance shall remain in effect until the Property is rezoned by subsequent City Council action.* The applicant requests the same term language.

Ordinance Number	MUP Number	Address	Year Approved
126540	3033517-LU	10713 Roosevelt Way NE	2022
126464	3023581-LU	143300 30 th Ave NE	2021
126048	3030253-LU	4600 Union Bay Pl NE	2020
125962	3025493-LU	5256 Rainier Ave S	2019
125933	3025193-LU	4730 15 th Ave NE	2019

Approval of this request would dissolve the relationship the Type IV MUP (Contract Rezone) has with the Type II MUP (Design Review) in the context of MUP term (expiration), meaning the approved building and design could expire while the zoning designation would remain.

- 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.*

A PUDA will be executed and recorded as required by this code section. The rezoned property is subject to SMC 23.58B and 23.58C, previously through the terms of a contract rezone in accordance with SMC 23.34.004 and Director’s Rule 14-2016, and now pursuant to SMC 23.34.006 (which was adopted in 2019 via Ordinance No. 125791). There are three tiers of MHA requirements, with contributions increasing with additional development capacity potential; the tiers are identified as M, M1 and M2 suffixes to be attached to the zoning designation. The Rule and SMC 23.34.006 include the approach to determine which tier, or M suffix, should be applied to a contract rezone. The proposed zone change, from LR3 to NC3-65, is a change from Category 3 to Category 4, requiring an M1 suffix. Additional analysis is provided below in response to SMC 23.34.006.

- 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 required by this section. The Director recommends a condition that development of the rezone site be in substantial conformance with the conditions of the Council Land Use Decision number 3030517-LU. The recorded conditions will facilitate the use of any associated development standards identified in the Code for NC3-65(M1) zone designation.

- 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.

No waivers to specific bulk or off-street parking and loading requirements were requested. Departures and deviations from Code standards have been addressed through various administrative processes such as the Design Review process (SMC 23.41) and Type I administrative waivers available through the Master Use Permit process and are described in the Design Review section of this report and/or in the MUP plan set. Seven departures were requested through the Design Review process and are related to transparency, non-residential depth, triangular setback, openings adjacent property lines, driveway and curb cut widths, and sight triangles. A Type I administrative decision related to driveway location is also included in the proposed design. SDCI recommends approval of the design including seven departures and one Type I decision.

23.34.006 Application of MHA suffixes in Type IV rezones

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C to the rezoned area through use of a mandatory housing affordability suffix:*
1. *If the rezone is to another zone in the same MHA zone category according to Table A for 23.34.006, the new zone should have a (M) suffix.*
 2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.*
 3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

<i>Table A for 23.34.006 MHA Zone Categories</i>	
<i>Category Number</i>	<i>Zones</i>
<i>Category 1</i>	<i>Single-family zones</i>
<i>Category 2</i>	<i>LR1, LR2</i>
<i>Category 3</i>	<i>LR3, C or NC zones with a height limit of 30, 40, or 55 feet</i>
<i>Category 4</i>	<i>Zones with height limits greater than 55 feet and equal to or less than 95 feet</i>
<i>Category 5</i>	<i>Zones with heights greater than 95 feet¹</i>
<i>Footnote to Table A for 23.34.006</i>	
<i>¹An increase in development capacity of more than 25 percent, but no more than 50 percent, within Category 5 should be treated as a change of a single category. An increase in development capacity of more than 50 percent within Category 5 should be treated as a change of two categories.</i>	

The proposed zone change, from LR3 to NC3-65, is a change from Category 3 to Category 4, requiring an M1 suffix.

- B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*
1. *If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*

2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:
 - a. Have a (M1) suffix if it currently has an (M) suffix; or
 - b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The subject site is currently zoned LR3(M). The proposed rezone is to another zone (NC3-65) that is one category higher than the existing zone according to Table A for 23.34.006; therefore, the new MHA suffix should be M1.

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; 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 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, see analysis below.

- 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 weighed and balanced together to determine the appropriate designation for the site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

This analysis evaluates the applicable criteria called for and outlined in SMC 23.34, *Amendments to Official Land Use Map (Rezoning)*, as they apply to the subject rezone (listed at the beginning of this *Section II*).

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

The proposed rezone is not a shoreline environment redesignation; therefore, the Comprehensive Plan Shoreline Policies are not applicable and were not used in this analysis. The proposed rezone does not require an amendment to the Comprehensive Plan, is consistent with applicable provisions of SMC 23.34, and is therefore consistent with this criterion.

- 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 subject site is located within the First Hill/Capitol Hill Urban Center. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside urban centers.

- 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 subject rezone is not a redesignation of a shoreline environment; therefore, this criterion is not applicable.

- 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.

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 Growth Strategy Element of the Comprehensive Plan.*

The subject site is located within the First Hill/Capitol Hill Urban Center. The growth target for this urban center is 6,000 housing units between the years 2015 and 2035 (*Growth Strategy Appendix, Comprehensive Plan/Seattle 2035*) and the density sought is 15 housing units per acre (*Land Use Appendix, Comprehensive Plan/Seattle 2035*).

According to the SDCI Urban Center/Village Housing Unit Growth Report (dated July 8, 2022), the First Hill/Capitol Hill Urban Center had had a growth rate of 25.8%. The proposed rezone will not reduce the zoned capacity for the First Hill/Capitol Hill Urban Center. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and 12 residential units. The 12 additional units are calculated based on the additional height and density allowed in the NC zoning versus LR3 zoning, which results in an additional 6 units on levels six and seven based on the rezone. The proposed rezone is consistent with SMC 23.34.008.A.1. as the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target.

- B. *Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the*

locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

This rezone includes a change to the zone designation (LR to NC3); therefore, an analysis of the zone type and locational criteria is required and is provided below. These zone type and locational criteria are found in the following code sections:

- 23.34.013, *Designation of multifamily zones.*
- 23.34.020, *Lowrise 3 (LR3) zone, function and locational criteria.*
- 23.34.024, *Midrise (MR) zone, function and locational criteria.*
- 23.34.028, *Highrise (HR) zone, function and locational criteria.*
- 23.34.070, *Residential-Commercial (RC) zone, function and locational criteria.*
- 23.34.072, *Designation of commercial zones.*
- 23.34.074, *Neighborhood Commercial 1 (NC1) zones, function and locational criteria.*
- 23.34.076, *Neighborhood Commercial 2 (NC2) zones, function and locational criteria.*
- 23.34.078, *Neighborhood Commercial 3 (NC3) zones, function and locational criteria*

As demonstrated in the below analysis of zone type and locational criteria, the most appropriate zone designation for the subject site is NC3. The provisions for designation of the zone and the locational criteria for the specific zone match the characteristics of the area better than any other zone designation.

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 of the development site includes residential and commercial zoning designations.

The zoning designation of the development site changed most recently in 2019, after adoption of provision for MHA (Ordinance number 125791). This citywide rezone changed the site’s zones from LR3 to LR3(M) and NC3-65 to NC3-75(M). The applicant now proposes to rezone the north parcel from LR3(M) to NC3-65(M1).

The table below identifies the development site’s zoning designation by year.

Table: Subject Site Zoning History by Year

Year	Zone (north parcel - 1620 16 th Ave)	Zone (south parcel – 1610 16 th Ave)
1923-1947	Commercial or Industrial	Commercial or Industrial
1947-1957	Second Residential District (R2D)	Second Residential District (R2D)
1957-1982	Multiple Residential (RM)	Multiple Residential (RM)
1982-1991	RM	RM
1991-1995	Lowrise 3 (LR3)	NC3-65
1995-2019	LR3	NC3-65
April 19, 2019	LR3(M)	NC3-75(M)

The zoning history of property in and around the area can be characterized similarly to the development site with commercial zoning generally located along the E Madison St corridor and residential zones to the north.

This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

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.*

The subject site is within the area included in the Capitol Hill Neighborhood Plan within the City of Seattle Comprehensive Plan, Adopted Neighborhood Plans section. This Neighborhood Plan was adopted in 1998.

The applicable plan policies and goals from the Capitol Hill Neighborhood Plan portion of the Comprehensive Plan relate to housing, design, and zoning regulations generally, but not to rezones specifically. Those topical goals and policies include:

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.

The project provides 88 residential units of studio and one-bedroom configurations and includes conformance with the requirements of the MHA program.

CH-G2 An enhanced neighborhood with diverse land uses, a mixture of housing types including single-family and dense multifamily, and vibrant commercial districts.

The character of the existing neighborhood along 16th Avenue between East Olive Street and E Madison Street includes three multifamily buildings and the Jewish Family Center's 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.

The proposed design responds to the neighborhood's architectural quality, historic character, and pedestrian scale, with elements such as setbacks, weather protection, commercial uses, high-quality materials such as brick and glass, and expansive windows and metal framed decks.

CH-P8 Enhance and protect the character of the diverse residential districts.

The Project will enhance the character of the neighborhood by providing a thoughtfully designed building, additional residential use and neighborhood-scale commercial space.

CH-G3 A community with a full range of housing types from single-family homes to multifamily contributing to a diverse, densely populated neighborhood.

The project increases density and residential opportunities in the neighborhood.

CH-P15 Encourage the development of high-quality new housing that blends with historic housing.

The proposed design includes a high-quality materials and design elements that respond to the nearby historic housing such as the Marquis Co-Op and Garden Court Apartments.

CH-G6 A pedestrian-oriented neighborhood with a balanced transportation environment that emphasizes public transit, yet also facilitates vehicular mobility and addresses the parking needs of businesses, residents, and students.

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 immediate community by providing on-site parking for building residents and Jewish Family Service office uses.

No neighborhood plan amendment is pending or required.

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 subject site includes two parcels (1605 16th Avenue and 1620 16th Avenue). The northern parcel (1605 16th Avenue) is currently zoned LR3(M) and the southern parcel (1620 16th Avenue) is zoned NC3-75(M). The change in zone occurs at the shared property line. The proposed rezone of the north parcel would result in the relocation of the zone boundary, but maintain the transition from LR3 to NC3, and increase the allowable height of the north parcel from 50 and 65-feet.

The proposed project considered this zone transition and the impact on less intensive zoning, and employs design elements to mitigate possible impacts and create a gradual transition between zoning categories and height limits. These elements include, shifting the massing (floors two through seven) 21-feet south of adjacent site to the north, installation of a robust landscape buffer along the north property line, and fenestration patterns to maintain privacy of adjacent residents.

Additionally, the Design Review process (SMC 23.41) also considers height, bulk and scale transitions to lower adjacent zones and response to existing context. 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 approved by SDCI includes design strategies to address the project's height, bulk, and scale.

The proposed zoning aligns with existing lot lines and street centerlines. An established boundary between commercial and residentially zoned properties remains and is moved north 60 feet. A gradual transition between zoning categories is provided in the project design through use of setbacks and robust landscaping.

The Citywide and Capitol Hill Neighborhood Design Guidelines are intended to mitigate the height, bulk, and scale impacts. The proposed design was reviewed pursuant to the Design Review process consistent with SMC 23.41. The design that has been reviewed by the Design Review Board and recommended for approval by SDCI staff includes design strategies to minimize 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.

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 subject site abuts public right-of-way on three sides: on the west by 16th Avenue and on the south and east by a public alley. These rights-of-way offer a buffer between 16 and 66-feet. Beyond those rights-of-way are located existing three and four-story multifamily structures. The project provides an additional 11-foot setback along the east property line, abutting the alley, and façade modulation facing 16th Avenue with pedestrian scale street-level, street-facing façade to respond to development along and across 16th Avenue. The site slopes up gradually from west to east, approximately eight feet. Existing development to the south, across the alley, includes an existing five-story apartment building in an NC3-55 zone.

Physical buffers such as topography and the public right-of-way widths of 16th Avenue and the alley provide an effective separation between the proposed rezone and existing, lower intensity zoning to the west and east.

Additionally, 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 reviewed by the Design Review Board recommended for approval by SDCI staff includes design strategies to minimize 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 E2; and*
 - (2) *Platted lot lines.*

The proposed zone boundaries follow existing platted lot lines and right-of-way centerlines as described in response to SMC 23.34.008.E.2. above.

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 generally fronting the E Madison Street corridor and commercial district, with residential uses to the north of this commercial district and corridor. The proposed rezone will move an existing boundary between commercial and residential zones approximately 60 feet to the north. A restaurant use is proposed at the southwest corner of the building, facing 16th Avenue. Residential uses occupy the remainder of the project's frontage and creates a buffer or boundary between commercial and residential areas. Across the street to the west is the Jewish Family Service of Seattle, a nonresidential use fronting 16th Avenue and the proposed commercial use on site.

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 subject site is located in an urban center and the proposed rezone would allow a maximum building height of 65-feet. The proposed zone with 65-foot height limit is consistent with the Capitol Hill Neighborhood Plan and existing built character of the area.

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

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

a. Housing, particularly low-income housing;

The future project will have a positive impact on the supply of housing on the site and its surroundings by providing 98 new residential dwelling units. The development is subject to the applicable provisions of Chapters 23.58B and 23.58C for Mandatory Housing Affordability, and because commercial and residential uses are proposed, participation in the program will yield affordable housing within the project or an equivalent in lieu payment. As shown in the MUP plan set, the applicant proposes compliance with these provisions via an MHA payment.

b. Public services;

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. The increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact and may be seen as mitigating the increased demand.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by residential activities, as is permitted with the current zoning. Future construction will be required to comply with the applicable requirements of codes such as the Noise Ordinance (SMC 25.08) and Street Use Ordinance (SMC Title 15).

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 10 feet in height at this site. Future Air Quality measures shall comply with applicable Federal, State, and City emission control requirements as operational activities, primarily vehicular trips associated with the project's energy consumption, may result in increases in carbon dioxide and other greenhouse gas emissions which impact air quality.

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be infiltrated or 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 shall be in conformance with City of Seattle standards.

Flora and fauna – No noticeable change in impacts will result from a change in zoning. The applicant submitted an arborist report (*Arborist Report, Tree Inventory and Assessment*, Tree Solutions, Inc., April 9, 2018) identifying existing trees on site, none of which meet the criteria for designation of exceptional. SDCL's arborist has reviewed this information. The additional vegetation proposed complies with Land Use Code requirements.

Glare – No noticeable change in impacts will result from a change in zoning. The proposed project includes exterior lighting that is shielded and directed away from adjacent properties, consistent with existing City Codes and regulations to mitigate impacts from light and glare.

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

Shadows – Potential development will create additional shadows. The applicant submitted shadow studies (*Design Review Recommendation Packet*, Weinstein A+U, May 7, 2020; *Shadow Studies*, Weinstein A+U, LLC, December 23, 2019; *Shadow Studies [Revised]*, Weinstein A+U, LLC, September 3, 2020). 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 a massing that could be permitted in a LR3 or NC3-75 zone. The submitted shadow studies include subject site boundary lines, zoning designation lines, and code allowable maximum height limits. As demonstrated on page 19 of the *Design Review Recommendation Packet* (Weinstein A+U, May 7, 2020) the existing LR3 zone would allow a 50-foot-tall structure setback from the north property line seven-feet; while the NC3-65 zone, while allowing a building height of 65-feet, would require upper level setbacks of 15-feet above 13-feet in height and 20-feet at 65-feet in height.

Energy – No noticeable change in impacts will result from a change in zoning. The project shall comply with the City of Seattle energy codes and may perform better than the code requirements due to available programs that incentivize improved energy performance.

d. Pedestrian safety;

No noticeable change in impacts will result from a change in zoning. Improvements to the public right-of-way are required and include sidewalk, planting strip, and street trees which are expected to increase pedestrian safety. The proposal is designed to activate the street with active uses, transparency, overhead weather protection, and increase safety with eyes on the street and lighting.

e. Manufacturing activity;

The existing and proposed zoning would both prohibit manufacturing activity at this site. No change will result from the change in zoning.

f. Employment activity;

The proposed zoning would permit commercial uses. The proposal includes a ground floor restaurant. The sites' proximity to the E Madison Street commercial corridor makes this an appropriate location for commercial uses and could increase employment activity in the area.

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

The site is not within or near a character area recognized for architectural or historic value; however, the project was reviewed using the Design Review Design Guidelines that consider compatibility between new projects and existing architectural context, including historic and modern designs. The project design has been informed by surrounding architectural context and includes the following design elements: building articulation, scale and proportion, fenestration patterns, high-quality materials, and strong ground plinth.

The Department of Neighborhoods reviewed the existing structure (Conover House) for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure may meet the standards for landmark designation (*Landmarks Preservation Board Memorandum*, LPB 517/18, September 11, 2018); therefore, a City of Seattle landmark nomination form was submitted to the Department of Neighborhoods for consideration by the Landmark Preservation Board. At the June 19, 2019 meeting of the LPB, a motion to approve the designation of the Conover House was made and ultimately denied (*Landmarks Preservation Board Memorandum*, LPB 348/19, June 20, 2019).

h. Shoreline view, public access and recreation.

The proposed site is located approximately one-mile west of the shoreline of Lake Washington, one-mile east of Puget Sound, and 2-miles southeast of Lake Union; therefore, shoreline view, public access, and recreation will not be directly impacted. Due to existing development and vegetation, there are no views visible from 16th Avenue. There are no nearby public parks with shoreline views across the subject property.

The Land Use Code does not include criteria for protection of views from private property. Most private property views of Lake Washington, Puget Sound, and Lake Union would be blocked by topography and development built to the current maximum zoning at the site. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. *Street access to the area;*
 - b. *Street capacity in the area;*
 - c. *Transit service;*
 - d. *Parking capacity;*

The subject properties fronts on 16th Avenue. The applicant submitted transportation analyses (*Traffic and Parking Analysis*, Transportation Solutions, Inc., July 5, 2018; *Response to Comments – Correction Notice #1*, Transportation Solutions, Inc., November 8, 2019; *Response to Transportation Correction Notice*, Weinstein A+U, LLC, September 3, 2020; *MUP Permit Comments, Parking Displaced during Construction*, Transportation Solutions, Inc., August 13, 2020) that analyzed access and capacity in the area. Street access, street capacity, transit service, and parking capacity are discussed therein, and were reviewed by the SDCI Transportation Planner.

Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. Baseline traffic volumes for the screenline were obtained from the Director’s Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development’s trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the level of service (LOS) standard. As shown in the studies, the v/c ratios with the anticipated future redevelopment were less than the LOS standard for all screenlines; therefore, no system concurrency mitigation is required.

The transportation analysis indicated that the project is expected to generate a total of 561 net new daily vehicle trips, 39 net new AM peak hour trips and 46 net new PM peak hour trips. The additional trips are expected to distribute on various roadways near the project site, including 16th Avenue, E Madison Street, and East Olive Way, and would have minimal impact on levels of service at nearby intersections and on the overall transportation system.

The site is located in a frequent transit area served by Metro Routes 11 and 12 and RapidRide G. Existing transit stops are located along E Madison Street to the south.

The project proposes 105 on-site parking spaces with 52 spaces dedicated to uses on site and 53 spaces dedicated to the existing Jewish Family Services Center use across the street to the west. The transportation analyses identify a peak parking demand of 52 spaces, to be accommodated on site. The project is not anticipated to exceed the service capacities which can reasonably be anticipated in the area, including street access to the area, street capacity in the area, transit service, and parking capacity.

- 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 (*Water Availability Certificate*, Seattle Public Utilities, #SPUE-WAC-23-00765, July 20, 2023).

Existing public drainage infrastructure includes a 12-inch stormwater main in 16th Avenue and will be extended across the frontage of the subject site. On-site stormwater management shall meet the requirements of the Stormwater Code (SMC 22) and Director's Rule 21-2015.

No adverse impacts to utility and sewer capacity are anticipated.

f. Shoreline navigation.

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

- 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 mentioned above, in November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004. Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the development site's zone from LR3 to LR3(M) and NC3-65 to NC3-75(M1).

The Design Review component of this application vested on March 15, 2018, per SMC 23.76.026 *Vesting*. A number of development standards have changed since that date. Those standards applicable to this project are listed below.

- Street-level development standards (SMC 23.47A.008.B);
- Floor area ratio (SMC 23.47A.013);
- Mandatory housing affordability in C and NC zones (SMC 23.47A.017);
- Required parking and maximum parking limits (SMC 23.54.015); and
- Parking space and access standards (SMC 23.54.030).

Changes have not been made to the criteria for the relevant zone.

- 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 any of Overlay Districts defined in the Land Use Code, including:

- Airport Height Overlay District (SMC 23.64)
- Shoreline (SMC 23.60A)
- Station Area Overlay (SMC 23.61)

- Special Review Districts (SMC 23.66)
 - Southeast Seattle Reinvestment Area (SMC 23.67)
 - Major Institution Overlay (SMC 23.69)
 - Mobile Home Park Overlay District (SMC 23.70)
 - Northgate Overlay (SMC 23.71)
 - Sand Point Overlay (SMC 23.72)
 - Pike/Pine Conservation Overlay District (SMC 23.73)
 - Stadium Transition Area Overlay District (SMC 23.74)
- 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 does not contain any mapped ECAs; therefore, consideration of the ECA Ordinance is not required.

- 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 site is not within a zone with an incentive zoning suffix. This criterion is not applicable.

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 development site contains two parcels; the north parcel is currently zoned LR3(M) and the south parcel NC3-75(M). The development site abuts the NC3-75(M) zoning designation to the south, with height limits of 75-feet. The proposed zone for this development site would change the zoning designation or function of the zone of the north parcel (currently zoned LR3(M)) to NC3-65(M1).

The proposed rezone includes a specific proposed development that has gone through the Design Review process consistent with SMC 23.41. The design includes strategies to minimize 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 edges facing the neighboring properties. The details of that process and analysis are described in the Design Review section of this document.

The proposed NC3-65(M1) zoning designation with site specific development proposal provides a transition in height, bulk, and scale from the NC3-75(M) zoning to the south, to the abutting LR3(M) zoning to the north. The demand for permitted goods and services could be accommodated on site with the proposed zoning designation of NC3-65(M), and existing residential uses on site will be replaced with residential 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 existing topography of the site is characterized at the four-foot tall rockery and retaining wall along the west property line generally sloping upwards to the east at an approximately seven percent slope gaining an additional eight-feet in elevation for a difference in elevation of 12-feet.

The natural topography of the area and its surroundings rises from west to east. The subject site experiences a similar change in grade from west to east, with a rise of approximately nine feet. It appears the grade increases slightly as one moves north from the subject site. This change in grade provides a natural transition from the 75-foot height limits along E Madison Street, to the south, and the LR3(M) zone to the north. The proposed 65-foot zone will reinforce the topography of the area and its surroundings and maintain a transition in height from the NC3-75 zone to the south to the LR3(M) zone to the north.

The proposed structure may impact territorial views from adjacent properties, particularly the LR3(M) zone to the north, east, and west. View blockage will be minimized, however, by the topography in the area and existing vegetation. Furthermore, the NC3-75(M) zone to the southwest further blocks views. Some private territorial views could change as a result of the increased development and building heights. City view protection policies focus on public views. The City attempts to address public and private views generally through height and bulk controls. The proposed rezone includes a specific proposed development, 65-feet in height, 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. The applicant presented view analyses in the design review packages presented to the Design Review Board.

The existing zoning transition pattern in this area generally reinforces the natural topography of the area. Zoning to allow taller buildings is generally located along the East Madison Street corridor, with lower height zoning for properties to the north of this corridor. The proposed rezone would maintain this pattern and reinforce a transition in height, bulk, and scale from NC3-75(M) to the south to LR3(M) to the north.

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.*

Current zoning in the area provides for heights of 50- to 75-feet with allowances for some rooftop features, such as elevator penthouses, to exceed this limit. 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 proposed development, with a 65-foot structure height, would be consistent with the predominant height and scale of nearby development (ranging 40-75-feet in height), which is representative of the area's overall development potential. The LR3(M) zoning to the north, east, and west allows for a building height of 50-feet, while the NC3-75(M) zoning to the south allows for 75-feet. Early to mid-20th century development in the area tends to be two- to six-stories tall (20-65-feet estimated range). There are several examples of both types of development in the blocks immediately vicinity, for example, located at:

- 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 / Bullitt 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 E 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.

The proposal completed the design review process (SMC 23.41). Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment. As demonstrated on page 19 of the *Design Review Recommendation Packet* (Weinstein A+U, May 7, 2020) the existing LR3 zone would allow a 50-foot-tall structure setback from the north property line seven-feet; while the NC3-65 zone, while allowing a building height of 65-feet, would require upper-level setbacks of 15-feet above 13-feet in height and 20-feet at 65-feet in height. The proposed design includes a 21.5-foot setback above 13-feet in height. The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the design review process.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2, are present. (Editor's note— Subsection 23.34.009.D.2 refers to 23.34.008.D.2. The correct reference is subsection 23.34.008.E.2.)*

The subject property is not in or near a Major Institution. The pattern of zoning transitions is described in response to SMC 23.34.008.E.2. Zoning allowing 75-foot height is found to the south, and height limits of 50-feet are abutting to the north, east and west. The proposed development is 65-feet in height and includes setbacks and modulation at the north and east property lines. The proposed height, setbacks, and modulation provide a gradual transition in height and scale to adjacent development. The proposed rezone would be consistent with the scale of development in the area.

E. *Neighborhood Plans*

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

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.

SMC 23.34.013 - Designation of multifamily zones

An area zoned neighborhood residential that meets the criteria of Section 23.34.011 for designation as NR1, NR2 or NR3 may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.

The proposed rezone site is not currently zoned neighborhood residential.

SMC 23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria

A. *Functions. The dual functions of the LR3 zone are to:*

1. *provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
2. *accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

The subject site is located in the First Hill/Capitol Hill Urban Center, in an area characterized as containing a variety of multifamily and commercial development of moderate scale and density. Existing adjacent structures range in height from two to six-stories. The site fronts 16th Avenue with a mix of commercial and residential uses. E Madison St, a principal arterial street, is located approximately 200-feet south of the site and also contains a mix of commercial and residential uses.

B. *Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*

1. *The area is either:*
 - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or*
 - b. *located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*
2. *The area is near neighborhood commercial zones with comparable height and scale;*

3. *The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*
4. *The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*
5. *The area is well served by public transit;*
6. *The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*
7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The subject site is located in the First Hill/Capitol Hill Urban Center, adjacent a mix of multifamily and commercial uses of moderate height, scale, and density. The subject site is adjacent a neighborhood commercial zone to the south with heights at heights of 55 to 75-feet. The height and scale permitted within these commercial zones is greater than that permitted in an LR3 zone. The subject site does not abut LR1 or LR2 zones, but is located such that a transition could be provided between an existing LR3 and a neighborhood commercial zone.

The site fronts 16th Avenue which has a right-of-way width of 66-feet, allowing for two-way traffic and parking along at least one curb. The subject site abuts a neighborhood commercial zone to the south; therefore, obtaining vehicular access through the neighborhood commercial zone. The area is well supported by existing and projected facilities and services used by residents, such as a variety of retail sales and services and has good pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The subject site is not located in the Delridge High Point Neighborhood Revitalization Area.

- D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*
 1. *was created by human activity, or*
 2. *is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

The site does not contain environmentally critical areas.

23.34.024 - Midrise (MR) zone, function and locational criteria.

- A. *Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of*

activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

The proposed rezone site is located in an area that is zoned LR3 and NC3 and contains a mix of residential and commercial uses in a desirable, pedestrian-oriented urban neighborhood with direct access to regional transit, a full range of residential and commercial services and amenities, and opportunities for people to live within walking distance of employment.

B. Locational Criteria.

- 1. Threshold Conditions. Subject to subsection 23.34.024.B.2 of this section, properties that may be considered for a Midrise designation are limited to the following:*
 - a. Properties already zoned Midrise;*
 - b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*
 - c. Properties within an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.*

The subject site is zoned LR3 and abuts NC3 zoning to the south. The Midsize zone allows a FAR of 4.5 and height limits of 80-feet; this is greater than that permitted in the adjacent zones with a FAR of 2.3 and 5.5 and height of 55 and 75 respectively. The subject site is located in the boundaries of the Capitol Hill Neighborhood Plan. The plan does not include policies expressly guiding rezones nor does it indicate the subject site is appropriate for the MR zone.

- 2. Environmentally Critical Areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either*
 - 1) was created by human activity, or*
 - 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.*

The subject site does not contain an ECA.

- 3. Other Criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*
 - a. Properties that are adjacent to business and commercial areas with comparable height and bulk;*
 - b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;*
 - c. Properties in areas that are in close proximity to major employment centers;*
 - d. Properties in areas that are in close proximity to open space and recreational facilities;*
 - e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*
 - f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*

- g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*
- h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone;*
- i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

The subject site is adjacent a business and commercial area with comparable height and bulk. E Madison Street, approximately 200-feet to the south, is a major arterial with transit service and street capacity to absorb the traffic generated by this development. The site is immediately adjacent 16th Avenue, a 66-foot-wide right-of-way that can accommodate two-way traffic and on-street parking on the west side of the street. The street is an “urban village neighborhood access” street which is appropriate for low- and mid-rise residential uses with sporadic ground floor retail (*Seattle Street Illustrated*). The site is approximately one mile from Downtown and South Lake Union, major employment centers. Approximately five city parks are located nearby, including Cal Anderson Park, TT. Minor Playground, McGilvra Place, Cayton Corner Park, and Seven Hills Park. Significant topographic changes do not exist on the subject site. The site provides a transition in scale with an approximate 10% change in grade. More broadly, the site is located on the downslope of Capitol Hill. Views from adjacent sites are primarily territorial and compromised by existing development.

23.34.028- Highrise (HR) zone, function and locational criteria.

- A. Function. An area that provides a concentration of high density multifamily housing in a pedestrian-oriented neighborhood with convenient access to regional transit stations, and where the mix of activity provides convenient access to a full range of residential services and amenities and employment centers.*

The subject site is within and adjacent to a NC3 zoning designation, a primary business district, and directly abuts LR3 zoning to the north. The area includes a concentration of medium density multifamily housing and commercial uses in a pedestrian-oriented neighborhood with convenient access to transit.

- B. Locational Criteria.*
 - 1. Threshold Conditions. Subject to subsection 23.34.028.B.2 of this section, properties that may be considered for a Highrise designation are limited to the following:*
 - a. Properties already zoned Highrise;*
 - b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or*
 - c. Properties within an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.*

The Highrise zone allows a FAR of 15 and a height limit of 440-feet. This is greater than that allowed in the zones adjacent the subject site. Properties in the area are not already developed predominately to the intensity permitted by the Highrise zone. The subject site is zoned LR3, abuts NC3 to the south, and

is located within the First Hill/Capitol Hill Urban Center and the Capitol Hill Neighborhood Plan. The neighborhood plan does not indicate that this area is appropriate for a Highrise zone designation.

2. *Environmentally Critical Areas. Except as stated in this subsection 23.34.028.B.2, properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.*

The subject site does not contain ECAs.

3. *Other Criteria. The Highrise zone designation is most appropriate in areas generally characterized by the following:*
 - a. *Properties in areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;*
 - b. *Properties in areas that are adjacent to a concentration of residential services or a major employment center;*
 - c. *Properties in areas that have excellent pedestrian or transit access to downtown;*
 - d. *Properties in areas that have close proximity to open space, parks and recreational facilities;*
 - e. *Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;*
 - f. *Properties in flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;*
 - g. *Properties in sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.*

The subject site is approximately 200-feet north of E Madison St, a principal arterial with frequent transit service. The site is located on 16th Avenue, an urban village neighborhood access street, with a 66-foot right-of-way width that can accommodate two-way traffic and on-street parking on the west side of the street. The subject site is approximately one mile east of downtown and South Lake Union, major employment centers. Residential services exist in the immediate vicinity, and commercial businesses are concentrated along the E Madison St and Pike/Pine St corridors. The subject site is located in an area that has excellent pedestrian and transit access to downtown via public transportation and public sidewalks. Downtown is approximately one mile to the west, and Metro routes 11 and 12 serve the area with connections to downtown.

Approximately five city parks are located near the subject site including Cal Anderson Park, TT Minor Playground, McGilvra Place, Cayton Corner Park, and Seven Hills Park. The subject site is located in an area with uniform scale of structures. The E Madison Street corridor slopes steeply up to the east before cresting at 17th Avenue then slopping down to the Madison Valley. The site is located on the downslope side of Capitol Hill. Views from adjacent site are primarily territorial and compromised by existing development.

23.34.070 - Residential-Commercial (RC) zone, function and locational criteria.

A. *Function.*

1. *Purposes. Areas that serve as the following:*

- a. *As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*
- b. *As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*
- c. *To provide opportunities for needed parking in areas where spillover parking is a major problem;*
- d. *As a means of supporting an existing commercial node.*

The subject site is within and adjacent NC3 zoning, a primary business district generally centered around the E Madison St corridor. The proposed rezone is not a downsizing of strip commercial areas which have not been extensively developed with commercial uses. The subject site is within and adjacent NC3 zoning, a primary business district generally centered around the E Madison St corridor. The proposed rezone is not a downzone of small commercial uses where commercial services are available nearby. The subject site is located in an urban center where vehicular parking is not required. Spillover parking is not identified as a major problem in the area. The subject site is within and adjacent a NC3 zoning designation, which serves as a primary business district. The proposed rezone is not a means of supporting an existing commercial node.

2. *Desired Characteristics. Areas that provide the following:*

- a. *Physical appearance resembling the appearance of adjacent residential areas;*
- b. *Mixed use with small commercial uses at street level.*

The subject site is within and adjacent to a NC3 zoning designation and directly abuts LR3 zoning to the north. The area is generally characterized by a physical appearance of residential and commercial appearance. Surrounding development consists of a mix of residential and commercial uses with both at street level.

B. *Location Criteria.*

1. *Requirement. A residential-commercial designation shall be combined only with a multifamily designation.*

2. *Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:*

a. *Existing Character.*

- (1) *Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or*
- (2) *Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.*

b. *Physical Factors Favoring RC Designation.*

- (1) *Lack of edges or buffer between residential and commercial uses;*
- (2) *Lack of buffer between major arterial and residential uses;*
- (3) *Streets with adequate access and circulation;*

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

The surrounding area includes a variety of residential and commercial uses and structures. The primary character of the area is consistent with this variety of uses, with the East Madison Street corridor generally commercial in character and the blocks north of the corridor more residential in character. The surrounding area could be characterized by a mix of residential and commercial development and character with a lack of physical edges or buffers between the two in some instances. The subject site currently contains one of these buffers, along the shared property line. The proposed rezone would maintain this zone transition line, but move it north approximately 60-feet.

23.34.072 - Designation of commercial zones

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

The subject site is within and adjacent an NC3 zoning designation and directly abuts LR3 zoning to the north. The proposed rezone would extend the NC3 zoning designation approximately 60-feet north and maintain an existing zoning boundary of NC3 and LR3.

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

The subject site is currently zoned LR3 and NC3 and does not meet the locational criteria for a neighborhood residential designation.

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

The subject site is currently zoned LR3 and is not adjacent to neighborhood residential zoning.

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

The project will expand an existing, compact, concentrated commercial area centered along the East Madison Street corridor, not create a diffuse, sprawling commercial area. The change in the zoning designation of the 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.*

The project will contribute to, and improve, an existing business district centered on the E Madison Street corridor, not create a new business district.

23.34.074 - Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

- A. Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*
- 1. A variety of small neighborhood-serving businesses;*

2. *Continuous storefronts built to the front lot line;*
3. *An atmosphere attractive to pedestrians;*
4. *Shoppers walk from store to store.*

The subject site is within and adjacent 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. The subject site is within and adjacent to an area that contains continuous storefronts or residents built to the front lot line. The subject site is within and adjacent to an area with intense pedestrian activity. The subject site abuts NC3 zoning to the south, an area that currently contains a variety of residential and commercial uses that serve the neighborhood, provide an atmosphere attractive to pedestrians and allows shoppers to walk from store to store. The proposed development would contribute to this existing context with the introduction of a restaurant use that fronts 16th Avenue.

B. Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*
2. *Located on streets with limited capacity, such as collector arterials;*
3. *No physical edges to buffer the residential areas;*
4. *Small parcel sizes;*
5. *Limited transit service.*

The subject site is located within the First Hill/Capitol Hill Urban Center and is not isolated or peripheral to the primary business district or adjacent low-density residential areas. The site directly abuts NC3 zoning to the south and LR3 zoning to the north, is approximately 7,200-square feet, and is located in a frequent transit area where transit is an important means of transportation. No physical edges exist to buffer existing residential areas to the north. The proposed building includes a 21-foot building setback along the north to gradually transition to existing development to the north.

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

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

1. *A variety of small to medium-sized neighborhood-serving businesses;*
2. *Continuous storefronts built to the front lot line;*
3. *An atmosphere attractive to pedestrians;*
4. *Shoppers can drive to the area, but walk from store to store.*

The subject site is located in an area that supports or encourages a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele. The subject site is located on 16th Avenue, with development that abuts the street and includes residential and commercial uses. The proposed rezone would extend the NC3 zoning designation approximately 60-feet north and the proposed design includes commercial and residential uses at the street level that would create an attractive atmosphere to pedestrians. Shoppers can drive to the area but walk from

store to store. Examples of nearby goods and services available within a two-block vicinity include: Bar Cotto, 7-Eleven Gas Station, Little Uncle Thai, Central Co-Op Grocery, Shell Madison Gas Station, Trader Joe's Grocery, and Ding Ho Laundry & Cleaners.

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

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*
- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*
- 3. Lack of strong edges to buffer the residential areas;*
- 4. A mix of small and medium sized parcels;*
- 5. Limited or moderate transit service.*

The subject site is partially zoned NC3, and abuts NC3 to the south, a primary business district in an urban center. The subject site is located on 16th Avenue, a neighborhood street, approximately 200-feet north of E Madison St, a principal arterial. The subject site abuts LR3 zoning to the north. The proposed design includes a 21-foot setback along this shared property line above level one to provide adequate separation between buildings. The subject site is approximately 7,200-square feet, a small to medium sized parcel.

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.*

The project proposes ground level commercial (restaurant) at the southwest corner of the building, at the intersection of 16th Avenue and the alley. The street-level, street-facing façade is built to, or within 10-feet of, the property line at 16th Avenue. Continuous storefronts or residences are built to the front lot line along 16th Avenue both to the north and south of the subject site. Pedestrian activity will be encouraged by the restaurant use at the southwest corner of the building with area for outdoor dining between the building and the sidewalk, and primary access to the residential lobby and leasing office. Bicycle parking is provided in the right-of-way, along the site's frontage, and a variety of commercial uses exist on abutting properties and along the E Madison Street corridor. Shoppers can drive to the area and walk from store to store. The subject site is located in an area with frequent transit, an important means of access, including the RapidRide "G" Line bus route.

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 subject site is within the First Hill/Capitol Hill Urban Center adjacent an existing primary business district centered around the E Madison Street corridor. The site is located on 16th Avenue, an urban village neighborhood access street, which connects to E Madison Street, a principal arterial, approximately 200-feet to the south. The site is located adjacent to LR3(M) zoning. The nearest low-density residential area, neighborhood residential zoning, is located approximately 1,000-feet to the southeast. The subject site is located on 16th Avenue, approximately 60-feet north of E Madison Street, a principal arterial with frequent transit service, such as the RapidRide “G” Line bus route.

CONCLUSION & RECOMMENDATION – CONTRACT REZONE

DIRECTOR’S ANALYSIS

The evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies is provided above. Weighing and balancing the rezone criteria of SMC 23.34 together, the most appropriate zone designation for the site is NC3-65(M1), with a PUDA. With a pedestrian and local commercial focus, additional housing, and thorough design review, the proposed zoning and project would better fulfill the Comprehensive Plan objectives for the area.

The Director recommends approval, with conditions, of the applicant’s proposal for a site-specific contract rezone with specific development proposal. The recommended conditions are listed at the end of this document.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, and the provisions in SMC 23.34, the Director of SDCI recommends that the proposed contract rezone from LR3(M) to NC3-65(M1) be approved with the condition listed at the end of this document. The Director recommends the condition be included in the PUDA consistent with SMC 23.24.004.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Construction Permit

1. Include in the construction permit plan set the following:
 - a. Those representative examples and details in section and plan shown on pages four and five of *Design Recommendation Conditions of Approval Supplemental Information* (WeinsteinA+U, August 13, 2020), including:
 - i. *TYP Window Head & Sill with Break Metal (2/A471);*
 - ii. *TYP Corner Window Post with Metal Panel (5/A441); and*
 - iii. *TYP Intermediate Window Post with Break Metal (8/A441).*
 - b. Details describing the equipment required for the operation of the overhead garage door (that equipment listed on page eight of the *Design Recommendation Conditions of Approval Supplemental Information* document (WeinsteinA+U, August 13, 2020)).

- c. Details describing those measures/cueing devices/elements proposed to enhance pedestrian safety along 16th Avenue, which are described on pages 20-21 of *Design Recommendation Conditions of Approval Supplemental Information* (WeinsteinA+U, August 13, 2020) and summarized as: parking garage entry ramp configuration, cast-in-place vehicle detection loop, building setback and plantings, traffic mirror, and cast-in-place drive-over lighting.
2. The design of exterior space abutting the commercial tenant space currently planned for outdoor dining associated with the restaurant use (adjacent 16th Avenue) shall be maintained in the final design and shall be dedicated for ancillary activities (seating, restaurant dining) to occur in the future if another commercial use is proposed for this space. Include in the construction permit plan set details demonstrating consistency with this condition.

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from LR3(M) to NC3-65(M1) subject to the following condition which shall be contained within a Property Use and Development Agreement (PUDA) consistent with SMC 23.34.004 and 23.76.058:

Prior to Issuance of Master Use Permit 3030517-LU:

4. Submit a copy of the approved Property Use and Development Agreement (PUDA) (required pursuant to SMC 23.34.004) containing the following condition of approval:
 - a. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit 3030517-LU.

Carly Guillory, Land Use Planner
Seattle Department of Construction and Inspections

Date: September 18, 2023

3030517-LU Decision_Recommendation.docx