



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Number:** 3007932  
**Clerk's File Number:** 309054  
**Applicant Name:** Michael Whalen for Greenwood Shopping Center, Inc.  
**Address of Proposal:** 200 N. 85<sup>th</sup> St.

**SUMMARY OF PROPOSED ACTION:**

Council Land Use Action to allow a contract rezone of two parcels of land (12,697 sf) in an environmentally critical area from L-1 RC (Lowrise Multifamily One, Residential Commercial) to NC2-65 (Neighborhood Commercial Two, sixty-five foot height limit).

The following approvals are required:

**Contract Rezone** – to rezone 12,697 sq. ft. from L-1 RC to NC2-65 with conditions to ameliorate potential adverse impacts. (Seattle Municipal Code Section 23.34.004)

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

**SEPA DETERMINATION:**  Exempt  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 area proposed to be rezoned is a 12,697 sq. ft. area identified by King County Tax Parcel Numbers 9231900045 and 9231900050. The site is north of, contiguous to and in common ownership with a larger parcel of NC2-65 zoned land which was the subject of MUP 3003514 (to allow a development of retail, residential and surface parking uses). The larger development site, of which this proposal is a small part, is irregular in shape and touches three streets: Palatine Ave. N., N. 85<sup>th</sup> St., and Greenwood Ave. N, and an alley segment which dead ends into the site from the north.

The property proposed for rezone is the north 100 feet of the larger development site between Palatine Ave. N. and a mid-block alley segment to the east. To the north of the subject parcel are two wood frame residential structures in an area of L1 RC zoning.

Soils under the subject site and surrounding sites contain wet peat; the result of geologic conditions in the area known as the Greenwood Bowl. The area has been given an Environmentally Critical Area designation of Peat Settlement-prone Area. Restrictions on development designed to protect the peat layer are contained in SMC 25.09.110.

Two wood frames, residential buildings on the site have recently been demolished. An English Yew tree 31 feet tall with a 17 inch trunk diameter is on the site in an area likely to be disturbed during future development.



The site is nearly level with a shallow depression in the middle of it. During storm events water will pond on the site. As part of the 2007 review of MUP 3003514 (referenced above) a wetland delineation of this depressed, sometimes wet area was done by the applicants, reviewed by DPD and a determination made that the area is not a wetland.

### Contract Rezone

The proposal is to rezone a portion of the subject site from L-1 RC so that the entire site is zoned NC2 65'. The applicant does not propose a specific building or development of the rezoned area as part of this application. Future development will require additional permits. As part of the contract rezone, mitigation measures designed to ameliorate adverse impacts that could otherwise occur from development of the property are proposed, as authorized in SMC 23.34.004. Foremost among these is the creation, maintenance and offered dedication to public ownership of a restored wetland bog area adjacent to the Greenwood Shopping Center project at the southwest corner of 1<sup>st</sup> Ave. N.W. and N. 87<sup>th</sup> St. This area will be referred to as the "conservation area." Other measures offered in mitigation of potential impacts would include transplanting of an English Yew tree from the area proposed for rezone to the conservation area.

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

Seattle Municipal Code 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.

The analysis below moves through the rezone criteria found in SMC 23.234.008 brings in specific function and locational criteria of L1, RC and NC2 zones when in that section and concludes with a consideration of height limits pursuant to the criteria of SMC 23.34.009.

**A. General Rezone Criteria**

1. Urban Village or Urban Center Zoned Capacity

The proposal site is in the Greenwood-Phinney Ridge Residential 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 NC2 65’ would permit higher density of residential development than would be permitted under the existing L1-RC zoning. L1-RC zoning does not allow the range of commercial uses allowed by NC2 zoning and would be more likely to be developed with residential uses. Mixed-use development, with retail at street level and residential above, has been permitted under MUP 30003514. It seems likely that a similar pattern would be continued on the subject site.

The capacity for residential zoning 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-1 RC and the proposed zone change is to NC2 65’ and it is the function and locational criteria for the current L-1 RC zone and for the proposed NC2 zone that are the focus of this analysis. These criteria are stated in SMC 23.34.016, .070 and .076.

The function of L1 zones is stated in SMC 23.34.016.A as an “area that provides low density, primarily ground-related multifamily housing opportunities.”

The function of RC designations in Lowrise zones, as stated in SMC 23.34.070, is to downzone existing commercial areas or provide needed parking in areas where spillover parking is a major problem or as a means of supporting an existing commercial node.

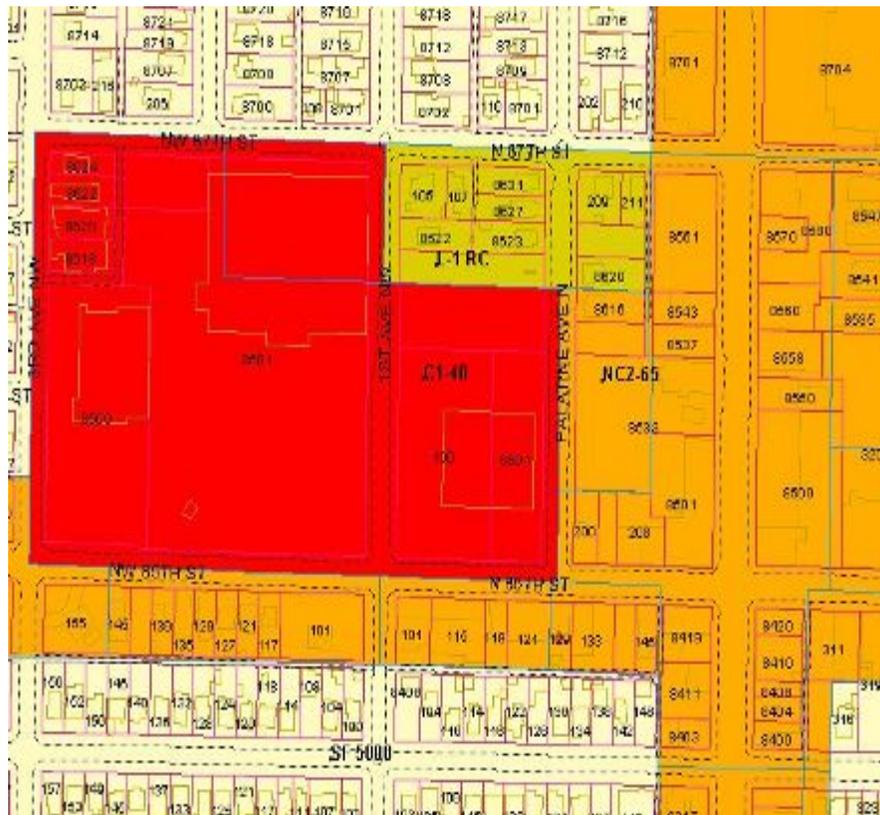
The function of NC2 zones, as stated in SMC 23.34.076.A, is to encourage pedestrian oriented shopping opportunities and to accommodate other compatible uses such as housing or offices where four characteristics are achieved:

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

The NC and C1 zones in Seattle have increasingly become areas of multifamily development at substantially higher density than is allowed in Lowrise zones. The commercial use requirement of these zones can be satisfied by an approximately 30 foot deep area along street frontages or by incorporation of live/work units in these areas.

While commercial and residential functions are markedly different, they represent two functions both existing and appropriate at this location and in the immediate vicinity. Adjacent to the south is the core area of the Greenwood commercial area, an area of pedestrian-oriented commercial activity where some multi-family residential uses are mixed in and where more commercial and multi-family residential development is indicated as appropriate in the Comprehensive Plan.

As is shown on the zoning map, the area of L1 RC zoning is a relatively small integrated into an area of commercial zoning south of N. 87<sup>th</sup> St. A traditional, sidewalk facing, retail frontage is present along N. 85<sup>th</sup> St. and Greenwood Ave. N.; centered at the intersection of the two streets to the southeast of the proposed rezone. What is contemplated in the proposed zone change is a movement of the zoning of the commercial and multi-family area 100 feet northward into an area of L1 RC zoning. The contemplated change would allow more density and variety of both multi-family residential and commercial uses.



Moving the line between these two general zone functions 100 feet northward, leaving approximately 82.5 feet of L1 RC zoning at the north end of the block would be consistent with the function of the general area in that a transition would continue to take place between busier commercial uses to the south and the single family areas to the north.

SMC 23.34.072 provides the following criteria to be considered when locating commercial zones.

- A. The encroachment of commercial development into residential areas shall be discouraged.
- 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.
- 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.
- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.
- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.”

Each of these five criteria are discussed in a separate paragraph below.

The proposed rezone would change an area of L1 RC zoning to NC2 and would move the NC2 zoned areas closer to the single family zoned area north of N. 87<sup>th</sup> St. Because the existing zoning of the subject area has an RC designation (Residential Commercial) the zone already allows commercial uses at or below ground level in a building containing at least one residential unit (SMC 23.46.004) the proposed change of zone designation can be viewed as enabling an intensification of commercial uses because some new commercial uses would be allowed. Future redevelopment of the site is likely to be multifamily with a limited amount of retail use under either zone. The potential size of these uses would increase. The size, lot coverage, height and residential density, of structures permitted in a NC2 65' zone is much greater than that which would be allowed in a L1 RC zone. Also, NC zoning regulations encourage development along street facing property line where L1 zoning encourages setbacks. To the extent building forms and sizes of commercial uses would be able to increase under the proposed change; it could be seen as an encroachment of commercial development into the residential area. However, this is one of many factors to be considered, is not itself controlling and must be balanced against other factors in the rezone analysis.

The subject site does not meet the locational criteria for single family zones. The block faces in question are characterized by commercial and multi-family uses; consistent with the Future Land Use Map found in the Seattle Comprehensive Plan.

Edge protection of the single family zoned areas north on N. 87<sup>th</sup> St., currently being provided by L1 RC zoning south of that street, would continue to be provided by the approximately 82.5 feet deep area on the south side which would continue to have the designation.

The subject site is on a block centrally located within the Greenwood/Phinney Ridge Urban Village and changing its zoning designation to NC2 would not contribute to sprawling of commercial uses. Instead it would facilitate the subject site being incorporated with contiguous property in the same ownership currently being redeveloped into a medium density residential/commercial village concept, portion of the core of the Greenwood commercial area.

This action would not create a new business district. Instead it would be expected to further the revitalization of an existing one.

### L1 Locational Criteria

Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

- A. Function. An area that provides low density, primarily ground-related multifamily housing opportunities.
- B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:
  - 1. Development Characteristics of the Area.
    - a. Areas where structures of low heights, generally less than thirty (30) feet, and small bulk establish the pattern of development;
    - b. Areas with:
      - (1) A mix of single-family structures, small multifamily structures and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or
      - (2) Numerous or large vacant parcels suitable for family housing where densities greater than single-family are desired; and
    - c. Areas where internal vehicular circulation is conducive to residential units that is oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired character of L1 areas.
  - 2. Relationship to the Surrounding Areas.
    - a. Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale character;
    - b. Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;
    - c. Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;
    - d. Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;
    - e. Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.
- C. Areas zoned single family meeting the locational criteria for single-family designation may be rezoned to L1 only when the provisions of Section 23.34.010 B are met.”

The subject parcel meets some of the locational criteria for L1 zones. The existing area of L-1 zoning provides transition in height and bulk between the single family zoned areas across N 87<sup>th</sup> St. to the north and the commercial areas to the south. Also, it is a pocket of historic small scale development; an area where structures of low heights, generally less than thirty (30) feet, and small bulk establish the pattern of development.

The site does not meet other L-1 locational criteria. This is not large. It does not have restricted local access from the street system.

Of particular note is that the presence of an area of L1 zoning which would remain on the north end of the block, north of the subject parcel, provides a continuing buffer between the commercial core to the south and the single family area north of N. 87<sup>th</sup> St.

A desire to preserve the subject parcel as part of a pocket within a more intensive area was perhaps once more strongly held for the area than it is today. Today it is more appropriate to include the subject site within the higher density area to the south and to some extent compensate for that inclusion with the provision of a conservation area (landscape, environmental and drainage amenities) in the immediate area to be provided as a contract provision. Creation of the conservation area would provide a more meaningful area of reduced development within the more intensely commercial areas than would a redeveloped subject area under the L1 RC designation, which would likely include surface parking for the commercial areas to the south.

#### RC Locational Criteria

A requirement for the Residential Commercial designation is that it is only to Lowrise Residential zoned properties. If the site is rezoned to a NC designation the RC designation would go away. Under the current L1 designation the addition of the RC designation is appropriate due to the proximity to intense commercial activity in the Greenwood Phinney Residential Urban Village and the likelihood that some level of commercial uses and commercial parking uses would be viable there and that these would tend to serve the general commercial activity in the area.

#### NC2 Locational Criteria

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

The subject site, as a small parcel adjacent to a larger area of existing NC2 zoning, would be an extension to an area meeting most of these characteristics. The parcel itself is not located on an

arterial, but, it is contiguous with parcels which front on Greenwood Ave. N. and N. 85<sup>th</sup> Street, both arterials. Both of those arterials have moderate transit service. It is an extension of an area which is the primary business district in a residential urban village which, in this location, lacks a strong edge on the north.

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 site and area have not been subject to zoning changes, other than to create a residential urban village overlay and a peat layer critical area layer, in recent years. Creation of the residential urban village designation is an indication of the changing nature of the area. Retail and mixed use development is increasingly the desired pattern for the village area. Changing the zoning designation to NC2 would be consistent with this trend.

4. Neighborhood Plans

The proposal site is within the Greenwood-Phinney Ridge Residential Urban Village. The portion of the site proposed for rezone is in an area on the Comprehensive Plan Future Land Use Map indicating multi-family residential on the border of a much larger area mapped for commercial / mixed-use development and zoning. The Greenwood-Phinney Ridge Neighborhood Plan found in the Seattle Comprehensive Plan does not provide specific direction with regard to the subject parcel or nearby parcels. Policies do promote mixed use development at a pedestrian scale consistent with the scale of existing development (G/PR-P2, G/PR-G5)

5. Compliance with Zoning Principles

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

- a. *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 would constitute an adjustment of the zoning pattern currently in place with a transition from NC2 to L1 RC across a street to SF. Development at the proposed 65 foot height limit could result in a large disparity as compared to the adjacent L1 RC zone with a maximum height of 25 feet to top of wall and as much as 35 feet to the top of a pitched roof. A height limit of 40 feet would be more compatible with the adjacent L1 RC zoned area and would provide a better height transition between that zone and the NC2 65' zoning immediately to the south. Applying the lower height designation to the northernmost 50 foot parcel would be sufficient to provide a better transition and the higher, 65 foot limit could be applied to the southern 50 foot parcel; matching the zone height further south.

- b. 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.*

There are no physical buffers of note to be considered.

- c. 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.

#### 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*  
No housing currently exists on the subject site and the proposed change in zoning would allow more housing than would be possible with current zoning.
- b. Public services*  
No negative impact on public services is expected from the proposed action. All utilities required for the proposed project can be provided by existing connections or extensions thereof. Little additional burden on public safety services is anticipated.
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation*  
The proposal site comprises an area of permeable ground with a slight depression where surface water can collect during storm events. This area, while determined by DPD not to be a wetland, does provide some ecological value. It provides a mechanism for surface water to soak into the groundwater system and keep the bog layer below wet. It also allows for some degree of natural treatment of surface water. The existing L1 RC zone designation for the parcel has setback requirements which would require a portion of the site to remain undeveloped by structures, and likely landscaped with pervious surfaces. The proposed NC2 zoning has no setback requirements and would allow development with building and parking areas on the entire site.

In response to this potential negative impact to water quality in the area which might result from the increased amount of developed, impervious surface made possible by the proposed zone change, the proponents are proposing a contract measure to create a similar water collection area on the block across the street to the west at the southeast corner of 1<sup>st</sup> Ave. N.W. and N. 87<sup>th</sup> St. This area would be maintained in a natural state for the life of the project and offered to be deeded to the City of Seattle without charge. Transfer of title to the City of Seattle would be completed before development of the area rezoned occurs.

A specimen tree, an English Yew, with a 17 inch trunk diameter and a 24 foot crown spread, exists within the area of this proposed rezone. It is not large enough to be protected under current tree protection regulations. Yet preservation of this tree would have a positive environmental effect, especially if moved into the landscape area of the water collection area to be created at the southeast corner of 1<sup>st</sup> Ave. N.W. and N. 87<sup>th</sup> St. It is recommended that this tree be moved to this new location as a further contract rezone provision to be proposed by the applicant.

*d. Pedestrian safety*

The proposed rezone would not be expected to 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 Greenwood area 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 NC2 zoning might provide new jobs in the area.

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

There is no known applicability of this provision.

*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 nearby arterials and the proposed rezone.

- 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.
- c. *Transit service*  
Good transit service on both Greenwood Avenue N. and N. 85<sup>th</sup> street would well serve uses established on a commercially designated site.
- d. *Parking capacity*  
New development on the site would be expected to provide parking to meet generated demand.
- e. *Utility and sewer capacity*  
No negative effect is anticipated. Existing capacities of utility and sewer services in the area can reasonably be expected to accommodate the proposed project.
- 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.*

The Greenwood Commercial core area has, like many similar commercial areas in Seattle, developed and prospered in recent years. New development in the area has extended the pedestrian oriented commercial core of Greenwood to the northwest and to the subject site. A neighborhood plan prepared by Greenwood residents and business owners has envisioned this expansion. Changing the designation of the subject site would allow this portion of the contiguous area to become part of the envisioned pedestrian oriented, high density, residential and commercial core.

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

The proposed zoning would be consistent with the purpose of the Residential Urban Village designation of the site as it would allow mixed use development more consistent with the density and variety to be expected in the Greenwood Residential Urban Village.

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 site is designated as part of a larger area, ECA Peat Settlement Prone area. Development standards contained in the Seattle Environmentally Critical Areas Ordinance restrict development in numerous ways including limiting disturbance of and water withdrawal from the peat layer. In addition, the applicant proposes to create a new area of water collection and infiltration (conservation zone discussed above) to compensate for increased coverage with impervious surfaces of the subject site. Together these measures are sufficient to adequately limit potential negative impacts to the 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).

1. 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.

Mixed use development with residential uses over commercial ones located at grade is envisioned by neighborhood planning efforts and by the property owner. It is possible that office uses would displace some or all of the envisioned residential uses, depending on market conditions. Both 40 foot and 65 foot height limits can be used successfully to these ends.

2. 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.
3. Height and Scale of the Area.
  - a. The height limits established by current zoning in the area shall be given consideration.
  - b. 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.

While the subject area is essentially flat, topography does begin to rise to the east, across Greenwood Ave. N., continuing to rise for several blocks and affording some views to the west across the site. Buildings would be about 35 feet taller under the NC2-65' designation than they would be under the existing L1 zone. Views from residences east of Greenwood Ave. N. would include new buildings built on the subject site at heights where they would not otherwise be if the designation change is approved. These new building elements can be seen as an element of the view from the east of the Greenwood Urban Village and of the territorial view as a whole. Neither topography nor view considerations would indicate the proposed zoning height change to be inappropriate.

The existing commercial area has a height limit of 65 feet and the proposal to add the subject site to this contiguous area is consistent with that pattern. Existing development is largely inconsistent with the potential of a 65 foot height zone, both on the site and in the most of the area around. It is the future vision for the area which dictates the 65 foot limit.

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

The Greenwood/Phinney neighborhood plan element of the Seattle Comprehensive Plan provides Policy 2 for encouragement of development in commercial and multi-family zones that is consistent and compatible with neighborhood scale and character. The proposed zone height would be consistent with that found other areas of the commercial core of the urban village adjacent to the site. A step in height from 65 feet to 40 feet on the northernmost 50 feet of the subject site would help to insure development which is compatible in height with the L1 RC zone immediately north and the single family area further north.

### **RECOMMENDATION – REZONE**

Analysis of the rezone criteria above leads to the recommendation that the subject parcel be rezoned from L1 RC to NC2 with a 40 foot height limit on the northern 50 feet and a 65 foot height limit on the next 50 feet to the south. A Property Use and Development Agreement should provide for the creation by the applicant property owner of a 132.74 feet in the north/south direction by 85 feet in the east/west direction conservation area (stormwater drainage and riparian habitat feature) at the northwest corner of 1<sup>st</sup> Ave. N. and N. 87<sup>th</sup> St. to be maintained by the owners of the adjacent Greenwood Shopping Center and offered to the City of Seattle as public property at no fee. Transfer of title to the City of Seattle shall be completed before development of the area rezoned occurs.

## **II. SEPA SUBSTANTIVE 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 negative environmental impacts.

### **Long-Term Impacts**

Long-term negative impacts which could be expected from the proposed action include the potential for development of the 100 foot by 127 foot area from L1 RC to NC2 65' more intensely, with more residential units and more commercial uses with less landscaped, pervious surface area. Increased traffic, on-street parking, air pollution, increased demand on public services and utilities; increased light and glare; increased energy consumption noise from human activity might result from the increased level of development. Negative impacts on the peat bog beneath the surface of the site leading to ground settlement and changes to the flow of ground water in the vicinity might also result. These long-term impacts are not considered significant because the impacts are mitigated by existing, regulations and offered contract rezone provisions and as mitigated thereby are minor in scope.

Impacts on the ground water and earth settlement in the area will be mitigated both by SEPA imposed restrictions on development in peat bog areas to limit ground water removal and soil compaction and by the provision of a new conservation area a block to the west.

Provisions in the Seattle Land Use Code and potential Design Review and potential SEPA review of proposed development would likely operated to mitigate other expected negative environmental impacts.

### **DECISION – SEPA – Procedural Decision**

- [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. And EIS is required under RCW 43.21C.030(2)(C).

### **RECOMMENDED CONDITIONS – SEPA**

None.

### **RECOMMENDED REZONE CONDITIONS**

1. Create a naturally landscaped conservation area (stormwater drainage and riparian habitat) at the southeast corner of 1<sup>st</sup> Ave. N.W. and N. 87<sup>th</sup> St. 85 feet wide in the

east/west direction by 132.74 feet in the north/south direction to be maintained by the owners of the adjacent Greenwood Shopping Center and offered to the City of Seattle as public property at no fee. Transfer of title to the City of Seattle shall be completed before development of the area rezoned occurs.

2. Move the English Yew tree from the subject parcel to the landscaped element of the conservation area established under condition one above.
3. The height of structures on the northernmost 50 feet of the area to be rezoned shall be limited to 40 feet and the remainder of the area shall have a 65 foot height limit.
4. This rezone is permanent and does not expire.

Signature: \_\_\_\_\_ (signature on file) Date: January 8, 2009

Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

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