



City of Seattle

Gregory Nickels, Mayor
Department of Planning and Development
D. Sugimura, Director

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

Application Numbers: 3009188
Applicant Name: Tom Phillips of Seattle Housing Authority (SHA)
Address of Proposal: 6800 31st Ave SW
Clerk File Number: 309502

SUMMARY OF PROPOSED ACTION:

Council Land Use Action to rezone 28,170 sq. ft. of land from single family 5000 (SF 5000) to a mix of lowrise 2 (L2) (4,755 sq. ft.) and lowrise 4 (L4) (23,415 sq. ft.) zoning.

The following approvals are required:

- **Amendments to Official Land Use Maps (Rezones)**
(Seattle Municipal Code 23.34.00)
- **SEPA** – Environmental Determination
(Seattle Municipal Code 25.05)

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

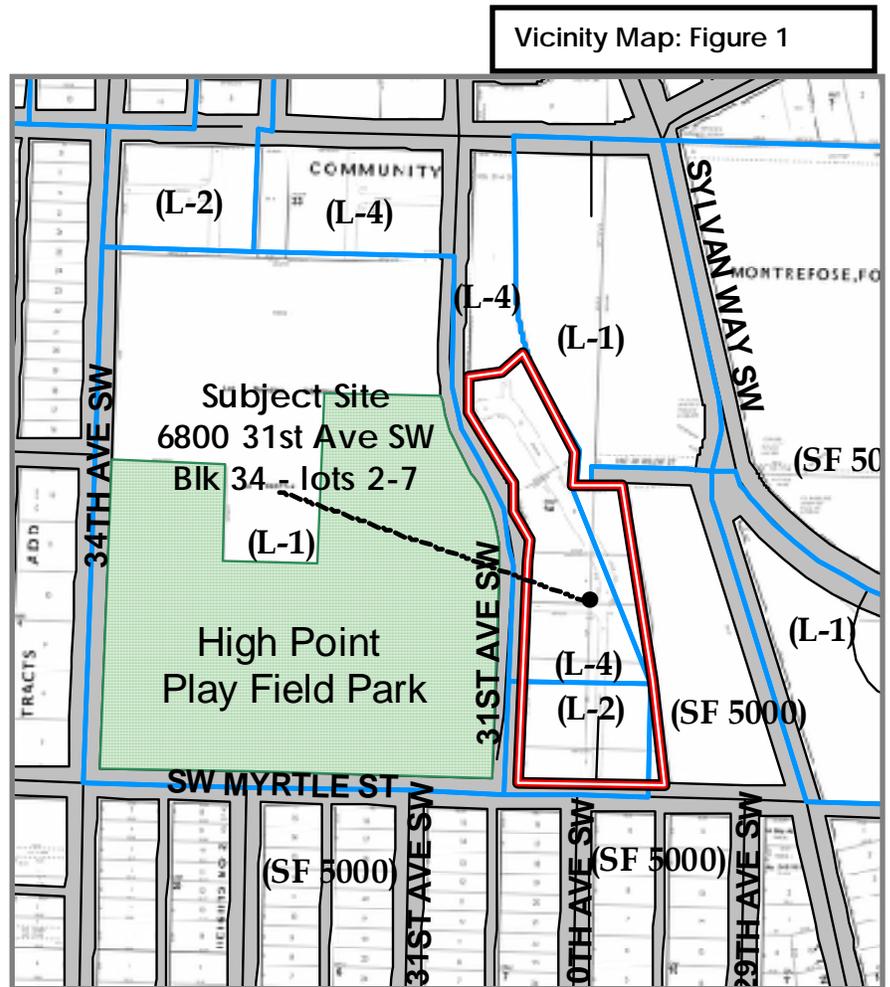
* A related FEIS was conducted for the High Point Development as part of MUP No. 2105600 Permit No. 736346) & related subdivision (MUP 2202170 Permit No. 736347).

BACKGROUND DATA

Site and Vicinity Description

The property is within the 120 acre redevelopment of the High Point public housing project.

The subject corner site is located on Block 34 and is comprised of lots 2-7; the site is split-zoned with L4, L2 and SF 5000 zoning designations. Zoning of lots 2-5 and approximately 1/3rd of lot 6 is zoned L4, with SF zoning along the eastern portion of lots 3-6. Approximately 2/3rds of lot 6 and all of lot 7 are zoned L2, with SF zoning along the eastern portions of the lots. The site is located on the southern border of the High Point Property. The site has street frontage and available access from either 31st Ave SW or SW Myrtle St. 31st Ave SW directly connects with SW Holly St and SW Myrtle Streets, which are east/west streets that connect with 35th Ave SW, a major north/south arterial street.



This site was part of a larger contract rezone (MUP No. 2105600 Permit No. 736346) & related subdivision (MUP 2202170 Permit No. 736347) which included certain large scale site planning requirements such as retention of important trees, reduced roadway paving widths, natural drainage system and general design based structure siting. A property use and development agreement (PUDA) was imposed on the High Point property during the original contract rezone and will continue to apply to the site.

One requirement of the PUDA was to produce a High Point specific Design Book. This document was created by the High Point Development Team (SHA), City of Seattle, Design Consultants (Mithun Architects, Streeter and Associates Architecture, SvR Design Civil Engineering, Nakano Associates Landscape Architecture and the Seattle Housing Authority Board of Commissioners. The Design Book contains very detailed Design Standards for each block and also general architectural, landscape and drainage design guidelines. Copies of these documents are on file at SHA and DPD. The Design Book was drafted by SHA to 1.) Clearly illustrate to builders SHA's expectations for acceptable design; 2.) To provide residents, neighbors and interested parties information about the intent of the built character of for sale homes in High Point before construction; and 3.) To consolidate the efforts of DPD's Design Review and SPU's Natural Drainage Design in conjunction with market and consumer

preferences. The Design Book is updated as necessary to reflect changes in change and the evolution of the site as a whole.

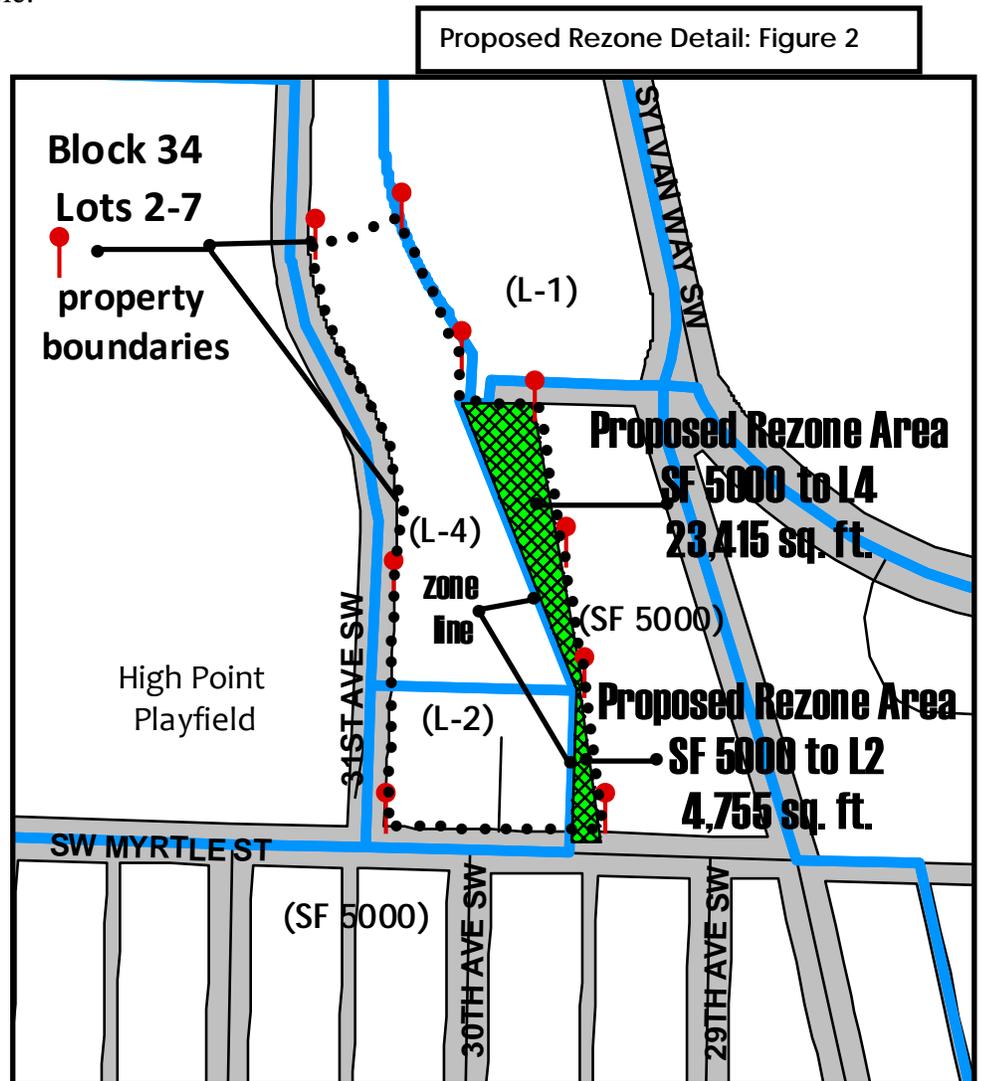
Rezone Proposal

The proposal is to rezone the eastern portion of the site, so that the entire site would become L2 and L4, matching the zoning of the remainder of the site as approved under the related rezone of High Point in 2003. The areas proposed to be rezoned are located on the eastern portions of lots 3-7, which are only a portion of the parent development site (lots 2-7). (See Figure 2)

The purpose of the rezone is to enable design of the entire development site under the L2 and L4 zoning as originally intended as part of the High Point community concept approval.

A review of the rezone ordinance (#121164) shows that the Official Rezone Map (Attachment 2 / Exhibit B at the end of this document) did not show any rezone of single family property. Further, a review of DPD's recommendation on the contract rezone provides no analysis of rezoning Single family property to Lowrise zoning. A review of the related Hearing Examiner and Council Decisions (Clerk File 305400) are also absent of any analysis of rezoning Single family to Lowrise zoning. Also worth noting the two triangle shaped SF 5000 areas were zoned SF 5000 prior to the related subdivision and contract rezone applications.

During review of the related Early Design Guidance application (#3007482) for Block 34 (lots 2-7) the zoning discrepancy between SHA's and DPD's zoning records for the site was discovered. SHA expected that the entirety of Block 34 had been rezoned to L2 and L4 zoning respectively and have premised purchase and sale contracts with private developers based on the presumed zoning. Two triangle shaped portions on the eastern portions of Block 34 still remain zoned SF 5000 (see map above). SHA has operated under the assumption that these two triangular



portions were a part of the original 2003 rezone to L2 and L4 zoning throughout the MUP process for the related Contract Rezone and Subdivision. Upon the discovery of the zone line discrepancy, SHA as a result applied for a Council Land Use Action to “correct an error on the official Land Use Map due to cartographic and clerical mistakes” under DPD MUP # 3008881 in order to remedy the conflict. This prior action was not supported at Land Use Committee of City Council. At that time, it was determined that the appropriate course of action was to submit a rezone application. Hence, SHA applied for the rezone, the subject of this application.

Existing PUDA

In the associated High Point PUDA, which was required as part of the contract rezone approval, language is provided in the “Agreement” Section-1.c and d, which calls out the entirety of lots 2-4 as being rezoned to L4 and lots 5 and 6 being rezoned to L2. In this section, there is no mention of excluding the two triangle shaped SF zoned portions (called out in the above graphic) from the rezone. Review of the Building Concept Plan (Attachment 3 / Sheet A2.0) approved with the contract rezone shows that large scale multifamily structures were originally proposed by SHA within the property in question. Review of the Proposed Contract Rezone (Attachment 4 / Sheet A2.1) and the Proposed Block Zoning (Attachment 5 / Sheet A3.1) both show the entirety of the block 34 as being rezoned to L2 and L4 respectively. Attachments 2, 3, 4 and 5 from the related PUDA are found at the end of this document.

Related Development Proposal

77 dwelling units are proposed on the development site (lots 2-7) under MUP # 3007482, which is currently in the Early Design Guidance stage of review. The development proposes a mix of single family residences (13) and ground related dwelling units (64). Although the development is contingent upon the approval of this rezone, the related development proposal is intended to become a part of the existing rezone and will be subject to the existing PUDA and SEPA conditions applied during the previous rezone (DPD MUP No. 2105600 Permit No. 736346).

Notice and Public Comment

During the DPD public comment period (9.4.08 – 9.17.08), no comments were received. Another comment period will be provided prior to the required public hearing with City’s Hearing Examiner.

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 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.

SMC 23.34.008 - General Rezone Criteria

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

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

Since neither the development site nor the proposed rezone areas are within an urban village or urban center, this criterion does not apply.

B. Match between Zone Criteria and Area Characteristics

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

General rezone criteria are set forth in SMC 23.34.008. 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 current zoning designation of the development site is split between L2, L4 and SF 5000. The proposal is to allow the SF 5000 portions of the Block 34 to be rezoned to both L2 and L4 continuing the existing east/west zoning line to the eastern property line of the Block 34. Hence, it is the function and locational criteria for the L2 and L4 zones as well as the function and locational criteria for the SF zone that are the focus of this analysis. These criteria are stated in SMC 23.34 subsections .011, 018 and .022.

The function criterion for the L2 zone states:

The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.

The area of the proposed zoned change satisfies the function criteria because it creates an infill opportunity that is compatible with the existing zoning pattern and mix of moderate scale multi-family development that are planned on the eastern portion of the site and that currently exist in the High Point Community. With L2 height limits, SHA review, DPD Design Review, any development proposal would be compatible with single family structures.

Function and Locational Criteria L2 SMC 23.34.018 – B

Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Areas.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty (30) feet;

In the area there is a mix of housing types. South of Myrtle St is a classic Cartesian platted block pattern with allies, single family zoning and structures. This area, south of Myrtle St, was developed in the 1920s and is zoned solely single family.

To the north, two projects have been constructed by SHA for rental housing, which includes small to medium multifamily structures and some single family residences. These structures are located on Block 34 lot 1 (3003232) and Block 33 lot 2 (MUP # 3003229). These two SHA developments include approximately 35 total dwelling units. These sites have height limits that are limited to 37' as they are zoned L4.

To the west of the site, is the High Point Playfield (a City Park), The High Point Community Center, West Seattle Elementary School. This site contains three buildings that support the playfield, Community Center and School uses on site. This site is zoned L1 and is limited height of 25' or less.

Further east is the Thien An Baptist Church, which is zoned SF 5000 and to the northeast is the Forrest Lawn Cemetery, no single family or multifamily structures exist on these properties. Further east across Sylvan Way SW is a new L1 multifamily townhouse development, known as Sylvan Heights Townhomes. These structures are limited to 25' in height.

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

Along the eastern property line of the subject site topography moves down in elevation. This characteristic provides opportunities for views to Downtown Seattle and possibly Mt. Rainier from the subject site and also views from properties to the west and southwest between the site and 35th Ave SW. These site characteristics make L2 especially appropriate for the southern portion of Block 34.

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

The existing area contains a large amount of multifamily development, mostly consisting of the 600 rental units that have been constructed throughout High Point's re-development of the low income rental housing. Most of the rental units are multifamily structures. Another recent construction project is Sylvan Heights Townhomes to the east, which consists of approximately 170 townhomes.

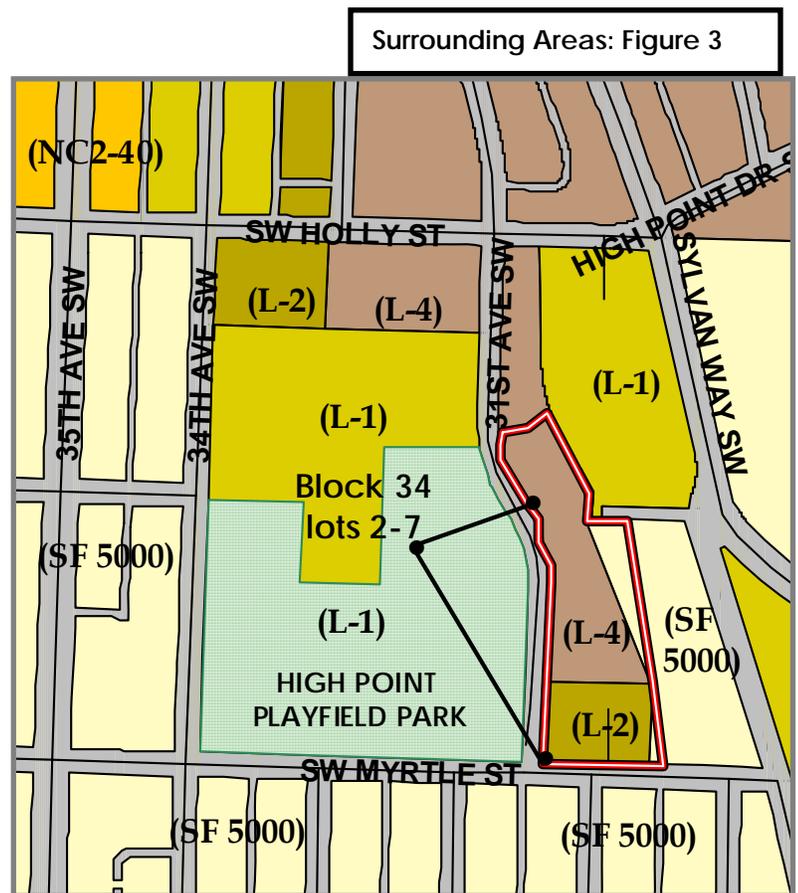
There are narrow streets in the area related to High Point's subdivision in 2003 and also within the Sylvan Heights Townhome development. Although there isn't on-street parking congestion issues in the area, this is largely due to the large park, community and school site which leaves substantial street parking readily available. Do to the large park, community and school sites, and the fact that High Point isn't finished with construction, local traffic congestion is not an issue. Alleys aren't found in the immediate area abutting or west across the street from Block 34, but within High Point and the SF zone to the south, alleys are prevalent. Irregular street patterns do exist in the area abutting and adjacent to Block 34, this is likely due topography and historic land uses (old High Point Development, Lawn Forrest Cemetery and the West Seattle Elementary school site). Although there is a lack of alleys and irregular streets exist, local access isn't restricted in the area.

The area shows characteristics that both support and oppose this criterion.

2. Relationship to the Surrounding Areas.

a. Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

SW Myrtle Street provides a well defined edge as it is the south border of the High Point Development limits and the High Point Community Center and Playfield open space. Further, the prevalence of SF zoning and development begins south of Myrtle fortifying this edge condition. (See Figure 3)



b. Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

The fact that this portion of Block 34 is adjacent to an existing well defined SF neighborhood, south of Myrtle, it is desirable to preserve a smaller scale of development with a less intensive zone. In addition, Block 34 as currently exists, is predominantly zoned L4, which is a high intensity area and the L2 designation would preserve a smaller scale character and densities as well as providing an appropriate transition zone to the less intensive SF 5000 zone.

c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

The southern portion site is suitable for L2 as the zoning would provide a necessary transition from the L4 zoning to the north and still provide view opportunities for properties west and southwest of the proposal by limiting height and bulk of structures. The site is adjacent to the High Point Playfield, a City Park; the L2 zoning will keep height limits at 25', the lowest for any lowrise zoning designation. The L2 designation permits less height than SF zoning.

d. Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

There are several vehicular access points to the site and all access points would not require access on a residential access street. The likely vehicle path of travel access to and from the site would be via 35th Ave SW to SW Myrtle St which is a minor collector street. Another likely access point may be via Sylvan Way SW (arterial) to SW Holly St and then to 31st Ave SW. As a result this criterion is satisfied.

Function and Locational Criteria L4 SMC 23.34.022 – B

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L4 designation are limited to the following:

a. Properties already zoned L4;

L4 zoning exists on the property already and makes up the majority of the Block 34's zoning area as amended in the 2003 rezone.

b. Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established;

A portion of Block 34, lot 1, has been recently developed. 10 units have been constructed on approximately 41,130 sq. ft. of land, which isn't near the permitted density of 1 unit per 600 sq. ft., which would allow approximately 69 units. Located on the east side of this property there are some mapped and likely unmapped steep slopes, which limited the ability to obtain the

maximum density for the site. In relation, pursuant to the PUDA related to the 2003 rezone, SHA is subject to a 1,600 dwelling unit cap for the entire High Point Community, so as a result some blocks have been reduced in scale and units in order to comply with this requirement and block designs have been adjusted as necessary as the site development has progressed.

c. Properties 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

The proposal site is in neither an urban village nor an urban center.

d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 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 site is located within the Delridge Neighborhood Revitalization Area. SHA, as part of the High Point Hope VI public housing revitalization for the site, has created a mixed-income strategy to sell certain properties within High Point to private developers in order to fund the public housing or rental element of the project and infrastructure improvements to roads, utilities parks etc. A majority of Block 34 (lots 2-7) is designated for development by private developers in order to fund the rental housing and infrastructure improvements.

So, the allowance of a rezone to L4 (and also L2), would allow SHA to obtain closer to the development potential as originally assumed for the property and as a result better facilitate the overall mixed-income goal of High Point. It is anticipated that the discrepancy between what was the assumed zoning for the site and the actual zoning, removes approximately 11 units from the development site.

A PUDA already exists for High Point as noted above and any development on the Block 34 property would be subject to the PUDA.

As a result of the above analysis, the approval of this rezone would serve a broad public purpose.

2. Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

Small portions of the Block 34 along the east property line, which coincide with the triangular SF portions requested to be rezoned are designated as a 40% Steep Slope ECA, although they are unmapped and were discovered during site visits and project reviews.

A modification to development standards was granted for the site under DPD No. 2207911 and as depicted in the final plat of the 2003 subdivision (see sheet 22 of 32).

In light of the approved waiver of development standards, which allows full disturbance of the un-mapped Steep Slope area and buffer, there are extenuating circumstances which must be considered. Worth noting, the site will require ECA review by DPD geotechnical staff, as outlined in the waiver write-up:

“ECA review is required. The ECA (Environmentally Critical Area) Steep Slope Development Standards are waived (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas no longer applies) for the subject property, with the exception of the Steep Slope Critical Areas east of High Point Drive Southwest along the eastern margin of the property. However, the eastern margin of the property is also mapped as a Landslide Hazard Due to Geologic Conditions (ECA-2) and has a Known Landslide (ECA-8). Consequently, the property is still subject to ECA review and the corresponding submittal standards. The ECA General, Submittal, and Landslide Hazard standards, and other related development standards still apply.”

In the area there is a mix of housing types. South of Myrtle St is a classic Cartesian platted block pattern with allies, single family zoning and structures. This area, south of Myrtle St, was developed in the 1920s and is zoned solely single family.

In the area there is a large amount of multifamily development, mostly consisting of the 600 rental units that have been constructed throughout High Point’s re-development of the low income rental housing. Most of the rental units are multifamily structures. Another recent construction project is Sylvan Heights Townhomes to the east (L1), which consists of 91 townhomes.

To the west of the site, is the High Point Playfield (a City Park), The High Point Community Center, West Seattle Elementary School. This site contains three buildings that support the playfield, Community Center and School uses on site.

Pursuant to the PUDA related to the 2003 rezone, SHA is subject to a 1,600 dwelling unit cap for the entire High Point site, so as a result some blocks have been reduced in scale and units in order to comply with this requirement and block designs have been adjusted as necessary as the site development has progressed.

This criterion is not directly met, but there are extenuating circumstances with regard to the approved ECA waiver of disturbance limitations for the Steep Slope and the PUDA which should be considered.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established,

A portion of Block 34, lot 1, has been recently developed. 10 units have been constructed on approximately 41,130 sq. ft. of land, which does not reach the permitted density of 1 unit per 600 sq. ft., which would allow approximately 69 units. Located on the east side of this property

there are some mapped and likely unmapped steep slopes, which limited the ability to obtain the maximum density for the site. In relation, pursuant to the PUDA related to the 2003 rezone, SHA is subject to a 1,600 dwelling unit cap for the entire High Point site, so as a result some blocks have been reduced in scale and units in order to comply with this requirement and block designs have been adjusted as necessary as the site development has progressed.

(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

The proposal site is in neither an urban village nor an urban center.

(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 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 site is located within the Delridge Neighborhood Revitalization Area. SHA, as part of The High Point Hope VI public housing revitalization for the site, has created a mixed-income strategy to sell certain properties within High Point to private developers, in order to fund the public housing or rental element of the project and infrastructure improvements to roads, utilities parks etc. A majority of Block 34 (lots 2-7) is designated for development by private developers in order to fund the rental housing and infrastructure improvements.

So, the allowance of a rezone to L4 (and also L2), would allow SHA to achieve to the development potential as originally assumed for the property in the 2003 rezone and as a result better facilitate the overall mixed-income goal of High Point. It is anticipated that the discrepancy between what was the assumed zoning for the site and the actual zoning, removes approximately 11 units from the site.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

The area proposed to be rezoned from SF 5000 to L4 is approximately 23,415 sq. ft. but is part of Block 34, which has approximately 148,000 sq. ft. of existing L4 zoning.

Maximum density for the site with out PUDA and ECA restrictions is approximately 263 units. The proposed rezone area together with the existing L4 zoning is large enough to accommodate L4 development.

Regarding pedestrian access, full street improvements are currently being constructed in High Point as part of the 2003 subdivision and rezone. So, pedestrian accessibility around and through High Point is provided. Also, The High Point Playfield and The High Point Community Center

are across the street and are very accessible to the site. Also, there are several public pocket parks in High Point, The Great Mound Park (full block), the High Point Library and Medical Center and also the drainage/detention pond that provide an abundance of amenities for the site.

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

The area is not platted with alleys, but was approved in 2003 under the subdivision review which included recorded vehicle access easements that serve the same function as alleys. These easements show three 20' wide access points to Block 34 (lots 2-7). Further, as a result of SHA internal review and DPD Design Review (as required by the PUDA), the limited access points will be carried through with any proposal for the site. Also, the preliminary approved design by SHA for MUP 3007892, which is currently in EDG review stage with DPD, proposes only two curbcuts, reducing the amount anticipated during the subdivision in 2003.

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

Although there are no platted alleys, the above analysis regarding the vehicle access easements demonstrates that the easements provide the same internal vehicular circulation and good access to the site as alleys and essentially function the same way. The width of the abutting right of ways (31st Ave SW and SW Myrtle St) and roadways permit two way traffic and parking along at least one curbside.

b. Relationship to the Surrounding Areas.

(1) Properties in areas adjacent to concentrations of employment;

There are no areas of concentrated employment near the site. The site does have good access to Downtown Seattle via 35th Ave SW and the West Seattle Bridge of which there are many major bus routes that serve commuters to concentrated areas of employment.

(2) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

The site does have good access to Downtown Seattle via 35th Ave SW and the West Seattle Bridge of which there are many major bus routes that serve commuters to concentrated areas of employment. Also, via the West Seattle Bridge, access to Interstate 5 or Highway 99 is available. Access to and from the site will either use Myrtle (westbound) or 31st (northbound), either path would not lead through less intensive zones.

(3) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

Full street improvements, with sidewalks on both sides of all streets, are currently being constructed in High Point as part of the 2003 subdivision and rezone. So, pedestrian accessibility around and through High Point is healthy. Also, The High Point Playfield and The High Point Community Center are across the street and are very accessible to the site. In addition, there are several public pocket parks in High Point, The Great Mound Park (full block), the High Point Library and Medical Center and also the drainage/detention pond that provide an abundance of amenities for the site.

(4) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

The fact that this portion of Block 34 is adjacent to an existing well defined SF neighborhood, south of Myrtle, it is desirable to preserve a smaller scale of development with a less intensive zone. L2 zoning exists for a large southern portion of Block 34. The proposal is to rezone 4,755 sq. ft. of land from SF zoning to L2, this would continue the existing L2 zoning line eastward to the eastern property line. The L2 zoning would maintain a buffer from the proposed L4 zoning for the SF zone south across Myrtle.

Abutting the site to the east is The Thien An Baptist Church, which is zoned SF 5000 and is separated by steep slope topography from Block 34 along the common property line between the two sites. The Church site is approximately 25' lower in elevation than the proposal site. From the west end of Myrtle where it intersects with 31st Ave SW to where Myrtle intersects with 28th Ave SW there is approximately 64' of elevation change moving from west to east. This topography will provide sufficient separation and require setback from the slope, which will provide a natural buffer between the proposed L4 and L2 zoning with the SF zone of the Church property.

Also, SW Myrtle Street, a 60' right of way, provides a well defined edge as it is the south border of the High Point Development limits and the High Point Community Center and Playfield open space. Further, the prevalence of SF zoning and development begins south of Myrtle fortifying this edge condition.

C. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone are to be considered. The DPD historic (Kroll) zoning maps show a stable pattern on the subject site and in the surrounding area. Per the Kroll Map, zoning of all of Block 34 was L1 with the exception of the two triangular SF 5000 zoned portions, which are the subjects of this rezone application. Zoning of the High Point Playfield/Community Center and Elementary School were previously L1 and remain L1 currently. Zoning of Block 33-2 was also previously L-1. Zoning of the abutting property to the east, 2900 SW Myrtle St. (known as The Thien An Baptist Church), has been historically zoned SF 5000.

The related High Point Rezone in 2003 changed the majority of Block 34 to a mix of L2 and L4, under DPD MUP No. 2105600 Permit No. 736346. The two subject triangular SF zoned portions of Block 34, were by accidental omission, not officially requested by the applicant nor analyzed by DPD in order to go away from the existing SF zoning. The High Point Playfield/Community Center and Elementary School properties' zoning was unchanged and remained L1 as it was not part of the 2003 rezone.

The Comprehensive plan shows no changes proposed for the site or surrounding, multifamily zoning was planned for the majority of Block 34, but the SF zoning of the two triangular areas of the site is reflected in the Comprehensive Plan.

D. Neighborhood Plans

There is no neighborhood plan covering the proposal site, it is located just west of the Delridge Planning area 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.

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

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and green spaces.

The proposed L2 zoning will continue the zoning already established on the majority of the south end of block 34, which carries a 25' height limit, which is an appropriate zone buffer to the SF zoning to the south.

The fact that this portion of Block 34 is adjacent to an existing well defined SF neighborhood, south of Myrtle, it is desirable to preserve a smaller scale of development with a less intensive zone. L2 exists for a major southern portion block 34 and is will continued to maintain a buffer from the proposed L4 zoning to the SF zone.

Abutting the site to the east is The Thien An Baptist Church, which is zoned SF 5000 and is separated by steep slope topography from Block 34 along the common property line between the two sites. The Church site is significantly lower in elevation than the proposal site. From the west end of Myrtle where it intersects with 31st Ave SW to where Myrtle intersects with 28th Ave SW, which is the east/west span of both sites, there is approximately 64' of elevation change. This topography will provide sufficient separation and require setback from the slope, which will provide a natural buffer between the proposed L4 and L2 zoning with the SF zone of the Church property.

Also, SW Myrtle Street, a 60' right of way, provides a well defined edge as it is the south border of the High Point Development limits and the High Point Community Center and Playfield open space. Further, the prevalence of SF zoning and development begins south of Myrtle fortifying this edge condition.

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 steep slope along the east property line does provide a location to appropriately place a zone boundary line for the L2 and L4 to the SF zone to the east, which does coincide with the platted lot lines on the east side of Block 34.

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.

Not applicable to the application.

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.

No height limits over 37' are proposed.

F. 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.

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

a. Housing, particularly low-income housing

The impact of the proposed action on housing would be favorable. 11 additional new dwelling units would be part of the High Point Community and would foster the construction of low-income housing and infrastructure improvements. The new dwelling units are expected to be individually owned. The proposed units would not be expected to have a negative impact on the value or future condition of surrounding properties in the neighborhood. Further, SHA would be able to gain the full funding from the worth of site in order to fund the High Point Rental housing, which is low-income, and to complete infrastructure improvements discussed above.

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

While there is likely to be slightly more impervious surface and resulting storm water runoff with the proposed raise in dwelling units than would occur on a area zoned SF, the related development will provide code required landscaped areas and open spaces. Current code requirements would limit to a good degree water quality impacts (Stormwater, Grading and Drainage Control Ordinance) and they will require a high degree of energy conservation (Energy and Building Codes). Additionally, any development proposal will be reviewed under High Point: Site Drainage Technical Standards. Considering that the site was part of large scale rezone and full subdivision, many of these impacts were anticipated and mitigated in the numerous existing City Council imposed SEPA conditions which apply to all properties in High Point (Council File 305400). Further, any development proposal will receive internal review from SHA prior to application to DPD and also the development will undergo DPD Design Review which is required when more than 8 units are proposed on Block 34.

d. Pedestrian safety

The impact would be favorable, as sidewalks have been recently constructed at the site and are nearing completion throughout High Point.

e. Manufacturing activity

There are no manufacturing activities in the immediate area.

f. Employment activity

The proposed project would be expected to have no negative effect on area employment activity.

g. Character of areas recognized for architectural or historic value

The only area that may have architectural or historic value is the SF zone to the south which is constructed with some design queues that can be explored during Design Review of the development proposal.

h. Shoreline view, public access and recreation

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

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

Access to the proposal site is via 31st Ave SW or SW Myrtle by way of 35th Ave SW and in fewer scenarios, Sylvan Way SW. There would be no negative impact on street access.

b. Street capacity in the area

The proposal site will be accessed by two adjacent arterials: 35th Ave SW and Sylvan Way SW. The proposed rezone would result in a net increase of approximately 11 dwelling units. The traffic generated by the related project would have no measurable effect.

c. Transit service

Public transit serves this area very well and will likely be better served when High Point is fully occupied. There are approximately 4 bus stops within or close to a quarter mile of the site in two general locations: along 35th Ave SW, which has 15 minute frequency headways north and south bound. Transit serves the area well.

d. Parking capacity

It is highly unlikely there will be parking demand in excess of that which can be provided on site in garages and driveways and on adjacent streets.

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.

G. Changed Circumstances.

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

Not applicable.

H. Overlay Districts.

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

The site is within The Delridge Neighborhood Revitalization Area which promotes redevelopment of properties, promotes a mixed use community that serves the public welfare and is consistent Comprehensive Plan affordable housing policies. The revitalization area also promotes the ability to make use of the L3 and L4 zone designations that would facilitate the redevelopment of public housing in the Delridge area.

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.

Portions of the Block 34 along the east property line, which coincide with the triangular SF portions requested to be rezoned are designated as a 40% Steep Slope ECA.

A modification to development standards was granted for the site under DPD No. 2207911 and as depicted in the final plat of the 2003 subdivision (see sheet 22 of 32).

In light of the approved waiver of development standards, which allows full disturbance of the Steep Slope area and buffer, the rezone will not have an effect on the area. Worth noting, the site will require ECA review by DPD geotechnical staff, as outlined in the approved waiver:

“ECA review is required. The ECA (Environmentally Critical Area) Steep Slope Development Standards are waived (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas no longer applies) for the subject property, with the exception of the Steep Slope Critical Areas east of High Point Drive Southwest along the eastern margin of the property. However, the eastern margin of the property is also mapped as a Landslide Hazard Due to Geologic Conditions (ECA-2) and has a Known Landslide (ECA-8). Consequently, the property is still subject to ECA review and the corresponding submittal standards. The ECA General, Submittal, and Landslide Hazard standards, and other related development standards still apply.”

Designation of Single family Zones

SMC 23.34.010 provides that areas not within adopted boundaries of an urban village are to be rezoned to zones more intense than SF 5000 only if an applicant can demonstrate the areas do not meet the criteria for single-family designation found in SMC 23.34.011.

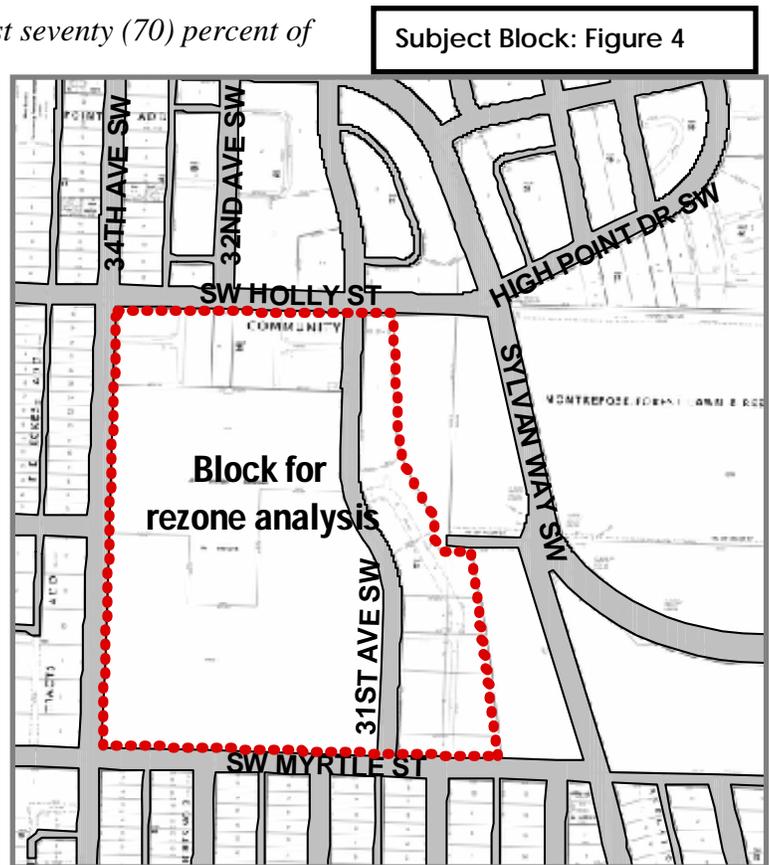
Function and Locational Criteria Single family Zones SMC 23.34.011 – A

A. *Function.* An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. *Locational Criteria.* A single-family zone designation is most appropriate in areas meeting the following criteria:

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or

The subject block (see Figure 4) in this case is areas on either side of 31st Ave SW bounded by SW Holly Street to the north and SW Myrtle St to the south. On the east side of the block there is a rear property, which is the east property line of Block 34, for the purposes of designating boundaries of the east side of the block. On the west side of the block there is no true rear property, because of the functional relationship between the West Seattle Elementary School, The High Point Community Center and The High Point Playfield. These tax IDs are more for purposes of tax assessment as opposed to contributing to the actual built form or function. As a result, the entire area bounded by SW Myrtle St, 34th Ave SW, SW Holly St and 31st Ave SW serves as the analysis area for the west side of the block.



Looking at existing structures on the east side of the block, on Block 34 lot 1, there are 7 structures consisting of 3 multifamily and 4 single family). There are no other structures on that side of the block.

On the west side of the block on Block 33 lot 2, there are 9 structures, all 9 Multifamily. Also, the School, Community Center and an accessory structure for the Playfield consist of 3 structures, none in Single family use.

So as a result, the block contains 19 existing structures, 3 of which are Single family. This yields 15.7% of the structures on the block in Single family use. Hence, the block is far below the 70% structures in single family use criteria.

2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or

The area is not designated by an adopted neighborhood plan.

3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

Since the construction of the Single family homes on Block 34 lot 1 is an inherent part of fulfilling the High Point master plan and one of the main goals was to provide a mix of housing types; Single family homes play a role in providing that mix. Although single family homes are a trend that has been increasing and will continue, the trend will not reach a level of proportionality that would meet this criterion.

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

Not applicable to the block.

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

High Point did not have single family structures prior to the recent major redevelopment of the site. With the High Point Master Plan, construction of single family structures has been increasing within the last five years.

d. The area's location is topographically and environmentally suitable for single-family residential developments.

These areas are suitable for single family residential developments.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.

The proposal rezone area (28,170 sq. ft.) is far below 15 contiguous acres, but does abut an existing single family zone, which is comprised of The Thien An Baptist Church property. The Church property (115,793 sq. ft.) and the proposal rezone area (28,170 sq. ft.) together equal 3.3 acres.

2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:

This subsection is not applicable as the proposal area does abut an existing single family zone.

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

The proposal does not meet this criterion and as a result is not applicable.

(23,415 sq. ft.) zoning.

SEPA SUBSTANTIVE REVIEW AND CONDITIONING

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated June 30, 2008 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800); therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal, which meets the definition of action and is not categorically exempt.

Short-term Impacts

As a non-project action, the proposal will not have any short-term impact on the environment in that construction is not a direct result of this action. Specific project action will require environmental review if the proposed development surpasses SEPA threshold.

Height, Bulk and Scale

The height limits for L2 are comparable to limits set for single family in that both allow maximum heights for structures with pitched roofs to be 35 feet high, while single family zoning allows a higher base height of 30' compared to 25' for L2. The height limits for L4, 37' base and 42' pitched, are greater than single family, 30' base and 35' pitched, but this difference is not significant and doesn't reach a level that requires mitigation or conditioning.

Future development of the site will require setback from the east property line due to the steep slope that exists there, which will further mitigate height, bulk and scale.

The future project application, crossing applicable thresholds will be subject to the Design Review process and conditions, if necessary, will be applied to the project to mitigate for height, bulk and scale impacts. Further, pursuant to the existing PUDA applicable to the site, “any developer who develops in excess of eight units on a single block or adjacent blocks will be subject to design review even if those developments individually do not exceed eight units and are not otherwise contiguous to each other.”

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that “the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”

In addition, the SEPA Height, Bulk and Scale Policy states that “(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.”

No additional conditioning is necessary or warranted.

Traffic and Parking

The proposed change in zoning will increase density by approximately 11 units, so the traffic and parking impacts are expected to be minor. A vehicular trip generated from residential development is typically not concentrated during the peak hours; therefore an impact to the surrounding traffic network is less of a concern. Although, per ITE* data for owner occupied townhomes shows that .44/unit peak AM trips and .52/unit peak PM trips are anticipated. This would result in 4.8 additional AM and 5.7 PM trips as a result of the additional density

Parking impacts are not likely to occur but will be further evaluated during specific project review. The quantity of parking spaces and expected demand must be examined to determine whether spillover parking will occur on the surrounding streets. Typically, a modest amount of spillover parking can be accommodated on the street in this neighborhood, especially do the park use across the street and single family zoning to the south, so mitigation for parking is not necessary at this time.

RECOMMENDATION – REZONE

Analysis of the rezone criteria above reveals that the subject area and immediately surrounding area are appropriately located for the proposed zone. A rezone to the proposed classification of L2 and L4 is likely appropriate and is supported by the analysis.

* Institute for Transportation Engineers Trip Generation 7th Edition – Land Use 230 Residential Condominium / Townhome.

It is appropriate to allow the rezone as proposed and further to allow the rezone without additional SEPA conditions or amendments to the existing PUDA beyond what is required under the 2003 contract rezone and subdivision. The existing City Council imposed SEPA conditions and PUDA required for all properties within the High Point redevelopment shall continue to apply to the subject site and area of proposed rezone.

The Director recommends conditional approval of the rezone 28,170 sq. ft. of land from single family 5000 (SF 5000) to a mix of lowrise 2 (L2) (4,755 sq. ft.) and lowrise 4 (L4) (23,415 sq. ft.) zoning.

DECISION – 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(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

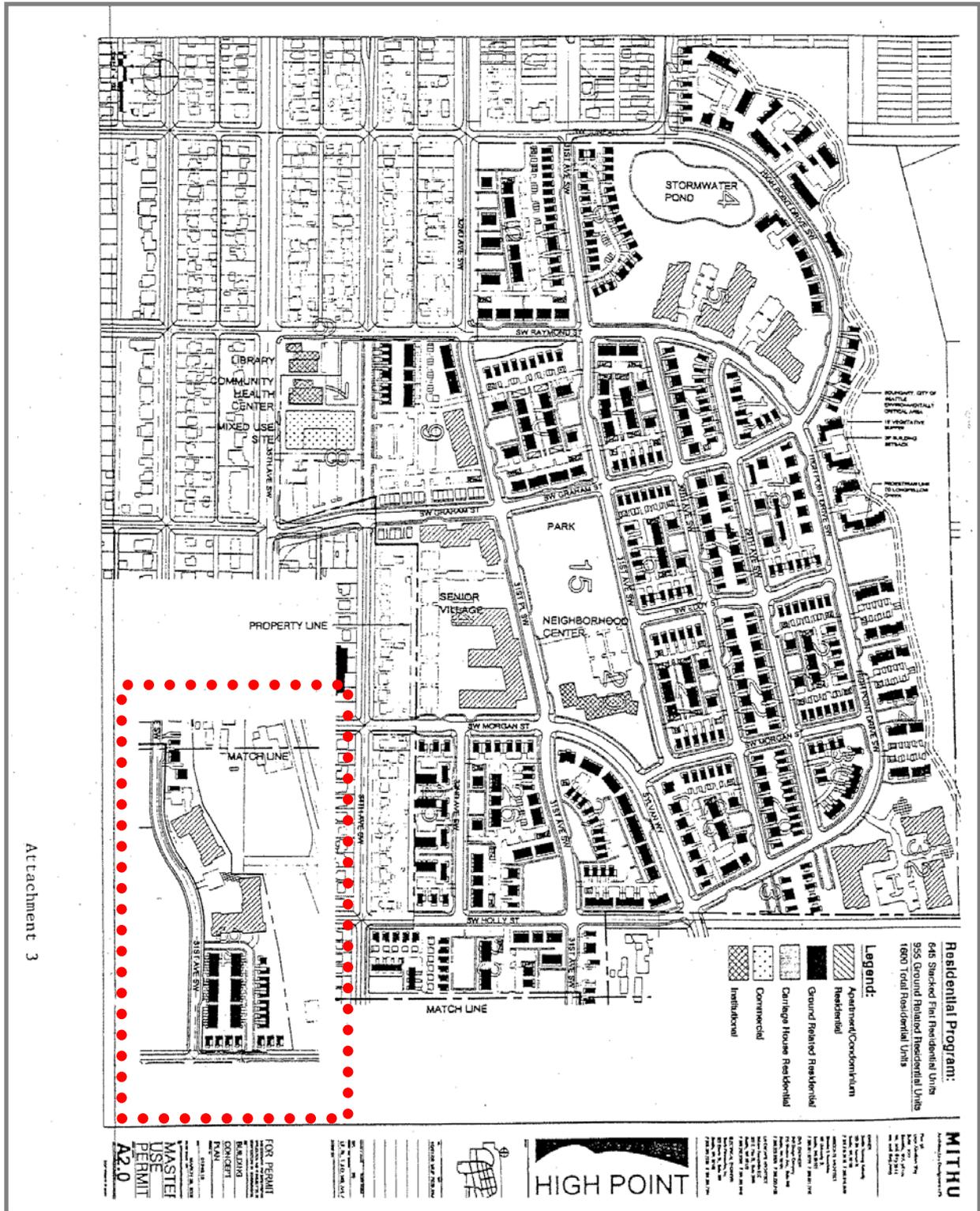
1. City Council SEPA conditions of Clerk File 305400 continue to apply to the subject site.

RECOMMENDED REZONE CONDITIONS

2. The existing Property Use and Development Agreement (PUDA) of Clerk File 305400 shall continue apply to the site.

Signature: _____ (Signature on file) Date: November 3, 2008
Lucas DeHerrera, Senior Land Use Planner
Department of Planning and Development

LD:bg



Attachment 3

