



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Numbers: 3009571
Council File Numbers: 309754
Applicant Name: Kevin Sutton, architect for Urban Impact
Address of Proposal: 7700 Rainier Avenue South

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a four story structure with a total of 63 residential units and 5,730 sq. ft. of commercial space at ground level. Parking for 89 vehicles to be provided at and below grade. Project includes a contract rezone from Single Family 5000 to Neighborhood Commercial 2 with a 40 foot height limit to include all of tax parcel 941240016 and the eastern halves of tax parcels 9412400025, 9412400035, 9412400036, and 9412400045.*

The following approvals are required:

Contract Rezone – Rezone one parcel from SF-5000 to NC2-40 to allow the future construction of a four story mixed use building with ground level commercial use and multifamily residential. The rezone also includes a portion of four contiguous parcels to be rezoned from SF-5000 to NC2-40 with a schematic development scheme (SMC Section 23.34.004).

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

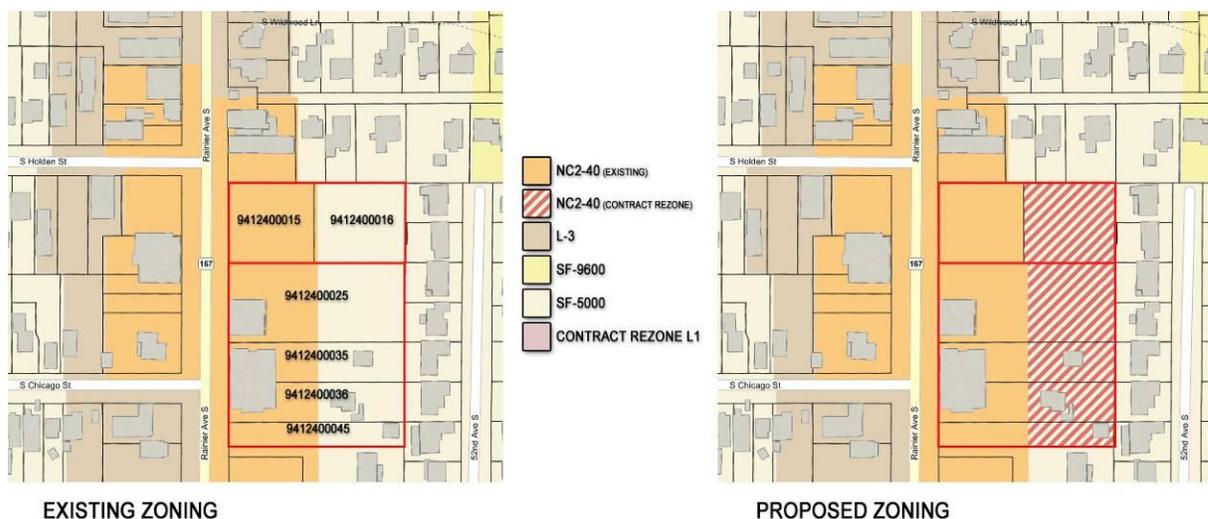
DNS with conditions*

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

* Notice of the Early Determination of Non-significance was published on July 2, 2009.

PROJECT DESCRIPTION

The applicant, Urban Impact Seattle and Emerald City Bible Fellowship, proposes a contract rezone from Single Family 5000 (SF) to Neighborhood Commercial 2 with a 40 foot height limit (NC2-40) for tax parcel 9412400016 and for the eastern portion of tax parcels 9412400025, 9412400035, 9412400036, 9412400045. These parcels comprise the “rezone area” discussed herein. A specific development is not currently proposed for the area that includes 9412400025, 9412400035, 9412400036, 9412400045 whereas tax parcel 9412400015 is proposed for a mixed use building with tax parcel 9412400116, the portion of the rezone, and includes design review for the proposed building known as the Impact Family Village site. The Property Use and Development Agreement (PUDA) would include all of the tax parcels to be rezoned.



[Figure 1]

The proposed rezone would relocate the boundary separating the NC2-40 zone from approximately 145 feet east of Rainier Ave. S. to 292 feet east into the existing single family zone. The proposed new line demarcating the single family and the neighborhood commercial zones would be at the rear property lines of the single family homes fronting 52nd Avenue South.

The portion of the rezone area on the northern most tax parcel (941240016) and the adjacent parcel 9412400015 (already zoned NC2-40) to the west comprise the Impact Family Village site, a proposed mixed use structure. The design review component of the subject MUP has been included in this Decision as discussed in full below.

The applicant has proposed the following restriction on the four parcels to the south as part of the NC2-40 rezone request.

- a. Provide increased setbacks in the NC2-40 zone adjacent to residential lots by increasing the setback from 15 to 25 feet for portions of structures over 13 feet.
- b. Preserve a stand of mature trees in parcel tax 9412300025 that provides a natural buffer between the proposed NC2-40 and the adjacent SF 5000 zone.

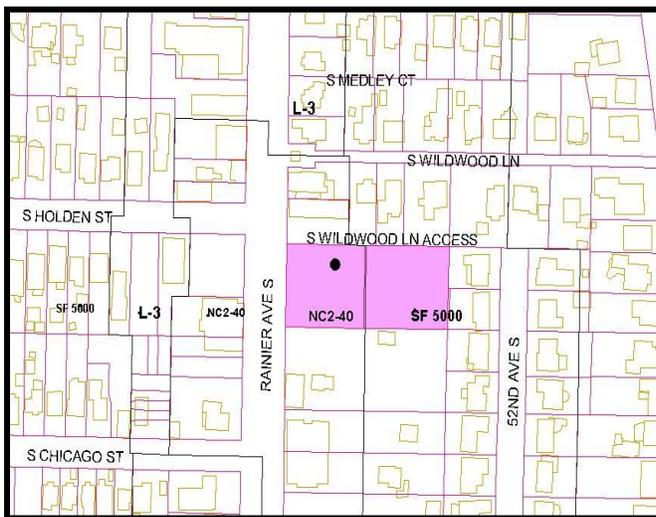
Background Information. The applicant has created a long-range development plan for the property in the rezone area. The plan has a five phase development scheme consisting of affordable housing, a community and recreation center (non-profit health club), commercial

space, a church and offices for related community services. The first and second phases have been completed.

- Phase I included the construction of the Emerald City Bible Fellowship facility on the western portions of parcels 9412300035, 9412400036, and 9412400045.
- Phase II involved the installation of temporary (modular) buildings to house Rainier Health and Fitness, a non-profit program of Urban Impact operating as a successful fitness center for local residents, on the western portion of 9412400025.
- Phase III will be the future construction of the “Impact Family Village,” which will be a mixed-use, commercial and multifamily building including approximately 63 residential units on parcels 9412400015 and 9412400016. The apartments will be affordable to those earning between 30% and 80% percent of the area median family income. Phase III will also include 5,700 square feet of commercial space for the temporary relocation of Rainier Health and Fitness until the completion of Phase IV. This is the subject of the design review component of the subject MUP.
- Phase IV will be the construction of a permanent space for Rainier Health and Fitness, ground floor retail spaces, and upper floor office space on parcel 9412300025.
- Phase V will occur on the eastern portions of parcels 9412300035, 9412400036 and 9412400045 (behind Emerald City Bible Fellowship) and possibly include housing and/or services to support neighborhood residents and programs.

Description of Design Review proposal: The applicant proposes a four-story, mixed-use structure on the east side of Rainier Avenue South between South Holden Street and South Chicago Street. Fronting onto Rainier Ave. S., the first floor would include approximately 5,700

square feet of commercial use. The three upper floors would house 63 residential units. A garage containing an estimated 89 parking spaces would extend behind the commercial space recessed into the slope of the hillside.



[Figure 2]

In order to accommodate the number of residential units planned, the applicant proposes a contract rezone for the site’s eastern portion, which currently has a zoning classification of Single Family 5000 (SF 5000), to conform with the parcel fronting on Rainier Ave. S. The western half of the development site has an existing zoning of Neighborhood Commercial Two with a forty foot height limit (NC2-40).

SITE & VICINITY

The subject rezone (see figure 1) includes one parcel (9412400016) and the eastern halves of four other parcels (9412400025, 9412400035, 9412400036, and 9412400045) situated to the east of Rainier Avenue South between South Holden Street and South Kenyon St. north of the Rainier Beach neighborhood. The rezone area (the one parcel and the four partial parcels) totals approximately 64,310 sq. ft. This rezone area sits behind one parcel (9412400015) and the four

western halves of the subject partial parcels which front onto Rainier Ave. S. Two single family structures occupy the rezone area--one vacant and the other occupied. Located on the same parcels but not within the rezone area are Emerald City Bible Fellowship and the Rainier Health and Fitness which front onto Rainier Ave. The non-profit fitness club is located in modular buildings for temporary use.

A one-story commercial building and four single family houses are adjacent to the northern border of the rezone area and parcel 9412400015. Seven single family houses are on the eastern border of the rezone area and a single family house on a split zoned lot lies adjacent to the southern edge. A vacant restaurant occupies the parcel at the northeast corner of S. Kenyon St. and Rainier Ave. Behind the restaurant, a new single family house was built in 2005.

The rezone area lies along the Rainier Ave. S. north of the Rainier Beach Residential Urban Village. The Rainier Beach neighborhood planning area extends northward to include the frontage along Rainier Ave. S. excluding the eastern half of the parcels. The corridor comprises commercial and multi-family structures for several miles north and south of the proposal site. Zoning in the immediate vicinity consists of NC2 40, Lowrise Three (L3) and Single Family 5000 (SF 5000). Single family zoning extends east from the site to Lake Washington. The SF zoning classification transitions from Single Family 5000 (SF 5000) to SF 9600 approaching the lake. SF zoning continues to the west of Rainier Ave. past the NC2-40 and L3 zones that generally front onto Rainier Ave.

The NC2 40 zone begins on the north end at South Wildwood Lane and extends towards South Kenyon Street. North of S. Wildwood Lane, the zoning changes to L3 just as it does south of Kenyon St. This pattern of alternating NC and L3 zones continues along Rainier for several miles. The zoning boundary parallel to Rainier Ave for the NC zones extends only a parcel deep on the east side of the avenue. To the east of the NC zone, the zoning is single family. On the west side of Rainier Ave., directly across from the rezone area, the L3 zone creates a transition between the NC2 and the Single Family residential zone further to the west.

South Wildwood Lane Access, a private access road, provides access to the commercial structure and four single family homes to the north of the subject rezone area.

The topography slopes upward from Rainier Ave. to Seward Park Ave. S., the crest of the hill. All but the land closest to Rainier Ave., (currently zoned NC2-40) lies on the incline. Across Rainier Ave. the land rises again forming a valley with Rainier as its base. A cluster of trees lies on parcels 9412400025, 9412400035 and 9412400036 along the eastern border of the rezone area forming a buffer between the subject rezone area and the single family houses to the east.

Recent construction in the immediate vicinity includes the Emerald City Bible Fellowship (church and social service provider) and a three unit townhouse structure on the north side of S. Chicago St. in an L3 zone. Across Rainier at S. Holden St., the land has been cleared and a MUP application submitted for an office building. Close to the rezone area (on S. Kenyon St.) and behind the vacant restaurant at the corner lies a recently constructed house (2005) associated with Faith Tabernacle. Further north a large townhouse development was constructed near South Fontanelle St. and Rainier Ave.

The western portion of the parcels(already zoned NC2-40) are within the Rainier Beach planning area boundary covered in the Rainier Beach Neighborhood Plan (Rainier Beach 2014) adopted in 1999. However, the eastern parcels, those in the subject rezone, are not within the planning area.

Site and Vicinity of the Design Review Component. The area proposed for the mixed-use building, a 38,610 square foot rectangular site divided into two parcels, ascends roughly 24 feet from west to east. Most of the topographic change occurs on the site's eastern half. A partially paved parking lot lies closest to Rainier Ave. S. The western parcel remains vacant.

PUBLIC COMMENT

The comment period for this proposal ended on July 15, 2009. The City received one letter in support of the project.

REZONE- ANALYSIS & RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which zone or height 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 23.34.004 Contract Rezones.

A. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

The subject application is for a contract rezone; a PUDA will be developed as part of the Council review.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The applicant does not seek a waiver from bulk or off-street parking and loading requirements.

General Rezone Criteria of SMC 23.34.008

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.

The area for rezone consideration lies outside of both an urban center and urban village.

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.

The applicant proposes to rezone the existing Single Family 5000 (SF 5000) zone to match the Neighborhood Commercial Two with a 40 foot height limit (NC2-40) that fronts Rainier Ave. S. Given the extensive amount of residential Lowrise Three (L3) zone in the vicinity along and near Rainier Ave. S., the analysis considers the appropriateness of this zone's criteria as a match for the area's characteristics.

SMC 23.34.076 provides the Neighborhood Commercial 2 zone, function and locational criteria and SMC 23.34.020 provides the same for Lowrise 3. A comprehensive analysis of the match between zone criteria and area characteristics are provided in the text below.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The parcel and portions of parcels under consideration for a rezone have been consistently zoned single family for many years. The most recent comprehensive planning process (resulting in *City of Seattle Comprehensive Plan: Toward a Sustainable Seattle*, January 2005), has not sought to recommend an expansion of the commercial zone fronting Rainier Ave. to this area. The City of Seattle Future Land Use map both illustrates and reflects this City Council decision.

No rezones have been granted in the general vicinity north of the Rainier Beach neighborhood in at least the past five years.

The subject properties were zoned Single Family Residential High Density (RS 5000), a precursor to SF 5000 prior to 1982. The adjacent parcels fronting on to Rainier Ave. S. were previously zoned Neighborhood Business (BN), a predecessor zone to Neighborhood Commercial. These parcels were re-zoned to NC2-40 under the City's prior commercial zoning code (Chapter 23.47) and remained NC2-40 under the most recent commercial zoning code (Chapter 23.47A), enacted in 2006. The history of the surrounding area that includes NC, single-family and lowrise multifamily zones has also remained similarly stable.

D. Neighborhood Plans.

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The western portions of the subject parcels lie within the area covered in the Rainier Beach 2014 Neighborhood Plan adopted in 1999. However, the eastern portion, the subject of the rezone, lies outside of the Rainier Beach Planning Area Boundary. Plan recommendations cited in the document Goal LUH-1 encourages both townhomes and mixed-use buildings as the preferred development pattern for meeting the projected growth target by 2014. LUH-L1, which refers to the S. Kenyon St. to S. Holden strip, states that this two block stretch east of Rainier Ave. has the existing zoning and available land to accommodate significant numbers of new residential units. Its explicit reference to existing zoning and available land implies the property fronting Rainier Ave. currently has the appropriate zoning and the capacity to provide either townhomes and/or mixed use development. Site visits and review of GIS maps confirm that several parcels fronting the east side of Rainier Ave. S. are currently vacant or underdeveloped.

Likewise LUH-3 promotes affordable housing as a means of retaining the diverse population that defines Rainier Beach. The portion of the proposed mixed use development on the current NC3 zoned property would meet this goal as the developer has indicated its desire to create affordable housing. LUH 4.1 encourages allowing flexibility for potential changes or contract rezones when they support the goals, strategies and vision of Rainier Beach as a ...secure urban village when project development begins to occur. The specific reference is to Rainier Beach as a secure urban village. The subject rezone lies outside of the urban village boundary by slightly over 1,000 feet. In addition, there are no specific recommended rezones in the Council adopted 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.*

Along the Rainier Ave. S. corridor between the Rainier Beach neighborhood to the south and Columbia City to the north, a well established zoning pattern of alternating Neighborhood Commercial and Lowrise zones hugs Rainier Ave. S. A much more expansive Single Family 5000 zone sandwiches these multifamily and commercial zones all along the corridor. In the general area of the rezone proposal, Lowrise 3 surrounds the one block neighborhood

d. Open space and green spaces.

Existing conditions do not possess physical buffers as delineated above. The top of the hillside east of Rainier Ave. begins at Seward Park Avenue South and descends along a steady incline until Rainier Ave. S. The western portions of the properties closest to Rainier appear to have been flattened due to road and building construction. Beyond this no significant grading has occurred with the exception of retaining walls and grading for single family residential structures.

The parcel and portions of parcels proposed for rezone currently do not have access to 52nd Ave. S. to the east. Any future development would likely require access through the NC2-40 zone fronting Rainier Ave. Ownership of these properties is controlled by the applicant. In fact, the applicant proposes that Impact Family Village would have access to Rainier Ave. as would the other portions of the rezone once they are proposed for redevelopment.

Any future development, whether single family, multifamily or commercial, would require access based on city codes. Due to the common ownership in the rezone proposal, access to Rainier Ave. would be the most probable scenario.

The largest open space proposed for Impact Family Village, a landscaped plaza atop of a parking plinth, lies to the south of the proposed structure and contiguous to property controlled by Emerald City Bible Fellowship, would not serve as a buffer.

No open spaces were presented for the development's future phases; however, a cluster of trees forms an edge along the eastern border of the rezone.

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.

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.

Physical buffers (1) have been described above.

Platted lot lines (2). Because control of the subject properties lies within a common ownership, the shape or configuration of future lot lines could be determined in many ways depending upon the existing or future proposals. The development of the two northern parcels, as described in the Impact Family Village scenario, lends itself to existing platted lot lines.

Development of the eastern portions of the subject parcels under a single family residential scenario would require vehicular access, likely an access easement through the NC2-40 zone. A similar condition occurs immediately to the north of the Impact Family Village proposal as four single family homes share S. Wildwood Lance Access (a private easement) through the neighborhood commercial zone. A scenario for lowrise development on the subject site would require the same or similar type of access easement.

The single family portions of the site could be subdivided or short platted depending upon development approach. However, an adjacent property immediately to the south of the rezone is

an 18,000 square foot parcel housing a single family home, a size comparable to all but one of the parcels (the site of the existing health club) to the north. Access, as stated above, would require an access easement or dedication.

The proposed development along Rainier Ave. will be oriented as described in criterion b.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

The proposed rezone will increase the height limit by ten feet. The site is not located within an urban village. The applicant states that both the proposed Impact Family Village and future phases of development would comply with the existing height provisions of SMC23.47A.012A.

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

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

a. Housing, particularly low-income housing;

The proposed contract rezone will provide 63 units of low-income, rental housing.

b. Public services;

The proposed contract rezone development will require public services. The area's infrastructure has the capacity to accommodate future development on the entire rezone site.

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

The Impact Family Village will be held to the Washington Evergreen Sustainability Development Criteria and other public funding standards, which requires considerable attention to all of the factors listed above.

The subject properties and the proposed Urban Impact development are subject to SEPA environmental review process (see analysis p. 34). Additionally, Urban Impact's public funding application process requires further environmental review. One such review by the Rainier Valley Community Development Fund already occurred in early 2009 in the course of a pre-development loan approval process.

Urban Impact will adhere to the guidelines and requirements of the Washington Evergreen Sustainability Development Criteria for affordable multifamily developments.

The proposed increase in density, height, bulk and scale would likely produce greater noise and shadows with an impact on single family neighbors. Shadows will mostly impact the houses to the north of the site. However, there will likely be no other more appreciably negative environmental impacts associated with allowing the proposed denser urban infill development than the existing zoning.

d. Pedestrian safety;

The area currently has sidewalks, street lights and a nearby crosswalk at S. Holden St.; therefore the proposed contract rezone will not impact pedestrian safety. The presence of commercial and residential uses on the site will increase “eyes on the street”, which is assumed to enhance overall safety in the neighborhood.

The proposed Impact Family Village will direct all vehicular traffic to a structured parking garage accessed from a curb cut on Rainier Ave. S. Pedestrian entrances to the residential units, health club, and the upper level south plaza occur alongside the driveway. A series of bollards will separate the pedestrians from vehicles entering and exiting the complex. In future phases IV and V, vehicular access will likely occur from Rainier Ave. S.

e. Manufacturing activity;

There is no manufacturing activity on the property or in the property’s vicinity.

f. Employment activity;

Impact Family Village will initially house a 5,730 sq. ft. health club currently located to the south on property controlled by Emerald City Bible Fellowship and part of the rezone proposal. During future Phase IV, the health club will receive a large facility on its current location making available commercial space in the Impact Family Village complex.

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

The subject property is currently a vacant lot and there are no adjacent properties of significant architectural or historic value.

h. Shoreline view, public access and recreation.

The proposed contract rezone will not impact shoreline, public access or recreation uses. The Rainier Health and Fitness, a non-profit health club, operating on parcel 9412400025, will move into the Impact Family Village structure until possible future construction occurs on a separate facility at completion of Phase IV.

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;

Rainier Ave. S. provides the most direct street access for the entire rezone proposal.

b. Street capacity in the area;

The proposed contract rezone will generate traffic which will use street capacity in the area. The street capacity of the area, however, can reasonably accommodate the increased traffic associated with the proposed development.

c. Transit service;

The proposal will be within .75 miles of two Sound Transit Link light rail stations. Two King County Metro buses have stops within one block of the site. The additional development potential provided by the rezone is negligible in terms relative to transit ridership for the project vicinity.

d. Parking capacity;

Based on SEPA analysis, the proposed Impact Family Village will have a capacity of 89 parking spaces or 19 spaces more than is needed at P.M. peak hour. The applicant did not provide parking estimates for future phases in the rezone area but presumably any development would comply with land use code requirements.

e. Utility and sewer capacity;

The rezone's development potential will not be adversely impacted by utility and sewer capacity. Seattle Public Utilities has indicated that the larger rezone area has existing sewer capacity to accommodate proposed development.

f. Shoreline navigation.

The proposed contract rezone will not impact shoreline navigation.

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.

The neighborhood has witnessed slow but steady redevelopment in the past ten years. MUP 2402699 received a Decision in 2006 for a two-story office building directly across Rainier Ave. Older buildings on the site were recently demolished. Emerald City Bible Fellowship was built in 1999. A new house associated with Faith Tabernacle saw construction in 2005 on S. Kenyon two parcels south of the rezone area. A large new townhouse complex (41 units in six structures) built in 2006 lies roughly 725 linear feet to the north on Rainier Ave. between S. Fontanelle St. and S. Othello St. 2008 witnessed the construction of a cluster of eight townhouses on S. Chicago St. just east of Rainier. With the opening of two light rail stations within .75 miles, recent development activity suggests that development in the corridor is not stagnant.

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

The subject parcels are not located in an Overlay district; thus this criterion does not apply.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The one full parcel and the portions of parcels closest to Rainier Ave. lie within a liquefaction prone area on the city of Seattle GIS map. A soils report, however, indicates the area is not liquefaction prone.

SMC 23.34.009 Height Limits of the Proposed Rezone.

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

This rezone seeks to increase the height limit from a Single Family zone with a height limit of 30 feet (SMC 23.44.012) to a neighborhood commercial zone with a 40 foot height limit. Due to the descending grade and the applicant's intent to keep the proposed Impact Family Village's second level below the upper portion of the hillside, the overall structure would not be higher than the two single family structures behind it.

The rezone is likely to meet demands for permitted goods and services by providing housing and commercial opportunities on a currently vacant site; displacement of preferred uses is unlikely under the rezone proposal. Impact Family Village would create 63 new residential units for the neighborhood.

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

The placement of proposed development on the downside of the slope benefits the applicant's proposal by lessening the impacts of the potential increase in height due to the rezone. The existing territorial views from the decks and interiors of the houses behind both Impact Family Village and future development to the south would still be impacted. The bulk of the Impact Family Village structure, however, would likely have a greater impact to views from the east and north than its height alone.

C. Height and Scale of the Area.

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

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

Single Family 5000 zoning allows for 30' height limits with a sloped roof bonus of 5'. An appurtenance, such as a chimney, may extend 4 feet above a ridge line. Single family houses

would likely step down in height following the grade, conforming to the predominant single family development in three surrounding directions. The scale of single family housing would more likely conform to existing development patterns in the vicinity.

The proposed Impact Family Village mixed use structure's height would not overwhelm the adjacent single family houses. Stair and mechanical penthouses, more massive than a single family chimney, would extend above the height limit. The complex's overall scale, however, would be much larger than the houses in the neighborhood.

Schematic images of Phases IV and V appear larger in scale than the surrounding neighborhood development but not with Phase III.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.

Major physical buffers are not present within the existing zones or between separate zones. The height of the proposed Impact Family Village, with benefit of the slope and the applicant's forbearance, provides a shorter structure than what might be possible in a 40 foot height zone. From the north and east, the breadth or scale of the project is greater than the surrounding development. The structure's height, bulk and scale, modulation, landscape screening, all reviewed during the design review process, are intended to mitigate the structure's proposed scale.

See C1 and C2 above for further discussion.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

See discussion for SMC23.34.008D above.

In summary of height considerations, height as proposed for Impact Family Village may be less of a concern than overall scale. The project's bulk would be considerably greater than the surrounding single family houses.

SMC 23.34.010 Designation of Single-Family Zones.

A. Except as provided in subsections B or C of this section, single family zoned area may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.

As discussed below in section 23.34.011, the proposed rezone area meets some but not all of the function and locational criteria for a single family zone. Subsections B and C, which refer to adopted boundaries or urban villages and Northgate Over District, do not apply to this rezone.

SMC 34.011 Single Family Zones, Function and Locational Criteria.

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

The entire area proposed for rezoning comprises roughly 64,310 sq. ft. with one full parcel (19,800 sq. ft.) and the eastern half of four parcels ranging in approximate size from 5,850 sq. ft. to 19,305 sq. ft. The applicant also controls an additional tax parcel of 72 sq. ft. (9412400112) to the east of the full parcel which lies outside of the proposed rezone. Parcels in the rezone area have larger lot sizes than the adjacent single family parcels to the north and east. These range in size from 6,270 to 13,990 sq. ft. A single family structure on a parcel directly to the south of the proposal area has a lot area of 18,032 sq. ft., comparable in size to all but one of the rezone parcels. Thus, the majority of single family structures in the rezone vicinity lie on lots in the 6,000 to 7,000 sq. ft. range. Three single family structures, adjacent to the proposal, occupy larger lots equivalent in size to the portions of the parcels currently delineated as single family and subject to the rezone.

The subject rezone parcels, whether subdivided into 5,000 sq. ft. lots or left in their current size, would likely require an easement to allow access to Rainier Ave. through the NC2-40 portion of the lots. Two of the lots (behind the Emerald City Bible Fellowship) each have a single family structure occupying the site. The rear portions of the parcels lie within a continuous hillside that extends from Rainier Ave. to Seward Park Ave. S. on the east. Any single family development on the eastern portions of the site would likely be situated behind the church and any future neighborhood commercial development fronting Rainier Ave. This type of condition does currently exist along the Rainier Ave. corridor.

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 percent (70%) of the existing structures in single-family residential use; or*

The city land use code defines a block as consisting of two facing block fronts bounded on two sides by alleys or rear property lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening. The rezone vicinity includes a mix of vacant land, single family homes, small commercial structures, and a church. Less than 70 percent of the existing structures (four of eight) along Rainier Ave. S. are in single family use. One of the eight, not counted, is a vacant single family house.

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

The one parcel and the portions of four parcels proposed for a rezone lie outside of the adopted Rainier Beach neighborhood plan.

3. *Areas that consist of blocks with less than seventy percent (70%) of the existing structures 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 in the last five (5) years has been increasing proportionately to the total number of construction for new uses in the area, or*

No single family construction has occurred in the past five years in the area defined as the rezone block. One single family building, adjacent to the block, has been constructed on S. Kenyon St. to the east of Rainier Ave. on a split zoned lot.

- b. *The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or*

It does not appear that the block has an increasing number of improvements to single family structures nor is there an apparent increase in the surrounding single family neighborhood.

- c. *The number of existing single-family structures has been very stable or increasing in the last five (5) years, or*

The number of single family structures appears to remain stable both on the block and in the surrounding vicinity.

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

The block and surrounding area is topographically and environmentally suitable for single family residential development. The hillside remains buildable and the slope's incline would not deter construction of single family homes.

The analysis appears inconclusive. The number of single family homes has remained stable and the area is both topographically and environmentally suitable for single family development. However, quantitative criterion #1 is not met and criterion #3 a. and b. do not indicate a trend in home construction or improvement. The rezone area is not part of an adopted neighborhood plan (criterion#2).

C. An area that meets at least one (1) of the locational criteria in subsection A 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 area proposed for rezone does not comprise 15 contiguous acres. However, a single family zone (SF 5000) surrounds the proposed rezone area on the north, east and south.

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:*
 - a. *That the construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of construction for new uses in the area, or*
 - b. *That the number of existing single-family structures has been very stable or increasing in the last five (5) years, or*
 - c. *That the area's location is topographically and environmentally suitable for single family structures, or*
 - d. *That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures.*

The area abuts an existing single family zone. Criterion #2 does not apply.

D. Half-blocks at the edges of single-family zones which have more than fifty percent (50%) single-family structures, or portions of blocks on an arterial which have a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

On the half-block, three of seven structures are single family. The health club is in a temporary structure.

Summary. For whatever reason(s) that has inhibited single family development in the rezone area, it is not environmental or topographic. The surrounding single family neighborhood appears stable with one newly constructed house. The rezone area itself lacks the number of single family houses to qualify for 70 percent of structures in a single family zone.

SMC 23.34.013 Designation of Multifamily Zones.

An area zoned single family that meets the criteria of Section 23.34.011 for single family designation, may not be rezoned to multifamily except as otherwise provided in Section 23.34.010B.

Evidence is inconclusive that the rezone area meets single family criteria.

SMC 23.34.020 Lowrise 3 (L3) Zone, Function and Locational Criteria.

A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.

The rezone area itself does not provide multifamily housing as most of the property lies vacant. The larger vicinity to the north, south and west has L3 zoning and numerous moderate scale (two and three story) apartment buildings along Rainier Ave.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:

a. Properties already zoned L3;

The site is not zoned L3

b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established.

In the general vicinity, a continuous L3 zone extends for a distance of over 2,400 linear feet from just north of S. Othello St. to several parcels south of S. Kenyon St. The L3 zone includes properties both east and west of Rainier Ave. At S. Wildwood Lane, the L3 zone surrounds a Neighborhood Commercial 2-40 zone on the north, west and south, creating a transitional zone between the commercial area and the single family neighborhood to the west. The commercial node, which fronts Rainier Ave. S. from S. Wildwood Lane / S. Holden St. to S. Kenyon St., interrupts the L3 zone on the east side of Rainier. The subject single family zone forms the eastern border of the Neighborhood Commercial 2-40. Unlike the west side of Rainier, there is no transitional zone. The condition creates six split zoned lots. Four of these comprise the subject rezone application.

In the L3 corridor, there are numerous two to three story apartment complexes built from the 1950s through the 1970s. A few other multifamily structures date back to the 1920s. South of Othello on the east side of Rainier Ave., a larger townhouse complex (Seward Park Townhomes) comprising 41 units was recently constructed (2006) on a L3 zoned site of 53,000 sq. ft. The configuration of the site, built on the hillside, narrows to allow a 20' driveway access to Rainier Ave. The Seward Park Townhomes site, approximately 900 feet north, is comparable in size to

the subject rezone area. Eight newly construction townhouses (2008) occupy a site on St. Chicago St. in the L3 zone on the west side of Rainier Ave.

- 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*

Not applicable.

- d. *Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

Not applicable.

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

A mapped liquefaction area (ECA) covers the portion of the lots closest to Rainier Ave. The applicant states that a soils report indicates that the area does not qualify as liquefaction prone. The specific area under rezone consideration lies outside of the ECA mapped area.

3. *Other criteria. The Lowrise 3 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 L3 density and where L3 scale is well established;*

As stated above, the greater Rainier Ave. corridor has properties developed at L3 densities.

- (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*

Not applicable

- (c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or*

the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

Not applicable.

- (2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.*

Rainier Ave. S. has the capacity and design to accommodate L3 zoning. The one full parcel and the four partial parcels comprising the rezone area do not currently have improved roads to access Rainier Ave. Any future development at L3 densities would require designating access through the NC2-40 zoned portion of the properties.

b. Relationship to the Surrounding Areas.

- (1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones*

The subject rezone area lies close to Rainier Ave. S. with convenient access to public transit (both bus and light rail). Vehicular traffic would not be required to pass through less intensive residential zones.

- (2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development*

This is not applicable.

- (3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;*

The neighborhood lies within close proximity to Atlantic City Park, Pritchard Island Park, Rainier Beach Playfield, and Othello Playground and a bike route that follows Seward Park Ave. S. Several elementary, middle and high schools are within the area. The Rainier Ave. S. corridor offers neighborhood services.

- (4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or whether a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.*

Future L3 development could act as a transition between the NC2-40 zone embracing Rainier Ave. and the single family neighborhood to the north, east and south. This zoning and land use pattern already occurs on the west side of Rainier Ave.

Summary: The subject rezone could accommodate L3 or other lower scale multifamily zoning. A potential development scenario of the parcel's eastern half as L3 and the west as NC2-40 could produce a large scale project similar to the Impact Family Village proposal. However, the applicant has maximized units and gained economies of scale by proposing a mixed use building with low income housing. Tools such as controlling height, bulk and scale; limiting commercial

encroachment on nearby zones with less density, and smoothing zone transitions through a PUDA and design review process provides an opportunity for the creation of affordable housing without negative impacts on adjacent properties.

SMC 23.34.072 Designation of Commercial Zones.

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

The proposed rezone would potentially allow expansion of commercial development into a single family area. Although the rezone area in question lies mostly vacant, any future development on the parcels would be bordered by an existing single family neighborhood on three sides. Impact Family Village would introduce the residential portion of a mixed-use development into the existing single family area, creating adjacencies with single family housing to the north and east. Commercial encroachment would be controlled through a PUDA.

The applicant has presented a schematic plan for future development of the rezone's southern parcels. The parcel (9412400025) with the existing health club would be redeveloped into a fully commercial use with a much larger health club facility extending into the single family zone. Additional affordable housing or offices potentially would be sited behind the Emerald City Bible Fellowship.

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

The area meets some but not all of the locational criteria for single family designation. SMC 23.34.010B and 010C do not apply due to the absence of an urban village or Northgate designation.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

The preferred configuration of the proposed expansion of the commercial zone would not likely conflict with the existing configuration of the single family area to the east, north and south.

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

The rezone would expand the existing neighborhood commercial node by approximately 64,300 sq. ft.

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

The proposal expands a commercial node but does not attempt to create a new business district. The Impact Family Village structure and future phases would redevelop existing properties.

SMC 23.34.076 Neighborhood Commercial 2 (NC2) Zones, Function and Locational Criteria.

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

- 1. A variety of small neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot lines;*
- 3. An atmosphere attractive to pedestrians;*
- 4. Shoppers walk from store to store.*

The proposed Impact Family Village's design and accommodation of commercial use at street level meets the characteristics of the neighborhood commercial zone's function. A commercial storefront would be located close to the sidewalk with significant amounts of glazing to allow for a visual interaction between the interior uses and pedestrian activity. Existing zoning conditions along Rainier Ave. S. for the property controlled by the applicant would also accommodate future redevelopment to meet the urban design characteristics of this section of the code. Phase IV (a larger health club facility) would potentially provide a complementary use to the range of household and personal goods and services. Phase V (affordable housing, senior housing, offices or an educational center) could be built, depending upon uses, in a multifamily or possibly a single family zone designation (institutions are allowed in the SF zone). Commercial offices unrelated to the mission of the applicant team would not be allowed in the area east of the existing church parking lot.

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

- 1. Primarily 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;*

Based on the Land Use Code's definition of a block (SMC23.84A.004), most of the commercial node along Rainier Ave. comprises one city block stretching from S. Wildwood Lane to S. Kenyon St. and technically does not meet the criteria. The subject commercial node lies outside of an urban village.

- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

The subject parcels will have access from Rainier Ave. S., a principal arterial classified as a major transit street. The city does not consider the avenue a major transportation corridor.

- 3. Lack of strong edges to buffer the residential areas;*

The terrain does not comprise a strong edge to buffer the neighboring residential areas. The hillside descends from Seward Park Ave. S. and flattens due to grading near Rainier Ave. There is no natural break or buffer that defines the rezone topography from the single family area to the north, east and south. A grove of trees near the rear property line separates parcel 9412400025 from the adjacent single family home.

4. Primarily A mix of small and medium sized parcels;

The five parcels affected by the rezoning range in size from 11,700 to 36,610 sq. ft. averaging approximately 21,737 sq. ft.

5. Limited or moderate transit service.

King County Metro provides moderate level bus service along Rainier Ave. S. Sound Transit light rail has two stations within close proximity to the subject rezone area. Sound Transit's long-range plan, along with the Rainier Beach Neighborhood 2014 plan, includes providing transit service to link with the light rail route along Martin Luther King Way South, either at the Othello Station to the west or the Henderson/Rainier Beach stop to the south.

Summary: The proposed expansion of the neighborhood commercial zone into a largely vacant area (with the exception of two single family structures) would allow a greater number of low-income housing opportunities and with a PUDA and Design Review would limit negative impacts of height, bulk and scale and also assure commercial encroachment toward existing single family would be controlled. The proposal for the mixed use structure and the less defined future phases would expand an existing and largely underdeveloped commercial node. It would not create a new business district. The terrain does not present itself as a natural buffer between the single family zone and the proposed rezone area. A large cluster of trees on the eastern edge of parcels 9412400025, 9412400035 and 9412400036, however, would provide screening between three of the homes and future development. In addition, the applicant has designed a mixed use structure on the northern parcels that attempts to respect the heights in the surrounding neighborhood. Commercial uses unrelated to the applicant's operations would not be permitted in the rezone area.

RECOMMENDATION – REZONE

Acceptance of the proposed rezone would bring affordable housing and commercial development to an underdeveloped area. The realization of Impact Family Village would meet general rezone criteria SMC 23.34.008F.1.a by providing low-income housing. This element of the proposal is reinforced in the Comprehensive Plan's Land Use policies LU5, "Seek opportunities in rezones or changes in development regulations to incorporate incentive program for development of housing that is affordable for the longest term practical." The rezone meets the intent of other land use, housing and economic development policies committing the City to ensuring affordable housing opportunities and revitalizing existing commercial districts. Notwithstanding the logic of the Land Use Code's criteria that manifests itself in reasonably maintaining the single family zoning or creating a lowrise multifamily transitional zone between neighborhood commercial and single family homes, the proposal meets many of the neighborhood commercial zone's criteria.

Based on a weighing and balancing of the provisions of SMC chapter 23.34.007, the Director recommends APPROVAL of this rezone request.

Recommended Conditions of Approval Prior to Issuance of a Permit to Establish Use for Future Construction / Property Use and Development Agreement:

1. Proposed height and bulk as well as setbacks of the Impact Family Village structure on tax parcel 9412400015 established by the Land Use Code and Design Review process will govern the limits of its development.
2. The cluster of trees on tax parcels 9412400025, 9412400035 and 941240036 east of the 60 foot topographic line as shown on the site survey submitted with the MUP drawings will be preserved based on tree protections for a grove in Director's Rule 16-2008 and general tree protection regulations in SMC25.11.050B and 050E. Should the trees perish for any reason before or after construction, the area will be reforested at a one-to-one rate.
3. Increase all rear setbacks and side setbacks adjacent to a Single Family zone from 15 to 25 feet for portions of buildings over 13 feet on tax parcels 9412400035, 9412400036 and 9412400045.
4. Future development in the rezone area would be limited to residential uses, expansion of the existing health club, and / or expansion of the religious institution currently occupying the site.

ANALYSIS - DESIGN REVIEW

Public Comments

The project proponents presented their initial ideas at an Early Design Guidance meeting on February 10, 2009. Seventeen members of the public signed in at the Early Design Guidance meeting. The following outlines their comments.

- Screen the top of the roof on the eastern portion of the proposed structure or add greenery to it.
- Preserve trees.
- Rainier Beach 2014 Plan is a catalyst for Urban Impact's on-going development.
- Ensure that the increase in density will result in safety for the neighbors and residents.
- Development could aid the development of the nearby light rail stops by using feeder lines to transport people to the station.

Design Guidance

At the Early Design Guidance meeting on February 10, 2009, the architect presented three options with the similar programmatic approaches. Each had a commercial use on the first level

fronting onto Rainier Ave. S. with a large, level parking garage extending back into the hillside toward the east property line. The configuration of the residential and open spaces varied among the schematic options. Option #1 depicted three roughly equal cubic volumes along an east / west axis connected by a linear hallway. In plan, four relatively narrow open spaces separated the three, three-story volumes. The second option resembled a U-shape or C-shape with residential units surrounding a large, south facing courtyard. In this scheme, most units would likely face the adjacent properties to the north. The applicant's preferred option (#3) was a large, three-story, rectangular volume with residential units accessed from a double loaded corridor that extends along an east west axis. The bulk of the mass sits close to the north property line near adjacent commercial and single family properties. Additional drawings presented at the Early Design Guidance meeting illustrate three courtyards carved from the south façade facing toward the athletic facility and the Emerald City Bible Fellowship building. In this scheme, access to the courtyards would occur from an exterior stair leading up from Rainier Ave. or from an internal central residential lobby area. In each of the three schemes, proposed vehicular access would occur from Rainier Ave. S.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Responding to the proposed concept for an upper level blank façade facing Rainier Ave. S., the Board strongly emphasized the need for more glazing to create a pedestrian friendly street presence.

The Board acknowledged the developer's long term plan for creating a mixed use building and maintaining the athletic facility to the north of the Emerald City Bible Fellowship building.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The Board discussed the possibility of having the structure extend along Rainier Ave. S. within the Neighborhood Commercial zone rather than stretch back into the existing single family zone since the applicant plans to develop the parcels to the south as well. This would entail demolition of the athletic facility, potentially requiring the facility's temporarily closure until completion of the new building. (Note: The architect mentioned that the developer did not want a temporary closure of the facility.) The Board did not request an alternative showing scheme along Rainier Ave. S.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board strongly recommended that the proposed complex's density should decrease as it extends toward the single family zone on the north and east. Greater physical relief (modulation, open space) should occur along the north elevation in order to reduce the mass and bulk close to the single family homes. The mass of the northern portion appears too rigid along its length; the facade should be eroded considerably to preserve light to the single family homes and reduce the amount of overall bulk. In addition, the design should have a pedestrian pass through connecting the northern and southern portions of the property approximately one-half or two thirds of the site's length back from Rainier Ave. This would not necessarily require splitting the complex into two volumes at grade but would provide a pedestrian connection for the tenants between one of the courtyards on the south and a less active open space on the north.

Option #3 appears to better respect the houses to the east of the complex due to the ascending slope. Following-up on a public comment, the Board urged that the roof on the east side be adequately screened or have plantings to provide greenery.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board preferred the three courtyard scheme over the scheme with a single large courtyard. These courtyards should be especially child-friendly in order to accommodate the families the applicant expects to reside in the proposed complex.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board preferred the vehicular access design shown on page 14 of the EDG packet. The garage entrance should be close to the site's southern edge.

B. Height, Bulk and Scale Compatibility

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The general massing of the proposal should transition to a lower residential scale near the single family zone on the north. As stated in guidance A-5, the density of the complex should decrease as it approaches the northern portion of the site. Setbacks should be greater than those shown in the options presented; the mass should ensure adequate light to the single family homes and should provide visually less bulk by use of discreet open space(s) and greater modulation along the facade.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The area along Rainier Ave. lacks a homogenous context of similar structures and materials. The Board recognized the architect's stated desire to create a new precedent along Rainier Ave. S. and viewed the larger master plan for the two acres to the south.

The proposed structure along the north and east should possess an architectural vocabulary sympathetic to the single family neighborhood that will surround it.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board will review the architectural concept and its consistency at the Recommendation meeting. However, the Board strongly recommended a plan and program that visually embodied less residential density on the eastern portion of the site near the single family zone.

A design with flat roofs appeared okay with the Board members.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Creating an intimate sense of human scale is critical to the project's success due to its huge size. Areas of particular importance are the Rainier Ave. façade, the facades closest to the courtyards, and the north elevation near the single family homes.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The garage entrance should be as discrete as possible and the curb cut as narrow as possible in order to create a safer pedestrian environment.

Pedestrian Environment.

D-1 Pedestrian Open Spaces and Entrance. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Do not create any blank walls facing Rainier Ave. and the homes to the north.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.

Due to the architect's desire to cut into the slope to reduce the appearance of height, the proposal will likely create a series of retaining walls. These internally facing walls should be well detailed, at a human scale and textured.

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board requested a concept plan for waste and recycling storage for the next meeting.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Provide a coherent plan addressing safety and security concerns at the next meeting.

D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

Provide a commercial signage concept plan for the next meeting.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

Provide a commercial and residential lighting concept plan for the next meeting.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Landscaping.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The landscaping plan should tie into the series of proposed retaining walls near the adjacent properties

Ensure adequate screening between the proposal and the adjacent houses to the north and to the east.

E-2 Landscaping to Enhance the Building and / or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Provide a comprehensive landscaping plan for the Recommendation meeting.

REQUESTED CODE DEPARTURES

The applicant did not present any departure requests at the EDG meeting.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on June 19, 2009.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on November 10, 2009 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, models, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Nine individuals signed-in at the Recommendation meeting. The one person who spoke supported the proposed development as good for the area. He noted the importance of safety as a consideration.

Development Standard Departures

The applicant did not request departures from the standards of the Land Use Code:

A. Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board did not contribute further comments.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The Board recommended creating a greater street presence for the residential entrance on Rainier Ave. The entrance should be pulled forward to align, at least, with the exterior green wall at the residential levels above.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The applicant documented and explained the relationship of the proposed building's height with the neighboring single family house to the east. An explanation of the relationship of the complex with the houses to the north was also provided.

The Board asked why the existing property lines needed to be respected if the applicant controlled the parcels to the south. Potentially the proposed development could be shifted to the south to decrease impacts on the properties to the north.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The future opportunity to integrate the south plaza into a larger plaza attached to the health club pleased the Board members.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

Board members preferred a driveway approach at a 90 degree angle to the sidewalk and the street. Because the applicant appeared to have minimal communication with SDOT regarding the value of an existing street tree and whether the angled driveway made sense, the Board asked for further investigation. Based on these findings, the DPD planner will recommend an angle and design of the driveway approach.

B. Height, Bulk and Scale Compatibility

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

By not stepping up the proposed structure as the grade ascends to the east, the architect has reduced the height of the structure in relation to the houses uphill from it.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The volume of the proposed structure closest to the east property and nearest the residential neighbors should be clad in lap siding with the same coffee coloration as the rest of the fiber cement siding. The Board conditioned the project to ensure that this occurs.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The commercial storefront appears enervated due to the placement of an exit stairs in the center of the space and the lack of commercial entries at the sidewalk. The Board encouraged the architect to change the color of the canopy to provide more visibility for the commercial use. It also recommended changing the color of the exit door (see C-4).

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

No further discussion ensued.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

See C-1 above.

The exit stair at grade on the west façade should not call attention to itself from the streetscape. The Board conditioned the design to have a less obtrusive color and one preferably similar to the coffee color hue of the stair tower.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

No further discussion addressed the garage entrance.

D. Pedestrian Environment.

D-1 Pedestrian Open Spaces and Entrance. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

See A-3.

The Board requested a design for the gates and fences securing the open spaces above the two exterior stairs at the upper plaza levels. The gate and fence should be compatible with the design of the proposed building. The land use planner shall review and determine the adequacy of the proposed gate and fence design.

Considerable discussion focused on the relationship between common residential and private open spaces at the upper plazas. Changing the pavement pattern or color to demarcate private unit areas on the south plaza or the walkway on the north side did not appear adequate. The Board recommended adding planters or some other architectural feature to distinguish these spaces that will inevitably contain bicycles, play equipment and grills from the larger common areas.

The Board recommended adding overhead weather protection above the entry at the community room off the south plaza.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.

The retaining wall close to the north property line should be pushed back further to the east to enable more light and transparency into the health club (potential future commercial space) at the front of the building. The stairs leading to the residential units will need to be pushed back as well leaving a larger open space at street level.

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The placement of the trash and recycling storage room did not warrant further comment.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board conditioned the design of the gates and fences at the plaza level. See D-1.

The programming of the six residential units closest to Rainier Ave. should be reconceived to place the living and dining areas closest to the street in order for the residents of the units to have eyes on the streetscape. The current arrangement has a bathroom and bedroom facing the street. These most private of spaces would likely have shades drawn and negate the applicant's desire to create a safe and secure environment. The Board recommended a design review condition to achieve this change.

Discussion among the Board members also addressed the extension of the green walls beyond the plane of the south elevation as these walls could block the vision of the residents from surveying the plaza. The Board did not determine whether the green walls should be shortened.

D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

The “Impact Family Village” sign could be more pronounced as it lacks visibility due to the upper green wall potentially blocking it and the signs distance from the street.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

The applicant did not provide a lighting design at the Recommendation meeting, but described translucent awnings, illuminated bollards, and lighting in the circular areas of the plaza. The Board requested lighting along the Rainier Ave. storefront, illumination under the overhangs throughout the project, at the residential entrances on the north and south plazas, and additional lighting at the northeast corner of the north walkway where it terminates. The lighting plan should be submitted to the land use planner for review and approval.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Increasing the amount of transparency along the north side of the building at the health club was important to the Board. See D-3.

E. Landscaping.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

Questions focused on how vegetation planted along the north retaining wall could be maintained without an agreement from the neighboring property owners.

E-2 Landscaping to Enhance the Building and / or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board generally praised the landscape plan particularly at the south plaza. At the retaining wall that would extend along the north property line, the portions of the wall in concrete and glass (shown at an angle askew from the top plane) that rise above the walkway should better relate to the planters and the modulation of the proposed structure. These elements aligned with the scoring in the retaining wall could be the back of a seating wall or an element of the planters.

The various drawings submitted to the Board show an inconsistency in the number of trees to be planted along the north walkway. The drawings should be revised before issuance of the MUP

decision. The trees will provide needed screening between the proposed complex and the housing to the north.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the November 10, 2008 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the November 10th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design.

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Create a greater street presence for the residential entrance on Rainier Ave. S. The entrance should be pulled forward to align, at least, with the green wall above. (A-3)
2. Based on discussions with SDOT, the DPD land use planner will determine the angle and design of the driveway approach. The Board prefers the driveway to have a 90 degree alignment with Rainier Ave. S. (A-8)
3. Clad the volume closest to the east property and nearest the residential neighbors with a fiber cement lap siding with the same coffee coloration as the other lap siding. (C-1, C-4)
4. Use a less obtrusive color for the exit stair door on Rainier Ave. and one preferably similar to the coffee color hue of the stair tower. (C-4)
5. Design the gates and fences at the top of the two exterior stairs to be compatible with the design of the proposed building. The Land Use Planner shall review and determine the adequacy of the proposed design. (D-1)
6. Add planters or some other landscape or architectural feature to distinguish the areas between common residential and private open spaces at the two upper plaza levels. The demarcation should have a height and a thickness to separate private open spaces from the larger common areas. (D-1)
7. Add overhead weather protection above the entrance to the community room off the south plaza. (D-1)
8. Push back to the east the retaining wall close to the north property line to enable increased light and transparency into the health club (future commercial space). The exterior stairs leading to the residential units will need to be pushed back as well leaving a larger open space at street level. (D-3, D-11)
9. Reconceive the programming of the six residential units closest to Rainier Ave. to place the living and dining areas closest to the street in order to facilitate resident eyes on the streetscape. (D-7)
10. Provide exterior lighting at the following locations: along Rainier Ave. at the storefronts, under the overhangs throughout the project, at the individual residential entrances facing the north and south plazas, and at the northeast corner of the north walkway where it terminates. The lighting plan should be submitted to the Land Use Planner for review and approval. (D-10)
11. Realign the portion of the retaining wall above the north walkway rendered in concrete and glass (shown at an angle askew from the top plane) to correspond with the planters and the modulation of the proposed structure. This repetition of elements potentially could be the back of a seating wall or an element of the planters. (E-2)

12. Revise the drawings to establish a common landscape plan that is reflected in all other drawings which provide landscape elements. The drawings should be revised before publication of the MUP decision. (E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 16, 2009. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction for Impact Family Village and Phases IV and V is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional

soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation on the east side of the parcel's slope is approximately 26 feet and will consist of an estimated 13,100 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Construction of the mixed use structure is proposed to last approximately 16 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on site as soon as possible and continue for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 13,100 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 1,310 round trips with 10-yard hauling trucks or 655 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Rainier Ave. S. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that units in residential low/mid-rise apartment structures units generate 0.39 vehicle trips in the P.M. peak period per unit. The 63 apartment units would generate approximately 25 vehicle trips per P.M.

peak period. ITE estimates that a for-profit health club generates weekday a P.M. peak hour trip rate of 4.3. Based on the size of the proposed health club (5,730 s.f.), the non-profit facility would produce an estimated total of 26 P.M. peak hour trips.

The total new trips would amount to 51 new trips added to the p.m. peak hour traffic---a sum that would not seriously affect operations of the nearby intersections. Future Phase IV would increase the size of the health club. The amount of traffic generated by Phase V would not likely impair existing traffic conditions. No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

Parking

The proposed health / fitness club would generate demand for about approximately 31 vehicles at peak times (6:00 to 7:00 PM) and the proposed 63 residential units would generate a peak demand for 39 spaces based on ITE rates for a for-profit health club and market rates apartments. Given that the project proposal has a non-profit health club and affordable housing, the complex may generate somewhat smaller demands for parking. The total of 70 spaces needed at P.M. peak hour is considerable less than the 89 proposed parking spaces. The sum would provide sufficient parking. Phases IV and V would not likely create demonstrably greater demand on parking in the area. Based on this analysis, no SEPA mitigation of parking impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

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

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

RECOMMENDED CONDITIONS-REZONE

The Director recommends **APPROVAL** of this request for a rezone from SF 5000 to NC2-40, subject to the conditions of the PUDA, which includes all tax parcels in the rezone area, approved by City Council.

1. The height and bulk as well as setbacks for the Impact Family Village structure on tax parcel 9412400015 established by the Land Use Code and Design Review process will govern the limits of its development.
2. The cluster of trees on tax parcels 9412400025 9412400035 and 9412400036 east of the 60 foot topographic line as shown on the site survey submitted with the MUP will be preserved based on tree protections for a grove in Director's Rule 16-2008 and general tree protection regulations in SMC25.11.050B and E. Should the trees perish for any reason before or after construction, the area will be reforested at a one-to-one rate.
3. Increase all rear setbacks and side setbacks adjacent to a Single Family zone from 15 to 25 feet for portions of buildings over 13 feet on tax parcels 9412400035, 9412400036 and 9412400045.
4. Future development in the rezone area shall be limited to residential uses, expansion of the existing health club, and / or expansion of the religious institution currently occupying the site.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance

Revise plans sets to show:

5. Create a greater street presence for the residential entrance on Rainier Ave. S. The entrance should be pulled forward to align, at least, with the green wall above.
6. Based on discussions with SDOT, the DPD land use planner will determine the angle and design of the driveway approach. The Board prefers the driveway to have a 90 degree alignment with Rainier Ave. S.
7. Clad the volume closest to the east property and nearest the residential neighbors with a fiber cement lap siding with the same coffee coloration as the other lap siding.
8. Use a less obtrusive color for the exit stair door on Rainier Ave. and one preferably similar to the coffee color hue of the stair tower.
9. Design the gates and fences at the top of the two exterior stairs to be compatible with the design of the proposed building. The Land Use Planner shall review and determine the adequacy of the proposed design.

10. Add planters or some other landscape or architectural feature to distinguish the areas between common residential and private open spaces at the two upper plaza levels. The demarcation should have a height and a thickness to separate private open spaces from the larger common areas.
11. Add overhead weather protection above the entrance to the community room off the south plaza.
12. Push back to the east the retaining wall close to the north property line to enable increased light and transparency into the health club (future commercial space). The exterior stairs leading to the residential units will need to be pushed back as well leaving a larger open space at street level.
13. Reconceive the programming of the six residential units closest to Rainier Ave. to place the living and dining areas closest to the street in order to facilitate resident eyes on the streetscape.
14. Provide exterior lighting at the following locations: along Rainier Ave. at the storefronts, under the overhangs throughout the project, at the individual residential entrances facing the north and south plazas, and at the northeast corner of the north walkway where it terminates. The lighting plan should be submitted to the Land Use Planner for review and approval.
15. Realign the portion of the retaining wall above the north walkway rendered in concrete and glass (shown at an angle askew from the top plane) to correspond with the planters and the modulation of the proposed structure. This repetition of elements potentially could be the back of a seating wall or an element of the planters.
16. Revise the drawings to establish a common landscape plan that is reflected in all other drawings which provide landscape elements. The drawings should be revised before publication of the MUP decision.

Prior to Building Application

17. Include the Departure Matrix in the Zoning Summary section on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Prior to Commencement of Construction

18. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of all Construction Permits

19. Embed the MUP conditions in the cover sheet for all subsequent permits including updated building permit drawings.

Prior to Issuance of a Certificate of Occupancy

20. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392) or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

21. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce Rips, 615-1392), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

RECOMMENDED CONDITIONS – SEPA

During Construction

22. Condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

23. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

24. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- a) non-holiday weekdays between 7:00 A.M and 6:00 P.M.

- b) non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - c) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - d.) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
25. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
26. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) Date: January 7, 2010
Bruce P. Rips, AICP, Sr. Land Use Planner
Department of Planning and Development

BPR:bg

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