



City of Seattle

Department of Planning and Development  
Dianne Sugimura, Director

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

**Application Number:** 3004384  
**Clerk's File Number** 309434  
**Applicant Name:** Gary Huff for University Christian Church  
**Address of Proposal:** 4735 – 15<sup>th</sup> Ave. N.E.

**SUMMARY OF PROPOSED ACTION:**

Council Land Use Action to allow a contract rezone of 15 parcels of land (129,300 sq. ft.) from Lowrise 3 to Neighborhood Commercial 3-65'. The properties are bounded on the east and west by alleys, the north by NE 50<sup>th</sup> St. and on the south by NE 47<sup>th</sup> St. Existing structures on the east side of 15<sup>th</sup> Ave. N.E. to be demolished.

The following approvals are required:

**Rezone** – to rezone 129,300 sq. ft. from L-3 to NC3-65' with conditions to mitigate potential adverse impacts. (Seattle Municipal Code Section 23.34.004)

**SEPA** – Environmental Determination (SMC 25.05)

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

**BACKGROUND DATA**

**Site and Vicinity Description**

The parcels on one block face, a half block on either side of 15<sup>th</sup> Ave. N.E., bounded by N.E. 50<sup>th</sup> St. on the north and by N.E. 47<sup>th</sup> St. on the south are proposed to be rezoned away from L3 (Lowsrise Three Multi-family) to a Commercial NC3-65' designation with a 65 foot height limit. Alleys run down the middle of each block separating the areas proposed for rezoning from properties to the east and to the west.



The subject area is transitional between the University District commercial area to the west and south west, multi-family zoned and developed areas to the east and single family zoned areas to the northeast. The subject parcels form an extension of L-3 zoning into an area of Neighborhood commercial zoning to the west and south. To the north an area of L-3 zoning continues along 15<sup>th</sup> Ave. N.E

The commercial and multi-family areas, along with the University of Washington campus, constitute the University District Urban Center in the Seattle Comprehensive Plan. Areas to the northeast, zoned single family, are not part of the Urban Village.



There are many institutional uses in the immediate vicinity. These include: the University of Washington a long block to the south at N.E 45<sup>th</sup> St.; the University Heights Community Center on a full block across N.E. 50<sup>th</sup> St. to the north; and the University Christian Church, which owns much of the subject property. The University Presbyterian Church is located partially on the subject area and predominantly on property to the south across N.E. 47<sup>th</sup> St. Several other religious institutions are close by. Many fraternity and sorority houses are in the multi-family blocks to the east.

### Public Comment

Fifteen comment letters were received. Four offered support for the proposal including letters from the Lutheran Alliance To Create Housing, the Low Income Housing Institute and the University of Washington Office of Regional Affairs. A letter from the University District Community Council opposed a rezone to 65 feet in height, instead favoring one to 45 feet or redevelopment under the current zone designation. One from a representative of a multi-family building to the east offered multiple arguments against the proposal. Three objected to the proposed change because it might increase traffic and parking congestion and lessen the residential character of the area. Another expressed concern that the existing wood frame structures on some of the site would be demolished resulting in a loss of character and waste of resources. Five requested an extension of the comment period and/or additional information. A letter from the University Park Community Club contained seven individual sections which in addition to expressing concerns over potential height, traffic and parking impacts asked whether this action might increase density in the area beyond the current capacity of public infrastructure to support.

### Contract Rezone

The applicants for this rezone have proposed to change the zone designation of two half block areas on either side of 15<sup>th</sup> Ave. N.E. between N.E. 47<sup>th</sup> St. and N.E. 50<sup>th</sup> St. (see map above) from L3 to NC3-65'. The applicants are proposing this change of zoning now in anticipation of redevelopment at some future date with church facilities on the west side of 15<sup>th</sup> Ave. N.E. and with affordable, multi-family housing on the east side.

## **I. REZONE – ANALYSIS AND RECOMMENDATION OF THE DIRECTOR**

Seattle Municipal Code (SMC) section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighed and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a “hierarchy of priorities” for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

### **A. General Rezone Criteria**

#### **1. Urban Village or Urban Center Zoned Capacity**

The proposal site is in the University Center Urban Village. SMC 23.34.008A provides: “The zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.”

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

The proposed rezone to a NC zone with a 65 foot height limit would permit higher density of residential development than would be permitted under the existing L3 zoning. While a neighborhood commercial zone could be entirely in commercial use, the much more prevalent pattern of development in this area is mixed-use commercial and residential with residential uses above a commercial base at densities in excess of the capacity achievable with L3 zoning.

Therefore, the capacity for residential density would be increased in the urban village by the proposed rezone.

## 2. Match between Zone Criteria and Area Characteristics

Subsection SMC 23.34.008.B states as follows: “The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.” In this instance, the subject parcel is currently zoned L-3 and the proposed zone change is to NC3-65’ and it is the function and locational criteria for the current L-3 zone and for the proposed NC3 zone that are the focus of this analysis. In addition, consideration is given to the NC2-65’ designation. These criteria are stated in SMC 23.34.020, .072, .076 and .078.

The function and locational criteria for NC2 and NC3 zones designations are found in SMC 23.34.076 and .078. They are very similar. Both emphasize pedestrian oriented shopping with buildings along property lines. Differences arise in two areas important in this instance.

An NC2 zone would be located in an area with a “lack of strong edges to buffer the residential area” (SMC 23.34.076.B.3). An NC3 zone would be located in an area “separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas” (SMC 23.34.078.B.3). The areas proposed for rezoning on the east side of 15<sup>th</sup> Ave. N.E. fit the NC2 situation better being separated from areas of L3 zoning by only an alley. Areas on the west side of 15<sup>th</sup> Ave. N.E. fit the NC3 situation better being contiguous with the NC3 zoned University District commercial area and being separated from the L3 zoned areas by the area on the east side of 15<sup>th</sup> Ave. N.E. which is also a part of this rezone petition. Application of these two criteria would indicate 15<sup>th</sup> Ave. N.E. should divide the zone designation with NC3 on the west and NC2 on the east.

The function criteria of NC2 and NC3 are also very similar. NC2 zones are to have a variety of “small to medium sized” businesses where NC3 zones are to have a variety of sizes and types. In fact there are restrictions on the sizes of individual businesses in NC2 zones which do not exist in NC3 zones. Also, NC2 zoned areas are characterized by “an atmosphere attractive to pedestrians” while NC3 zoned areas have “intense pedestrian activity.” Assessment of the character of the proposal areas reveals a shift in character on either side of 15<sup>th</sup> N.E. To the west pedestrian activity is more intense and larger commercial uses are present on larger parcels. To east parcels are smaller, commercial uses less intense, if present at all and pedestrian traffic lighter. These

differences in the function criteria of NC2 and NC3 zones indicate that NC3 zoning should be present to the west of 15<sup>th</sup> Ave. N.E. and NC2 zoning should be present to the east.

The function and locational criteria for L3 zones, found in SMC 23.34.020, are aimed largely at limiting the areas where it can be present. L3 zoned areas should be located so as not to impact less intensely zoned areas either by being adjacent to them or by drawing auto traffic through them. The function of L3 zoned areas is to “provide moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures” SMC 23.34.020.A. While the past of the subject site on the east side of 15<sup>th</sup> Ave. N.E. has been of small to medium scale multifamily development these structures are undersized for the current context and redevelopment of both the parking lots and the remaining wood frame structures would more appropriately be done with larger scale structures. The lowrise pattern of moderately sized structures surrounded by yard-like setbacks is of too low a scale to fit with the busy 15<sup>th</sup> N.E. and the very dense University District Urban Center. A neighborhood commercial designation and development pattern is a better fit. This is all the more true of the proposal areas west of 15<sup>th</sup> Ave. N.E. where development already is of a scale consistent with neighborhood commercial zoning and it is even more directly connected to the University District Urban Center.

*23.34.072 Designation of commercial zones.*

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

The proposed rezone would represent a movement of the commercial zone into the existing multi-family area to the east. To characterize this action as an encroachment would be to conclude that it would be a negative move reducing the viability of the multi-family area and creating the opportunity for intrusion of commercial uses. In this instance the proposed rezone area would be an extension of commercial zoning along a very busy arterial, 15<sup>th</sup> Ave. N.E. As can be seen on the map of existing zoning above, the subject area represents a “corner” of Lowrise residential zoning cut into the larger square of the commercial core area. The proposed rezone can be seen as an adjustment to the predominant zoning pattern by including a busy area in the commercial district and not an encroachment into the more quiet residential areas to the east.

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

This consideration is not applicable in the subject instance as the areas being considered are not zoned single family and do not meet the locational criteria for single family zones.

*“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.”*

These two code sections comprise the single family locational criteria in the Seattle Land Use Code. They do not have application here as a move to or from single family zoning is not

contemplated and the only adjacency to single family zoning is “kitty corner” across N.E. 50<sup>th</sup> St. at the alley right of way along the eastern boarder of the subject area.

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

The University District commercial area is one of the larger commercial areas in the City. It is a vibrant area of commercial, institutional and residential uses generally adjacent and to the west and northwest of the University of Washington main campus. While a large commercial district, it is concentrated and is not diffuse or sprawling. The commercial area is fairly well defined on the north by N.E. 50<sup>th</sup> St. and on the east by the uses facing onto 15<sup>th</sup> Ave N.E., with the alley on the east being the actual border. The area proposed for rezoning constitutes a small corner of the commercial district and its inclusion would not appreciably add to the total magnitude of that area.

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

The proposed rezone would add commercial area to the existing commercial district and would not create a new business district. The University District is a well established commercial area and the additional segment will have little effect on its long-term viability.

### 3. Zoning History and Precedential Effect

*“Previous and potential zoning changes both in and around the area proposed for rezone are to be considered.”*

The subject parcels on both sides of NE 15<sup>th</sup> St. were rezoned from RM (Residential Multifamily Low Density) to RMH (Residential Multifamily High Density) in April of 1969. These designations existed under the Zoning Code of 1957 also know as Title 24. In June of 1982 the designations were again changed, this time to L-3 (Lowrise Three Multifamily) with the implementation of the multifamily portion of the current, Title 23, Seattle Land Use Code.

Zoning of the subject areas has remained multifamily with moderate height and density through both of the last two Seattle zoning codes. While this zoning matched the built form of the area on the east side of N.E. 15<sup>th</sup> St. It does not do so for the large church building and the apartment house on the west side. There is some consistency in that religious institutions are an allowed use in multifamily zones. The lack of change of zoning designation over time does not provide any particular impetuuous to change it now.

4. Neighborhood Plans

SMC 23.34.008.D provides:

- “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 proposal site is within the University Community Urban Center. The University Community Plan element of the Seattle Comprehensive Plan (“Neighborhood Plan”) provides in UC-P4: “These goals and policies of the UCUC Neighborhood Plans are not intended to change the policy basis for consideration of rezones proposed after adoption of these goals and policies.”

Figure 1 in the Neighborhood Plan, titled Schematic Map of Residential Neighborhoods designates the subject area as part of low rise multifamily residential area. Figure 1 is referred to in Plan text only in Goal 2 “Vibrant commercial districts serving local needs and offering regional specialties. (See Map on Figure 1 for locations of principal commercial districts.)” There is no indication Figure 1 is intended to give policy direction with regard to rezone decisions.

Policy UC-P1 states: “In pursuit of Comprehensive Plan Policy H12, encourage ground-related housing types in portions of the northern tier, and Ravenna areas of the community.” Figure 1 identifies three areas as “Low Rise Residential Area Emphasizing Ground Related Units (2-3 stories).” The subject areas of this rezone are not within this area.

The University Community Urban Center Neighborhood Plan does not provide direction with regard to this proposed rezone.

5. Zoning Principles

SMC 23.34.008.E, regarding Zoning Principles, calls for consideration of the following issues:

*The impact of more intensive zones on less intensive zones of 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.*

Location of an NC2, rather than an NC3 one, on the east side of N.E. 15<sup>th</sup> would provide more use transition in that the list of permitted uses would contain fewer commercial uses of an intense, potentially intrusive manner and maximum size limits would apply to individual business establishments. General retail uses, for example, would be allowed up to 25,000 sq. ft. in NC2 and would have no maximum size limit in NC3. A taxi business would be prohibited in NC2 while allowed in an NC3 zone. Similar differences between the two zones exist in many other use categories.

Height limits available in the NC zones, as provided in SMC 23.47A.012 are 30 feet, 40 feet, 65 feet, 85 feet and 125 feet and 160 feet. On the east side of N.E. 15<sup>th</sup> St., where the proposed zone change would be along a 14 foot wide alley, the height limit attached to the new zone designation is an important consideration. A 40 foot height limit would be in the same general scale as the 35 foot high development allowed in an L3 zone.

The applicants request a 65 foot height limit as is found in the commercial district adjacent to the west. On the west side of 15<sup>th</sup> Ave. N.E. this height designation would be the same as those further to the west. East of 15<sup>th</sup> Ave. N.E. a 65 foot height designation would provide for a 30 plus foot height change across on opposite sides of the 14 foot wide alley. In effect, it would be a three story change.

The physical form of new development to be built between 15<sup>th</sup> Ave. N.E. and the alley to the east is unknown at this time. Therefore, it is presumed that development would rise to the full height limit. SMC 23.47A.014.B.3 requires buildings with a residential unit (likely to occur here) to set back from the rear property line across from a residential zone in a stepped pattern. No setback is required up to 13 feet in height, with a 15 foot setback required to a height of 40 feet and a gradual, further tapering above 40 feet at a rate of two feet of additional setback for every 10 feet of additional height. One half of the alley width, in this case seven feet, can be counted in this required setback. From the rear alley property line a 65 foot tall building with at least one residential unit would be required to set back 8 feet from 13 to 40 feet in elevation and to set back 13 feet at 65 feet of elevation. Certain additional features, such as elevator and stairway penthouses, are allowed to exceed the maximum height limits.

A building built to a 65 foot height, at minimum, code-required set back distances would provide a less than adequate transition in height across the alley to the L-3 area to the east. Such a building would provide a nearly mass of building along the long north-south extent of the alley. It would step back at points as it rose in elevation in a “wedding cake” pattern. It would create juxtaposition between zones that which would not transition gradually enough, given its 65 foot height, long length and close proximity to the L-3 areas to the east, to adequately transition between the two areas. A building or buildings with a carefully designed architecture might approach or reach this minimum in areas and still present an adequate sense of transition. Such a building would not have long stretches at a single height and a “wedding cake” setback from the eastern property line. A successful approach to minimizing the appearances of height, bulk and scale across the zone line requires a carefully articulated architectural expression and form with a balance of areas of building and areas of empty space.

In order to insure that the height transition between a proposed NC zone with a 65 foot height across the 14 foot wide alley from an existing area of L-3 zoning and use is adequate it will be recommended that all building elements above 13 feet be set back 30 feet from the east property line of the parcels on the east side of 15<sup>th</sup> Ave. N.E., provided that a Development Standard Departure may be granted by DPD, through the code proscribed, Design Review, process for the particular development proposed, to allow any reductions of this required setback which is found to adequately accomplish a sensitive and appropriate transition of heights across the alley.

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 green spaces.*

None of the identified features which may serve as buffers between zones are present.

3. *Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E(2) above; (2) platted lot lines.*

The proposed zone changes would be made along platted lot lines and would be bounded on all sides by public rights of way, either streets or alleys.

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 proposal site is within a hub urban village and not restricted by this provision to heights of 40 feet or lower.

## 6. Impact Evaluation

SMC 23.34.008.F, regarding Impact Evaluation, says, "the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings." Following are the factors and service capacities to be examined.

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

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

Approximately 320 feet of the 600 foot long block on the east side of 15<sup>th</sup> N.E. is currently surface parking; a lot for University Christian Church and another for University Presbyterian Church and the remaining 120 feet is developed with older multi-family buildings. Development of the eastern block under a new NC3-65

designation would be expected to greatly increase the amount of housing provided there. Given the proximity to the University, new residential units would likely be intended to serve the student population. Other groups needing moderately priced housing might also be served.

The western half block of this proposed rezone is more intensely developed. Existing sanctuary, office, classroom and meeting areas of the University Christian Church comprise most of this half block area. The remainder is developed with a multi-story apartment building. Development of the half block on the west side of 15<sup>th</sup> Ave. N.E. is already of a character which would be expected to be found in an NC zone. While redevelopment of this western half block area could result in the provision of additional housing, the current level of development causes an expectation that it would not be redeveloped in the foreseeable future.

*b. Public services*

Seattle Public Utilities has indicated that sewer capacity in the area is limited and that at the time of occupancy there might not be adequate capacity available. There are no known limitations on the availability of other municipal services such as police, fire protection or the provision of water and power.

As a designated Urban Center in the Seattle Comprehensive Plan the University District Urban Center is an area identified for substantial new residential growth. Infrastructure improvements, such as light rail service, are slated for the area. On-going job growth, particularly at the University of Washington, is expected.

A requirement for accommodating the projected growth in this area will be increasing the capacity of systems transporting sewage. At the time of construction of medium or large multi-family or commercial projects on the subject sites project level SEPA reviews conducted will provide an opportunity for contributions to the area-wide improvement of these systems. Such contributions might include study of the problem and identification of solutions (if they are not identified already at that time) and a proportional contribution to the infrastructure improvement.

Other public services, such as police and fire services, are not expected to be notably taxed by increased development which might result from the proposed change in zoning designations.

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

Fifteenth Ave. N.E. is a busy, four lane arterial generating a good deal of traffic noise. Areas to the west are fairly intensely urban with little pervious surface or habitat areas. Replacement of surface parking areas built prior to modern stormwater quality requirements would be encouraged by the proposed upzone as the development potential of the sites would be increased. Afternoon light to some

on the open spaces on the ground-related structures to the east of the proposal area would be lessened with resulting negative effect upon the usability of those areas and the growth of and, potentially, the health of landscapes within them. There would likely be a period of direct sunlight in these yards each sunlit day as the sun moves from east to west.

*d. Pedestrian safety*

The site is served by existing sidewalks and major, nearby intersections are signalized. Pedestrian traffic in the area is substantial. Redevelopment of the site would be expected to further improve the pedestrian capacity and safety in the area. The proposed rezone would not be expected to negatively impact pedestrian safety.

*e. Manufacturing activity*

There are no manufacturing activities in the immediate area. The proposed zone designation would allow some manufacturing uses to take place on the site; although none are expected to be established. Manufacturing uses have not expanded into commercial areas of the city in general and the University District is not one where they tend to be found currently.

*f. Employment activity*

The proposed project would be expected to have no negative effect on area employment activity. To a small degree the establishment of new commercial space in new buildings created under the NC3 zoning might provide new jobs in the area.

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

There are no historic landmarks on the proposal sites. The church building and 1920's era apartment on the western parcel are architecturally attractive and could potentially qualify as historic landmarks. These buildings are not proposed for demolition here, unlike the wood frame structures on the eastern parcel. Changing the zone designation of the western parcel from L3 to NC2 65' would not foreclose a redevelopment pattern which preserved historically important structures there. Demolition of these two large structures would require SEPA review and would present the opportunity to consider their potential historic importance.

*h. Shoreline view, public access and recreation*

Not applicable, as no shoreline areas are in the vicinity of the project.

*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*

Street access to the area is good from arterial streets and from alleys along each block.

*b. Street capacity in the area*

The capacity of adjacent and surrounding streets is high and there remains sufficient capacity to accommodate demands created by expected mixed-use development of the site. The intersection of N.E. 45<sup>th</sup> St. and 15<sup>th</sup> Ave. N.E. is congested and experiences poor levels of service in the peak hours. Residential users of a redeveloped site would not be expected to commute out of the area in high percentages; instead staying within the University area for employment or educational activities. Routes to the I-5 freeway would be expected to follow N.E. 50<sup>th</sup> St. or Ravenna Blvd. avoiding the busy N.E. 45<sup>th</sup> St. Retail commercial uses would open and close during none peak hour periods and would be expected to draw customers from persons already in the immediate area. Office uses could draw additional traffic. The site is not expected to be developed with office uses as the area is not a preferred office location and development of office uses by other than the University has not happened in recent years.

Alley widths along both the east and west edges of the parcels subject to this rezone proposal are narrower than that called for in the Seattle Street Design Manual. While additional right-of-way setbacks are obtained during individual project reviews, there are exceptions which can be granted in situations where it appears the desired width will not be accomplished due to the pattern of existing development, topography or other reasons as stated in the Land Use Code. To insure that additional right-of-way widths are provided in the areas adjacent to this rezone application it is recommended that a condition require additional right-of-way setbacks and/or dedications shall be provided for each element of redevelopment of the area rezoned.

*c. Transit service*

Good transit service on University Ave. N.E. a block to the west would serve uses, either commercial or residential, established on a commercially designated site. Light rail expansion to the area is planned and expected to take place five to ten years.

*d. Parking capacity*

New development on the site would be expected to provide parking to meet Seattle Land Use Code requirements. The subject sites are within an area mapped in the current Land Use Code to require additional parking for multifamily projects with 2 or more parking (1.5 spaces for each 2 bedroom unit and another .25 per

bedroom for additional bedrooms). Existing on street parking is largely at capacity in the area. Residential parking zones are in place in residential areas and parking is metered in commercial areas. It is expected that redevelopment on the subject sites would provide adequate parking to meet their requirements. Given the higher level of parking required for new multifamily residences in the area it is unlikely new development would exacerbate the exiting parking congestion.

*e. Utility and sewer capacity*

With the exception of sewer capacities discussed under “Public Services” above, existing capacities of utility and sewer services, such as water, power, garbage and recycling pickup and gas, in the area can reasonably be expected to accommodate development to be expected under the proposed change in zoning designations.

*f. Shoreline navigation*

Not applicable.

7. Changed Circumstances

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

In recent years the character of the University District of the University of Washington and of the multi-family residential area to the north have each undergone steady intensification of use and increase in residential population. The University population at the main campus has risen in twenty years from approximately 30,000 students to approximately 36,000 students today. A great deal of new multi-family residential development has taken place, including many six story buildings with apartment units over commercial bases with underground parking. The University has purchased the former Safeco Tower and occupies it as offices. The University has also expanded into the University District, with station at southern end of the University campus and another near Roosevelt Ave. N.E. and N.E. 65<sup>th</sup> St., itself as the prohibition against doing so has been lifted. Traffic has continued to increase in the area. An extension of the Sound Transit light rail system from downtown to the University District has been funded and will be under construction in the immediate future. Bus service and ridership to the area has increased over time and the University continues to offer significantly discounted transit passes to faculty, staff and students. On-going growth is expected to continue in the University District.

The location of the proposal site is on a busy arterial a short distance north of the University of Washington. The context, increasingly urban and busy, indicates a change to Neighborhood Commercial zoning and away from Lowrise Three and ground related housing is appropriate.

8. Overlay Districts

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

The purpose of the University Community Urban Center Neighborhood Plan overlay, within which the subject site is located, is broad and includes both the existing and proposed zone designations, among others. It does not provide specific direction to the decision here.

9. 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 subject does not contain and is not near an environmentally critical area.

**B. Height Limit Designation**

SMC 23.34.009 provides criteria for analysis of the appropriate height limit for zone designations where height limits are part of the designation (commercial and industrial zones).

- 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.*

Uses for which there appears to a demand in the University District include institutions, offices, retail sales and residences. The existing L3 zone allows only residential uses. The busy 15<sup>th</sup> Ave. N.E. is not conducive to residential uses a street level. A better approach is to place the residences above the first floor over commercial uses at street level. Of the four uses in demand in the area, it is residential uses which are most in demand. Retail, office and institutions appear to be adequately provided for in the existing situation as new construction in the past twenty years has primarily been residential multifamily and not office or retail uses. A viable form of multifamily building used extensively throughout Seattle takes place in the 65 foot height envelope with five stories of wood frame residential construction over a concrete, one story base and an underground parking garage. The 65 foot height designation appears best suited to the provision of new housing units.

- 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.*

Topographic elevation rises in the greater University District area from southwest to north east. Elevation rises approximately 12 feet from south to north along the approximately 602 foot length of the subject sites. From west to east the land approximately 20 feet in 262 feet of run. This rise continues for a block and a half to the east and for a longer distance to the north before heading

down towards University Village and Ravenna Creek. From existing and potential structures there are territorial views to the south and west from areas north and east of the proposal site.

The creation of a 65 foot height limit would result in the potential for 25 feet more structure height on the site than is currently allowed. This would result in some view blockage from structures to the northeast of the subject site. No views from public parks, public open spaces, or from view routes as identified in the Seattle SEPA ordinance would be expected to be affected by the proposed change in allowed height.

*C. Height and Scale of the Area.*

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

To the west and southwest of the subject site current zoning carries a 65 foot height designation. Directly south of the proposal site areas to the To the east and north is L3 zoning with a height limit of 35 feet to the top of a pitched roof and 30 feet to the top of a wall. The current zoning in the area provides the same juxtaposition of height limits contemplated here. The critical determination to be made is where to put the demarking line and what potential conditions to attach to limit the impact of the transition in heights.

- 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.*

Existing development on the subject properties consists of large church buildings, some approaching 50 feet in height, and a three and a half story apartment building on the east side of N.E. 15<sup>th</sup> St. On the east side of that street there are large surface parking lots at the north and south ends of the block and seven two and three story wood frame multifamily buildings, residential in character with pitched roofs and horizontal wood siding, each sitting up on sites which are 10 to 12 feet above sidewalk grade. These wooden houses while attractive are somewhat out of context with the existing heavily trafficked street fronted with large church buildings and surface parking lots.

Development on the west side of N.E. 15<sup>th</sup> could be seen as an indication of the area's potential for redevelopment, although any new development in the immediate, commercially zoned area tends to be of a larger scale than that currently found on the site.

Existing development on the east side of the street cannot be said to be a good measure of the potential for development in that area. It appears to be underdeveloped by today's standards for its immediate context. Because development on the east side of N.E. 15<sup>th</sup> St. is not a good measure of the area's overall development potential a change of zone designation to one more closely matching that potential should be considered.

*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.*

To the west new development in the University District is commonly at the 65 foot height limit prevalent in that area. To the east boarding houses, fraternities and sororities and other college student related institutions predominate on a scale generally consistent with L3 zoning. Many of these structures in the L3 zoned area are moderately non-conforming to height and lot coverage limitations of the L3 zone, but, they are generally consistent with the bulk and scale limits of the zone.

Moving the zoning boundary eastward as proposed would likely result in a shift in the change in character of the adjacent areas one alley to the east to a line which align with the transition/border from the subject site south to the University of Washington campus.

- 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 D2, are present.*

L3 zoning often abuts areas of commercial use and activity, such as that found in NC3-65' zoned areas. L3 zoning provides for medium density multifamily development which is compatible with the commercial development found in NC zones. Therefore it does not need a transition zone between it and NC zones with regard to activity.

Height limits between the two zones are moderated somewhat by the upper level setback provisions of the Seattle Land Use Code. Nevertheless additional height mitigation would ease the transition in height across the 14 foot wide alley. Adequate mitigation to ease transition in height between the proposed rezone and areas to the east could include the following proposed condition.

Development on the subject site on the east side of 15<sup>th</sup> Ave. N.E. which is above 13 feet shall, in addition to observing Seattle Land Use Code development standards in place at the time of application vesting, set back 30 feet from the eastern property line, provided that this setback can be reduced through development standard departures granted through Design Review as part of a Master Use Permit issued for proposed development.

*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.*

No adopted neighborhood plan elements provide specific direction regarding the height limits to be placed upon the subject properties.

## **RECOMMENDATION – REZONE**

Analysis of the rezone criteria above leads to the recommendation that the subject parcel be rezoned from L3 to NC2-65' with the condition that development on the subject site on the east side of 15<sup>th</sup> Ave. N.E. which is above forty feet shall, in addition to observing Seattle Land Use Code development standards in place at the time of application vesting, set aback 30 feet from the eastern property line, provided that this setback can be reduced through development standard departures granted through Design Review as part of a Master Use Permit issued for proposed development.

## **II. SEPA REVIEW AND CONDITIONING**

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by this Department. The information in the checklist, plans submitted by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

Under certain limitations and circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

### **Short-Term Impacts**

The proposed action to make a change the Seattle Land Use Map is not expected to have any short term adverse environmental impacts.

## **Long-Term Impacts**

The proposed change in zoning designation from L3 to NC3-65' would allow greater density of development in height, total floor area and potential commercial uses. The most likely development pattern for the subject sites on both sides of N.E 15<sup>th</sup> St. would involve apartment type, multifamily development on the east side and a combination of office, institution (religious facility) and possibly residential apartments on the west side. The potential use with the most intense traffic impacts would likely be offices. The negative environmental impacts likely to result from development of the subject sites under the proposed NC3-65' zone designation would include increased traffic congestion, increased on-street parking congestion, non-protected view blockage, and increased energy and water consumption.

At a regional level, where ongoing growth is expected, it is a growth management objective to direct much of the growth of existing urban areas where infrastructure exists to accommodate it and where transportation capacity can most efficiently be added to accommodate the increased population. Also, in dense urban settings people generally need to travel shorter distances as they can live closer to their places of employment and shopping. Energy used for residential heating is more efficient in a apartment style building with common walls.

The "carbon footprint" per person is, in general, smaller for those living in a dense urban setting. For this reason the City of Seattle has chosen to focus population and job growth in areas identified as Urban Villages of which the University Area Urban Center is a major one.

Zoning changes to allow increased residential and commercial density on the subject sites is an ecologically sound action on a macro scale. At the detailed level, potential environmental impacts of particular development, such as the function of road intersections, the availability of vehicle parking, the use of resources, protection of air quality, pedestrian safety, etc., would be analyzed and conditioned as authorized and necessary during SEPA reviews of individual development project proposals.

## **Transportation**

Surface streets between the subject site and surrounding destinations including the I-5 freeway and the SR 520 Bridge are congested during peak traffic periods on weekday mornings and afternoons. The proposed change in zone designation would likely result in higher density multifamily and commercial development than would have occurred under the current zoning. Commercial office space, in particular, could create marked increases in peak period traffic in the area. Residential uses generally add auto traffic during peak periods as well, but at less concentrated durations than commercial offices. Currently, it seems likely that redevelopment of the subject site would be with multifamily uses. There does not appear to be demand for new office or retail space. At some future date this situation could change.

In this particular location residential residents would be most likely to live in the area due to a daily need to visit the University of Washington campus. The experience of the University is that students and faculty use personal motor vehicles at a much lower rate than what is the generally observed level. The close proximity of the subject sites to the university campus would tend to moderate the amount of traffic generated during weekday peak periods.

Any proposals to create commercial office uses of more than moderate size would be subject to project level SEPA reviews and could be conditioned or denied based upon policy authority and transportation infrastructure conditions existing at that time.

Transportation impacts of the proposed changes to the Seattle Land Use Maps would be unlikely to cause significant adverse environmental impacts. No SEPA based mitigation appears to be warranted at this time.

### Parking

Parking on streets in the area of the proposal sites is highly congested. The current Seattle Land Use Code provides for a higher ratio of parking for new residential uses in the area. Residential parking zones are currently in place to restrict the use of parking in residential area by persons not living within them. Any new retail uses would be expected to serve persons already in the area for the most part. Commercial offices would be subject to project level SEPA reviews which could make use of SEPA policy authority to require parking mitigation measures.

Negative impacts from the proposed action to parking conditions in the area of the proposal sites are not found to be significant and mitigation measures are not warranted at this time. Individual project reviews at a later date might reach other conclusions.

### Height, Bulk, and Scale

As discussed above in the rezone analysis of appropriate height designations there are, on the parcels east of 15<sup>th</sup> Ave. N.E., some potential disparities in zoned height between proposed zone and existing, adjacent residential zones. The recommended condition to step height based upon distance from the east property line these parcels would be sufficient also to adequately mitigate based upon SEPA policies.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[ X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

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

**RECOMMENDED CONDITIONS – SEPA**

None.

**RECOMMENDED REZONE CONDITIONS**

*For the life of the project:*

1. All building elements above 13 feet be set back 30 feet from the east property line of the parcels on the east side of 15<sup>th</sup> Ave. N.E. (Lots 16-30, Block 15, University Park Addition), provided that a Development Standard Departure may be granted by DPD, through Design Review as part of a Master Use Permit where it is found that any allowed reductions of this required setback adequately accomplishes a sensitive and appropriate transition of height, bulk and scale across the alley to the east.
2. Additional right-of-way setbacks and/or dedications shall be provided as designated in the Seattle Street Improvement Manual and the Seattle Municipal Code for each element of redevelopment of the area rezoned (Lots 16-30, Block 15, University Park Addition and Lots 1-15, Block 2, University Heights Addition) without application of any exemption provisions thereof, including situations where the limited size of new construction would not otherwise require application of the provisions.

Signature:           (Signature on File)            
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

Date: December 2, 2010