



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

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**CITY OF SEATTLE  
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 3007303  
**Applicant Name:** Clayton O'Brien-Smith  
**Address of Proposal:** 6600 Roosevelt Way NE  
**Council File:** 308848

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to rezone 30,591 square feet of land from (L3/RC) Lowrise3/Residential Commercial to NC3 65' (Neighborhood Commercial 3 with a structure height limit of 65 feet). The property is bounded by NE 67<sup>th</sup> Street to the north; 12<sup>th</sup> Avenue NE to the east, NE 66<sup>th</sup> Street to the south; and an NC 3 65' zone to the west, which contains an existing multi-purpose convenience store (QFC) with accessory parking to the west.

The following approvals are required:

**Rezoning** - To rezone from L-3/RC to NC-3/65' (Seattle Municipal Code 23.34).

**SEPA** - Environmental Determination - Seattle Municipal Code Chapter 25.05.

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

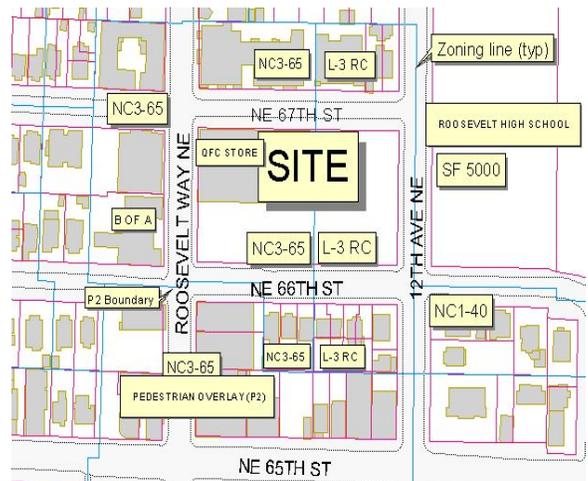
[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

### Site and Vicinity Description

The site is 30,590 square feet and is located in a Lowrise 3/Residential Commercial (L3/RC) zone in the Roosevelt Neighborhood north of the University of Washington. The site is bounded by NE 67<sup>th</sup> Street on the north, NE 66<sup>th</sup> Street on the south, 12<sup>th</sup> Avenue NE on the east, and the existing QFC store on the west. Roosevelt Way NE adjoins the west side of the QFC store. Roosevelt High School is located across the street to the east. The site is located in the Roosevelt Commercial Core within the Roosevelt Urban Village and is also in the Station Overlay District. The proposed Sound Transit Link Light Rail is planned to operate along 8<sup>th</sup> Avenue NE or 12<sup>th</sup> Avenue NE with a station between NE 65<sup>th</sup> Street and NE 67<sup>th</sup> Street. The site is developed with a surface parking lot accessory to the QFC store on the adjoining parcel. The site slopes upward to the northeast with a rise of about 20 feet from the southwest to the northeast. There is no existing vegetation or trees on the site although there are mature street trees along Roosevelt and two large oak trees along NE 67<sup>th</sup> Street in the northeast portion of the site.



Surrounding zoning is best illustrated by the map above. Surrounding development to the west, across Roosevelt consists of a one-story bank building with a four story apartment abutting it. Development to the north, across NE 67<sup>th</sup> Street, consists of a six story and a four story apartment buildings and a 1 ½ story single family residence at the corner of NE 67<sup>th</sup> Street and 12<sup>th</sup> Avenue NE. Development to the east consists of Roosevelt High School's athletic field abutting 12<sup>th</sup> Avenue NE. Development to the south consists of a mixture of residential and commercial structures varying from 1 ½ stories to three stories.

### Proposal Description

The Land Use Code, Section SMC 23.34, "Amendments to Official Land Use Map (Rezones)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040 D, for an amendment to the Official Land Use Map. The owner/applicant is requesting a rezone of the parcel from L3/RC to NC3-65'.

### Public Comments

Notice of the original project was published on July 26, 2007. The required public comment period ended on August 8, 2007. Comments submitted by the Roosevelt Neighborhood Association Land Use Committee indicated that a 2006 update to the neighborhood plan was triggered by plans for a future subterranean light rail station along 12<sup>th</sup> Avenue NE. The overwhelming preference of the neighborhood for a mass transit station at this site was based upon the community's desire to focus and concentrate future commercial and residential density in the core of the community in the

vicinity of the station. The Neighborhood Plan Update Team Zoning Workshop specifically suggested that the subject parcel be upzoned from L3/RC to NC3 65' in its Final Report dated July 12, 2006 and submitted to DPD. The Roosevelt Neighborhood Association supports the proposed rezone and recommended additional specific environmental review to be added to the environmental checklist. The comment letter included additional comments regarding transportation and parking pertinent to potential subsequent development including: onstreet parking and curb cuts, potential need for one-way street segments, bus parking along 12<sup>th</sup> Avenue NE, sidewalk use and width, the Sound Transit portal location, and Station Area Planning.

### **ANALYSIS - REZONE**

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.020 (L3 zone, function and locational criteria), 23.34.072 (designation of commercial zones), and 23.34.078 (NC3 zone, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

The most logical order for analysis does not follow the section numbering. In the following analysis, SMC Section 23.34.020 will be considered first, because it may be determinative. Then follows 23.34.078 (which activates consideration of the locational criteria of 23.34.080 and 23.34.009), and finally 23.34.007, which requires synthesis of all the foregoing analyses. The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

#### **Analysis of consistency with SMC Section 23.34.020 (Lowrise 3 (L3) zone, function and locational criteria):**

**Section 23.34.020:** This section consists of subsections A (function) and B (locational criteria).

- A. *Function. An area that provides 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.*

The approved development on the building site adjoining the west side of the rezone area will include 3 buildings; a seven story building with a 39,191 square foot multi-purpose convenience store below 169 residential units, two three story buildings with a total of 32 residential units and 408 parking spaces below grade. Development on the west side of Roosevelt Way NE consists of a one-story bank building with a four story apartment adjoining it. Development to the north, across NE 67<sup>th</sup> Street, consists of a six story and a four story apartment buildings and a one and one half story single family home at the corner of NE 67<sup>th</sup> Street and 12<sup>th</sup> Avenue NE. Roosevelt High School is located across the street to the east with the school's athletic field abutting 12<sup>th</sup> Avenue NE. Development to the south consists of a mixture of residential and commercial structures varying from one and one half stories to three stories. Development in the surrounding area is consistent with the function of Lowrise 3 zones with the exception of the existing commercial uses.

**B. Locational Criteria**

1. *Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:*
  - a. *Properties already zoned L3;*
  - b. *Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;*
  - c. *Properties within an urban center or village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban village; or*
  - d. *Properties located in the Delridge Neighborhood Revitalization Area, As shown in Exhibit 23.34.020A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The property is currently zoned L3 and meets the first of the locational criteria. The developed capacity in the general vicinity is not developed to the zoned capacity of the L3 zone which is one (1) unit per 800 square feet of lot area. The scale of the already built environment with the adjacent properties similarly zoned L3 is not in scale with the allowed development for this site. A new development meeting NC3 65' development standards is approved on the adjoining lot to the west, and the newly reconstructed Roosevelt High School is located to the east of the site. Both new structures exceed the scale allowed in Lowrise 3 zones. The site is located within the Roosevelt Residential Urban Village. Section 23.34.020B1d only applies to properties located within Delridge Neighborhood Revitalization Area and the proposed rezone is not located within that area.

2. *Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominately developed to the intensity of the L3 zone.*

The site is not located within an environmentally critical area.

3. *Other criteria. The Lowrise 3 zone designation is most appropriate in areas generally characterized by the following:*
  - a. *Development Characteristic of the Area.*
    - (1) *Either:*
      - (a) *Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,*
      - (b) *Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake*

*Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or*

- (c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*
- (2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.*

*b. Relationship to the Surrounding Areas.*

- (1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones*
- (2) Properties in areas with significant topographical breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;*
- (3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;*
- (4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.*

The site is located within the planning area of an adopted neighborhood plan in the Roosevelt District Residential Urban Village. Further discussion of the Roosevelt District Neighborhood Plan can be found in the section of this report which analyzes General Rezone Criteria (SMC 23.34.008D). For the purposes of the analysis it should be noted that, as located within the Roosevelt District Planning Area, the 30-foot height limit for L3 development would be smaller in scale than the potential development for the rest of the Urban Village area where the zoned capacity is for structures of 65 feet in height. The overall area zoned L3 is below the allowable density of the L3 zone. The site is surrounded by three streets, 12<sup>th</sup> Avenue NE to the east, NE 66<sup>th</sup> Street on the south, and NE 67<sup>th</sup> Street on the north. The site has ready access to two arterials, Roosevelt Way NE and NE 65<sup>th</sup> Street, and is within four blocks of the Interstate 5 freeway. Although this block does not have an alley, the 60 foot wide streets are sufficient for two (2) way traffic and curbside parking.

Topographically the site is several feet lower than the athletic field to the east which separates it from the Roosevelt High School building. Roosevelt Way NE is a heavily traveled north/south arterial which has commercial development on both sides and separates both the rezone site and the

new mixed use building on the QFC site from the residential development to the west. NE 66<sup>th</sup> and 67<sup>th</sup> Streets and the Lowrise 3 zones provide sufficient transitions to less intensive zone designations in the vicinity. There are no lots zoned LDT or L1 in the area and the L3 property does not provide a transition to zones of lower-density multifamily use.

Existing multifamily zoning has close proximity to Roosevelt High School and pedestrian connections to neighborhood services along Roosevelt Way NE and NE 65<sup>th</sup> Street. There is also proximity to the Roosevelt athletic field for open space and Green Lake to the northwest. Ravenna Park, Cowan Park, and the University of Washington are located somewhat further to the southeast.

The site is contiguous with commercial development and with commercial/residential mixed-use development, but the height, bulk, and scale of the commercial development nearby would not be comparable with the potential L3 development on this site and any development to L3 standards on this site would not serve as a desirable transition between zones.

Conclusion: The site meets one threshold locational criterion insofar as it is already zoned L3. The suitability of the L3 designation according to other locational criteria is more tenuous. Meeting the function of providing moderate scale housing opportunities in multifamily neighborhoods is likewise problematic, because the L3 development standards restrict density of units while NC3 65' has no restriction, and the allowed height in L3 is three stories lower than NC3 65'. Access to the site and the grid orientation of the site is from the north, south, and west. The neighborhood planning area clearly includes this site within the commercial and mixed-use neighborhood of the Roosevelt Residential Urban Village. Overall, the above analysis of the consistency of the site with the existing L3 zoning suggests the site fits but only marginally within the locational criteria for an L3 zone.

**SMC Section 23.34.072 A-E (Designation of Commercial Zones):**

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

The expansion of the Neighborhood Commercial zoning designation into an area currently zoned multifamily (L3) is a de-facto encroachment of commercial development into a residentially zoned area. It is not, however, an encroachment into “a residential area” in terms of the actual or potential development of the surface parking lot accessory to the QFC store of which the subject site is part.

**B.** *Areas meeting locational criteria for single-family designation may be designated NC130'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Section 23.34.010.B.*

The area does not meet the locational criteria for a single-family 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 designation of this site as “commercial” would not conflict with the edge protection of single family residential zones as established in Sections 23.34.010 or 23.34.011 of the Seattle Municipal Code.

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

The designation of the site as commercial would not appreciably diminish the compact and concentrated character of the existing commercial area along Roosevelt Way NE. The proposed rezone would not enable diffusion or sprawl of the existing commercial area. Commercial development is located along both sides of Roosevelt Way NE from the University Bridge to NE 75<sup>th</sup> Street. However, the linear pattern of commercial development along Roosevelt Way NE could not be characterized as sprawling, but rather compact and concentrated along both sides of a major north/south arterial.

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

The proposed rezone would result in an expansion of the existing commercial area occupied by the existing commercial (mixed-use) use. No new business districts would be created by the proposal. Rezone of the existing site could arguably be considered an improvement to the existing business district.

Conclusion: As with the L3 zone analysis, the results of the above analysis of the Commercial zone designation are not absolutely conclusive. On the one hand encroachment of commercial development into residential areas is to be discouraged. The designation of the site as commercial, however, would not appreciably diminish the compact and concentrated character of the existing commercial area along Roosevelt Way NE. The proposed rezone would not enable diffusion or sprawl of the existing commercial area. The fact that the majority of the site adjoining the proposed rezone site is occupied by a grocery store with an approved permit for demolition and replacement with a mixed use building might be the difference that tips the balance in favor of a commercial designation. The allowed height, bulk and scale of the NC3 65’ would be an appropriate fit with existing development in the vicinity.

**SMC Section 23.34.008 A-J (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.*

The site lies within the Roosevelt Urban Village Overlay addressed in “Monitoring Our Progress Seattle’s Comprehensive Plan”. Per a growth study (page 69 of the Comprehensive Plan) for the

Roosevelt Village between 1995-2002, growth was only at 16 percent of the 20 year projection, less than half of the desired growth target of 35 percent for that time period. The site is underdeveloped relative to the growth targets of the Comprehensive Plan and the development standards of the existing zoning, with approximately 20,000 square feet of single story commercial use and no housing existing on the 73,000 square foot site. The L3/RC portion of the site currently has no developed use other than surface parking serving the existing grocery store (QFC). In contrast to the commercial and pedestrian oriented retail uses concentrated along Roosevelt Way NE, 12<sup>th</sup> Avenue NE, and NE 65<sup>th</sup> Street, the existing site development is auto-oriented, suburban in character and creates discontinuity in the fabric of this commercial and residential mixed use urban village. Approving the proposed rezone will allow this project to add needed density and redevelopment to help meet growth target objectives.

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

The Roosevelt Village in Land Use Section A1, Land Use Element, Comprehensive Plan, Appendix B, indicates a 2024 density of 10 households per acre, an increase of about 25 percent over existing density of 8 households per acre within the Urban Village. This represents a growth target increase of about 250 households over the current 1,260 in the 158 acre Roosevelt Urban Village. The proposed “non-project” rezone could increase the potential density of the site by 40 to 60 residential units, contributing to achievement of several goals of the Comprehensive Plan and neighborhood plan, including increasing housing opportunities, variety and density, and contributing to the pedestrian environment through the provision of new commercial services. The rezone will facilitate potential development of the larger western portion (currently zoned NC3 65’) of this split zoned site by enabling the eastern portion of the block to accommodate the development of principal project uses and providing the flexibility to meet Neighborhood Design Review guidelines, and accommodate a potential Sound Transit station entrance (planned but the design is not yet funded).

## **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.*

An analysis of the Lowrise 3 locational criteria has been presented. The next step is to determine whether the proposed Neighborhood Commercial 3 zone best matches the characteristics of the area to be rezoned, or if there is some better matched zone designation.

The discussion above, under SMC 23.34.072 provided a general analysis of whether a commercial zone designation is or is not appropriate, without determining which zone best meets the characteristics of the rezone site. Thus, it is appropriate to analyze the function and locational criteria for the requested Neighborhood Commercial 3 zone.

**SMC Section 23.34.078 A & B state the function and locational criteria for NC3 zones:**

- 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:*

The purpose of the proposed rezone is to facilitate a consistent development on the entire block that will support the existing pedestrian-oriented shopping district, which is continuous along NE 65<sup>th</sup> Street for two blocks (between 10<sup>th</sup> Avenue NE and 12<sup>th</sup> Avenue NE) adjacent to the subject site.

- 1. A variety of sizes and types of retail and other commercial businesses at street level;*

A variety of sizes and types of retail and other commercial businesses exist at street level in the Roosevelt neighborhood. The proposed rezone would enable overall development of the site to reinforce that characteristic of the neighborhood.

- 2. Continuous storefronts or residences built to the front property line;*

Continuous storefronts and residential uses built to the front lot line exist along NE 65<sup>th</sup> Street, and along perpendicular streets including Roosevelt Way NE and 12<sup>th</sup> Avenue NE. The proposed zoning would allow development to match this character.

- c. Intense pedestrian activity;*

Intense pedestrian activity occurs along 65<sup>th</sup> Avenue NE, and on perpendicular streets of Roosevelt Way NE and 12<sup>th</sup> Avenue NE. Roosevelt High School to the East of the project site generates significant pedestrian activity in the east/west direction along the rezone site boundaries. A proposed Sound Transit station on 12<sup>th</sup> Avenue NE between 65<sup>th</sup> and 67<sup>th</sup> will generate significant pedestrian activity in all directions.

- d. Shoppers can drive to the area, but will walk around from store to store;*

Parking is currently an issue for the commercial center, being concentrated south of 65<sup>th</sup> Avenue NE at the Whole Foods (Roosevelt Square) complex. The proposed rezone will add flexibility to provide subsurface parking in association with increased density and enhance the retail environment by providing additional parking adjacent to street lined commercial for pedestrians.

- e. Transit is an important means of access.*

Transit is currently an important means of access to the Roosevelt Urban Village, with well served bus routes east/west on 65<sup>th</sup>, northward on 12<sup>th</sup> Avenue NE and south on Roosevelt Way NE. A planned Light Rail Station, which may be integrated with a future project on the site, will enhance the transit focus of the area.

**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 is an urban center or hub urban village;*

The site is located within the Roosevelt Residential Urban Village.

2. *Served by principal arterial;*

The site is served by two principal arterials, Roosevelt Way NE at the west edge of the block and NE 65<sup>th</sup> Street one block south and connecting to the Interstate 5 freeway.

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

The site is separated from the nearest Single Family 5000 zones by Roosevelt High School on the east, multifamily structures to the north and south, and the commercial uses on both sides of Roosevelt Way NE to the west.

4. *Excellent transit service.*

The site is served by several bus routes along Roosevelt Way NE, NE 65<sup>th</sup> Street, 15<sup>th</sup> Avenue NE which provide good north/south and east/west transit service. The proposed rezone site benefits from the proximity of the University of Washington's preponderance of transit routes frequent service in the University Community Urban Center.

### **Conclusion**

Overall, the site meets the Neighborhood Commercial 3 function and locational criteria.

### **A. Zoning History and Precedential Effect**

*Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

From 1923 to 1947 the site was zoned First Residential District. From 1947 to 1957 the zoning was R1-A First Residential District (Area District A). From 1957 to 1982 the site was zoned RS 5000. From 1982 to 1986 the zoning was Single Family 5000. From 1986 to the present the block has been zoned NC3 65' on the western portion of the block where the QFC is located and a new development has been approved, and L3/RC on the eastern portion of the block where the rezone is proposed.

The block consisting of the proposed rezone site and adjacent sites show a pattern of increasing allowable density. The Roosevelt Neighborhood Plan, per the Roosevelt Neighborhood Plan Update (Neighborhood Plan Update Final Draft as of July 14, 2007) states as Urban Village Strategy 5 "Support zoning for mixed-use and high density residential in the single block zones around the commercial core". Rezoning the subject portion of the property to combine with the

dominant NC3 65' portion appears to reflect past zoning and growth trends and is consistent with current zoning deliberations.

It does not appear that any circumstances related to the property have changed since the previous rezones, except that amendments to Chapter 23.34 include changes to the rezone criteria which are applicable to the proposal.

**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.*

“Tomorrow’s Roosevelt”, Roosevelt Neighborhood Plan of March 1999 says of the “QFC Site: Encourage mixed-use Project...allow additional density and commercial use in LC/RC portion in exchange for conformance with community design principles...” (page 23).

In the Roosevelt Neighborhood Plan Update Draft of July 2006, Neighborhood Plan Update-Final Draft as of July 14, 2007) states “enhancing Roosevelt’s character as a destination Urban Village through a concentration of mixed uses in the urban core convenient to the light-rail station.” “Promote higher-density dwellings, mixes of uses and transportation improvements in areas surrounding the commercial core and along major commercial corridors to support walking and use of public transportation, use of neighborhood businesses.” The desired pedestrian oriented commercial character of the neighborhood with integrated dense multifamily development is a long-standing goal of City plans for this area, predating the current zone designation as well as the goals of the RNP.

The proposed rezone of the eastern portion of the split zoned site, currently zoned L3/RC, to NC3 65' is consistent with previous and current recommended zoning changes in and around the neighborhood and Urban Village core, and will facilitate development in the future of a potential project that will best accomplish the City’s planning objectives.

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

The “Tomorrow’s Roosevelt” Neighborhood plan of 1999 recommended additional density on this site (page 23). The Roosevelt Neighborhood Plan Update Draft of July 2006 makes a specific recommendation to adopt the rezone that is proposed in this application.

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.*

No specific rezones are required by the neighborhood plan.

**E. Zoning Principles**

The following zoning principles shall be considered:

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

The proposed rezone will allow new development of the entire parcel under a consistent set of development standards, increasing density while providing the design flexibility necessary to address issues of transition.

The western portion of the site is zoned NC3 65'. Properties across Roosevelt to the west are zoned NC3 65', and developed with a single story commercial drive-through (Bank of America) and a four story apartment building. This neighboring site will be impacted positively with potential new pedestrian-oriented commercial development at grade and residences above.

The site to the north is zoned NC3 65' and L3/RC, with the L3/RC portion adjacent to the subject rezone site. The impact of increased height will be mitigated by the prevailing slope up to the north and the separation of the street right-of-way.

Directly adjacent to the south, the block is zoned NC3 65' and L3/RC, with the L3/RC portion adjacent to the subject rezone site. This block includes a new 65' mixed use development (on the NC3 65' zoned portion of the block) and a new townhouse development (on the L3 portion of the block). Potential impacts of the rezone will be positive with future development generally consistent with the existing and new multi-story residential and a stronger connection with existing retail on Roosevelt and 65<sup>th</sup>. Street right-of-way and transitional massing setbacks in future development will mitigate potential impacts of increased bulk on the subject rezone parcel.

To the east is the Roosevelt High School athletic field, zoned as SF 5000. It is anticipated that this use will remain for the indefinite future. The school buildings further east are an institutional use approximately 65 feet in height. Future multi-story development on the rezone portion of the site may help frame the openness of the athletic field. Although not directly applicable to the institutional character of the high school development, any future development will be subject to the Transition Zone policies of the Roosevelt Urban Village Design Guidelines, which are intended to reduce impacts of commercial and multifamily projects on single-family zones, and could be applied to this transition, if necessary.

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;*

The natural slope upward to the north of approximately 5 percent, reinforced by elevated existing grades at those properties, will help offer a natural transition between the interaction of future developments to pedestrians and adjacent sites.

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

*d. Open space and greenspaces;*

Unifying the zoning on this large parcel will allow green spaces to be incorporated into any future development if necessary to address issues of transition. Opportunities exist along the entire perimeter, especially the North, East and South boundaries for open space. These will be studied in detail in any future development proposal as part of the Roosevelt Urban Village Design Guidelines.

*3. Zone Boundaries*

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

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

The rezone will unify a split zoned site, establishing a zoning consistency within the block bounded by four platted streets.

- 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.*

It is anticipated that future development of this site will be designed to relate to adjacent zones in response to neighborhood guidelines and Design Review.

- 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 zoning for this site allows buildings greater than 40 feet in height, consistent with its location within the Roosevelt Urban Village.

Overall, the proposal would appear to satisfy these criteria.

**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 potentially up to 50 (or more) new dwelling units where none now exist.

- 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 neighborhood commercial and residential activities.

Air quality – No noticeable change in impacts will result from change in zoning. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. Future development could potentially be registered with the “Leadership in Energy and Environmental Design” (LEED) Rating system. Strategies to achieve a rating will reduce the impact on air quality, including CFC reduction in HVAC equipment, Ozone Depletion prevention, and Indoor Environmental Quality measures.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water runoff from future development will be conveyed to a city drainage system. Pervious concrete paving will potentially be proposed to collect and treat portions of parking area sheet flow before infiltration on site. Storm water collection and management would be in conformance with City of Seattle standards.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction.

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

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

Shadows – Potential development will create additional shadows on its north, east and west sides, depending on season and time of day.

Energy – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle Build Smart energy conservation program, incorporating increased thermal insulation, improved glazing, and efficient lighting.

- d. *Pedestrian safety*

No noticeable change in impacts will result from change in zoning. Future development will provide new sidewalks and supply all boundaries with appropriate lighting for pedestrians.

*e. Manufacturing activity;*

Not applicable.

*f. Employment activity;*

Future developments may create greater employment opportunities by increasing neighborhood commercial density on the block.

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

No noticeable change in impacts will result from a change in zoning. Future development character should be appropriate to its Roosevelt Urban Village context.

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

No noticeable change in impacts will result from a change in zoning. With unified development of the block made more likely with the rezone, greater opportunities may exist for future development of public amenities.

## 2. *Service Capacities*

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

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*
- e. Utility and sewer capacity;*
- f. Shoreline navigation.*

No significant impacts are anticipated for future developments as a result of 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.*

The increasing density of development in the Roosevelt Urban Village, combined with increasing demand for new housing in the neighborhood and the deterioration of the existing grocery building and its large parking lot, has created an opportunity for redevelopment of the site. Need for upgrading, growth and development of housing and commercial use within the Urban Village has contributed to the demand for mixed use development. The City of Seattle Comprehensive Plan and recent updates are calling for increasing residential density and the development of pedestrian

friendly retail uses. The proposed Sound Transit Station and entrance proposed for this site is an additional incentive to increased density.

#### **H. Overlay Districts**

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

This site is centrally located in the Roosevelt Urban Village overlay, directly north of and adjacent to the commercial center. A strategy of the RNP is to add high density residential in the single block zones around the commercial core for this area. This rezone would support this goal.

#### **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.*

No critical areas are located in or adjacent to the site.

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

*Where a decision to designate height limits in Neighborhood 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 NC3 65' zone allows for the same multifamily residential uses that are allowed in the L3 zone, so there is no potential to displace preferred uses.

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

The athletic field for Roosevelt High School across the street is higher than the rezone site and the school building is higher than the field, so the territorial views available from the school and field as well as from the residential uses upslope to the north are not expected to be blocked as a result of the rezone.

*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.*

A 65 foot height limit would be consistent with the pattern of development in the area and would, because of topographical factors, provide a transition between the site and the L3 zone north of the rezone site.

*D. Compatibility with Surrounding Area.*

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings development 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.*

These factors would indicate that a 65 foot height limit is appropriate for the site.

**Analysis of consistency with SMC Section 23.34.007 A-F**

- A. The provisions of this chapter shall apply to all rezones. 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.*
- 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.*
- C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.*
- D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except the Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Section 23.60.060.B.3.*
- E. 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. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map*
- F. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*

Conclusion: Either of the zone function statements for the Lowrise 3 or the Neighborhood Commercial 3 zones could be achieved, given the circumstances previously discussed. On the one hand, the property involved could successfully function as an undeveloped buffer between the Neighborhood Commercial 3 and the Lowrise 3- zoned area to the north and south. Conversely, the rezone site could also function successfully as a Neighborhood Commercial 3 zone. However, topographical conditions deemphasize the buffer function of the proposal site. This fact, together with the facts of plat orientation, physical access, and historical context already discussed, give added weight to the case for its designation as Neighborhood Commercial 3/65'.

### **RECOMMENDATION – REZONE**

Overall, the applicable policy direction and locational criteria give a strong indication that the site should be rezoned from Lowrise 3 to Neighborhood Commercial 3-65'. Given the existing conditions of the site, its location and orientation within the Roosevelt Residential Urban Village and its physical relationship to the commercial and mixed-use residential neighborhood it abuts, the Director recommends that the proposal to rezone from Lowrise 3 to Neighborhood Commercial 3 - 65' be **approved**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, July 2, 2007, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, 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 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element 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/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

Approval of the proposed rezone to NC3 65' would allow construction of a new structure with uses allowed in the zone including residential and commercial uses. Short-term impacts resulting from construction are anticipated including: decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment, temporary soil erosion, increased dust caused by drying mud tracked onto streets during construction activities, increased traffic and demand for parking from construction equipment and personnel, increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts including; the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation

purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, construction traffic and parking warrant further discussion. Any future development on the site will likely exceed the threshold requiring Design Review and SEPA, so additional analysis of the short-term impacts will occur at that time.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site, increased traffic in the area and increased demand for parking, increased demand for public services and utilities, and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these area: the Stormwater, Grading and Drainage Control Code which requires onsite detention of stormwater with provisions for controlled tightline release to an approve outlet and may required additional design elements to prevent isolated flooding, the City Energy Code which will require insulation for outside walls and energy efficient windows, and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long-term impacts, although some impacts warrant further discussion which will occur during the SEPA and Design Review process at the time of a development proposal for this site.

### Drainage

Rain water on roofs and on the driveways is the major source of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA.

### Earth

A preliminary geotechnical consideration letter was submitted with the rezone application. Previous excavations documented the presence of dense to very dense, gravelly silty sand close to the existing grade. This soil has been glacially compressed and is locally referred to as glacial till. Below 32 feet were interbedded layers of hard, sandy silt and very dense silty sand to the maximum 100 foot depth of the borings. Groundwater was observed at a depth of 40 feet in the southern boring and 50 feet in the northern boring. The geotechnical engineer wrote that the soils conditions expected beneath the property are well suited for the proposed construction and a proposed building can be carried on conventions spread and continuous footings. Careful preparation of the excavated footing subgrades is important to maintain their high bearing capacity. A slab –on-grade can be utilized for the lowest parking slab with a minimum six inch gravel layer and interspersed perforated drain pipes to collect groundwater that may bypass the perimeter drains. Excavation and shoring will be needed for all four sides of the project and soil nailing or tied-back soldier pile walls would be suitable for the soil conditions. Erosion control measures were suggested. When the site design and building depths have been finalized, borings will be conducted on the property itself. Only at that time would it be appropriate to development as full

geotechnical report with considerations for design of foundations, shoring, walls, and subsurface drainage according to the geotechnical engineer.

### Height, Bulk, and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.” The sensitive height, bulk or scale impact issues will be addressed during the Design Review process in the design of any new project proposed on the site

### Traffic and Transportation

Good bus service exists between the site and Downtown Seattle, the University District, Green Lake, Ravenna, Maple Leaf and Northgate. Two bus routes have stops within one block of the site and seven routes have tops nearby on NE 65<sup>th</sup> Street at 15<sup>th</sup> Avenue NE. Sound Transit’s long-range plan for the proposed North Link of the light rail system includes a station in the Roosevelt Neighborhood Commercial center. The system tunnel is proposed to run north and south under the east end of the subject site, with an underground station platform planned for the east end of the subject site. Station entrances would be located on block corners on 12<sup>th</sup> Avenue NE, south of NE 66<sup>th</sup> Street and south of NE 67<sup>th</sup> Street (Roosevelt Station Preliminary Design, April 2005). The North Link is still in the planning and environmental review stages, and the probability of using the subject site for a station is still in question in that funding has not been proposed or approved, and property acquisition has not begun.

A Traffic and Parking Impact Analysis was prepared for the redevelopment of the QFC site adjoining the rezone site. The Level of Service (LOS) was analyzed at the six intersections between NE 65<sup>th</sup> and 67<sup>th</sup> Streets along 12<sup>th</sup> Avenue NE and Roosevelt Way NE without the project for the year 2008 ranging from LOS B, C, D, and E. The LOS at two unsignalized intersections are expected to decrease with the project at Roosevelt Way NE and NE 66<sup>th</sup> Street from LOS E to F, and 12<sup>th</sup> Avenue NE and NE 66<sup>th</sup> Street from LOS D to E. The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that residential units generate approximately 6.1 vehicle trips per day. The number of potential residential units on the site or the specific uses on the ground floor are not known at the time of the rezone, but traffic impacts will be analyzed again at the time a development is proposed on the rezone site.

### Parking

The parking policy in Section 25.0-5.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The parking spaces provided on-site in the parking garage must meet the code requirement and would be expected to accommodate the parking demand generated by the project. Car utilization by the occupants of the units is anticipated to be lower than average due to the centralized location of the building and accessibility to transit. Mitigation of parking impacts will be considered during the SEPA review of any future proposed project on the rezone site.

### Summary

In conclusion, it is anticipated that the development potential of rezoning the site from L3 to NC3 65' could result in several adverse effects on the environment which would be non significant. Conditions to mitigate the potential development impacts will be imposed during the SEPA review of a future development proposal.

**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 agency decisions pursuant to SEPA.

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

**CONDITIONS - SEPA**

None.

**RECOMMENDED CONDITIONS – REZONE**

None.

Signature: \_\_\_\_\_ (signature on file) Date: February 28, 2008  
Malli Anderson, Land Use Planner  
Department of Construction and Land Use  
Land Use Division

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