



City of Seattle

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Number:** 3011035  
**Applicant Name:** Mitch Yockey  
**Address of Proposal:** 160 20<sup>th</sup> Avenue  
**Council File:** 310515

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to rezone a 12,800 sq. ft. portion of property from L1 to L3. That portion being lots 3-4 of lots 1-4, Block 25, HD Yeslers Addn. Property is located between 170 20th Avenue to the North, 20th Avenue to the West, 152 20th Avenue to the South, 21st Avenue to the East. Parking for First Place School to remain.

The following approvals are required:

**Rezone** - To rezone from L-1 to L-3 (Seattle Municipal Code 23.34)

**SEPA** - Environmental Determination (Seattle Municipal Code Chapter 25.05)

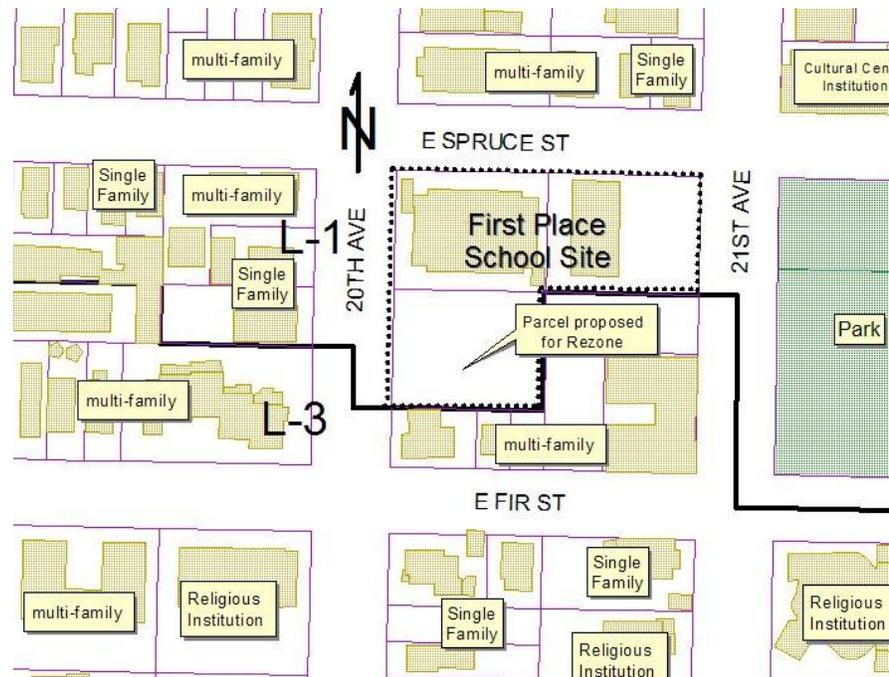
**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

## **BACKGROUND DATA**

### Site and Vicinity Description

The area proposed to be rezoned is located near the center of the 23rd Ave and S. Jackson-Union Residential Urban Village in the Central District. The site is located on 20<sup>th</sup> Avenue between E. Spruce St and E. Fir St.

Nearby zoning includes Multi-family Lowrise 1 (L-1 and L-3). Other nearby zones include Single Family Residential (SF 5000) approximately two blocks to the northwest, and Neighborhood Commercial (NC1-40) approximately two blocks to the southwest.



*For illustrative purposes only*

Uses in the area include single family and multi-family (stacked flats and townhouses) residential, institution, and park. Some nearby institutions include Tolliver Temple at 20<sup>th</sup> Ave and E. Fir St, New Hope Missionary Baptist Church at 21<sup>st</sup> Ave and E. Fir St, and Yat Sen Cultural Center at 21<sup>st</sup> Ave and E. Spruce St.

Building heights range from one to four stories. Existing development represents a wide range of ages and styles of construction.

The area slopes down to the east. The parcel proposed for rezone is relatively flat with only an 8 foot difference in grade across the site. The entire First Place School development site has a difference of 32 feet in grade from west to east. The site is not mapped with any environmentally critical areas in the City of Seattle mapping system.

Open space in the area includes Spruce Street Mini Park, bordered by 21<sup>st</sup> Ave, E. Fir St and E. Spruce St. Other open space includes Pratt Park near E. Yesler Way and 20<sup>th</sup> Ave (approximately two blocks to the south) and Dr. Blanche Lavizzo Park near S. Washington St. and 21<sup>st</sup> Ave (approximately three blocks to the south).

Several schools are located nearby. Garfield High School is located approximately four blocks to the northeast. Washington Middle School is located approximately five blocks to the south. Bailey Gatzert Elementary is located approximately 8 blocks to the southwest.

All streets at and near this site are non-arterial residential access streets and do not have any specific transit, bicycle or other designation by Seattle Department of Transportation. The nearest arterial is E. Yesler Way, a minor arterial approximately two blocks to the south. Parking in the area is located mostly on-street or in surface parking lots.

### Permitted Use and History

The proposed rezone site consists of one parcel that is part of a development site for First Place School (total of three parcels). The parcel proposed for rezone includes a surface parking lot and outdoor play structure. All three parcels have been included in past permits for First Place School. The other two parcels in this development site include the First Place School building and a vacant two-story office building.

The southwest parcel (proposed rezone parcel) was originally built with four apartments in 1922. The apartments were converted to a boarding house in 1956. In 1971, the structure was demolished and the site converted to use as a parking lot for the Odessa Brown Neighborhood Health Facility. In 1994, the facility was converted to parking for the new office and social services (Odessa Brown Building Parking Lot). In 2001, the permitted use was changed to Private School Institution (First Place School). The parking lot was reconfigured to provide parking and playground area for First Place School.

The northwest parcel was originally built with Herzl Synagogue in 1925. In 1971, the structure was converted to use for Odessa Brown Neighborhood Health Facility. In 1994, the facility was converted to office and social services (Odessa Brown Building). In 2001, the permitted use was changed to Private School Institution (First Place School).

The northeast parcel was originally built with a Synagogue Education Building in 1947, providing classroom area for Herzl Synagogue. In 1970, the building was converted to office use for the Synagogue. In 1971, the structure was converted to use for Odessa Brown Neighborhood Health Facility. In 1974, the structure was converted to Odessa Brown Children's Clinic. In 1982, the use was converted to a private school institution (Happy Medium Private School). In 2001, the permitted use was linked to the other two parcels as a Private School Institution use (First Place School; then renamed Children's Alliance). The parcel was sold and permits applied for to DPD, but no permits were ever issued changing the use or approving new construction.

### Proposal Description

The Land Use Code, Section SMC 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040 D, for an amendment to the Official Land Use Map.

The proposal includes a rezone of the southwest parcel from Residential Multi-family Lowrise 1 to Residential Multi-family Lowrise 3.

### Public Comments

Notice of the rezone proposal was issued March 15, 2010. No public comments were received in response to the proposal.

### **ANALYSIS - REZONE**

The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.013 (designation of multifamily zones), 23.34.016 (L1 zone, function and locational criteria) and 23.34.020 (L2 zone, function and locational criteria).

Applicable portions of the rezone criteria are shown in italics, followed by analysis in regular typeface.

#### **SMC 23.34.007 Rezone Evaluation.**

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This analysis evaluated the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) as they apply to the subject rezone (listed at the beginning of this “Analysis” section).

- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.*

The proposed rezone is not a shoreline environment redesignation and so the Comprehensive Plan Shoreline Area Objectives were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been*

*established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The entire development site, including the parcel proposed for rezone, is located within the 23rd Ave and S. Jackson-Union Residential Urban Village. The provisions of this chapter that pertain to areas inside of urban villages shall apply to the proposal.

*E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively. The subject rezone area is within the Admiral Residential Urban Village and falls within the boundary established in the Comprehensive Plan.*

The subject rezone is not a redesignation of a shoreline environment and so is not subject to Shoreline Area Objectives.

*F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

<p><b>SMC 23.34.007 Conclusion:</b> The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.</p>
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**SMC 23.34.008 General rezone criteria.**

- A. To be approved a rezone shall meet the following standards:*
- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 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 proposed rezone parcel is located within the 23rd Ave and S. Jackson-Union Residential Urban Village Overlay, as described in the response to SMC 23.34.007.D.

The growth target listed for this Residential Urban Village in Urban Village Appendix A of the Comprehensive Plan is for 650 additional dwelling units between the year 2004 and the year 2024.

The established density target for this Residential Urban Village in Urban Village Appendix A of the Comprehensive Plan is a density of 9 dwelling units per acre by the year 2024. In 2004, the density in this Urban Village was listed at 7 dwelling units per acre.

The proposed rezone will not reduce the zoned capacity for the 23<sup>rd</sup> Ave and S. Jackson-Union Residential Urban Village. In fact, the proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The applicant intends to develop the site with 16 apartments. The existing zoning would allow 8 apartment units.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125 percent of the Comprehensive Plan growth target.

This rezone is also consistent with SMC 23.34.008A.2 because the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan.

***B. Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.***

Analyses comparing the characteristics of the area to the locational criteria for L-1, L-2, and L-3 zoning can be found in the responses to SMC 23.34.016, 23.34.018, and 23.34.020 below. The parcels proposed for rezone seem to generally better match the L-3 zoning, for the reasons stated in the analysis in SMC 23.34.016, 23.34.018, and 23.34.020.

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

There is no evidence of recent zoning changes in the immediate area. Per DPD zoning maps, the existing L-1 and L-3 zoning in the area was designated as “RM” (Residential Multi-family) until 1982. The legislative zone change and resulting designation of some parcels as L-1 zoning and some parcels as L-3 zoning at this site appears to follow property ownership at the time of the multi-family code changes 1982.

Proposed City-initiated zoning changes currently under review: The 2010 Multi-family Lowrise code revisions include recommendations to consolidate the Lowrise zones.

If this legislation passes in its current form, L-1 zones outside of Designated Growth Areas (urban centers, urban villages, and station areas) would become LR1 zones, and L-1 zones inside of Designated Growth Areas would become LR2 zones. L-2 zones would also become LR2 zones under the proposed code changes. L-3 zones and L-4 zones would become LR3 zones.

The chart below briefly summarizes some of the changes and compares development standards anticipated for the L-1 and L-3 zones that are contemplated in this recommendation.

Under the proposed changes, the existing L-1 zone at this site (inside a Residential Urban Village) would become an LR2 zone. If the proposed rezone from L-1 to L-3 contemplated in this recommendation were approved, the new zone for this site would be LR3.

***Brief overview of proposed Lowrise Code Changes for areas inside Designated Growth Areas***

<b>Standard</b>	<b>Existing L-1</b>	<b>Proposed LR2 (existing L-1 zones inside Urban Villages will be converted to this zone)</b>	<b>Existing L-3</b>	<b>Proposed LR3</b>
<b>FAR</b>	None	1.1-1.3	None	1.1 – 2.0
<b>Density (units/s.f. lot area)</b>	1/1600 s.f.	Range of 1/1600 to no limit	1/800 s.f. lot area	Range of 1/1600 to no limit
<b>Height</b>	25'	Range of 18' for cottage housing to 30' for apartments	30'	Range of 18' for cottage housing to 40' for apartments
<b>Setbacks</b>	5'-15' front 5' side 15'-20' rear	5'-7' front 0'-7' side 0'-15' rear	5'-15' front 6' + side 15'-25' rear	5'-7' front 0'-7' side 0'-15' rear
<b>Building Width &amp; Depth</b>	Max width 60'  Max depth 60% lot	Max width ranges from 90'to no limit  Max depth 65% lot depth when abutting another lot	Max width 75'-120'  Max depth 65% lot	Max width 150'  Max depth 65% lot depth when abutting another lot
<b>Lot Coverage</b>	40-50%	n/a	25% to 15% lot area + 200 s.f./unit	n/a
<b>Parking</b>	1 to 1.5 spaces per unit	None	1 to 1.5 spaces per unit	None

A full description of the proposed code changes is available on the City Council website.

Rezone under existing Multi-family code:

If the proposed rezone from L-1 to L-3 were approved, but the proposed multi-family code changes were not passed by City Council, then a rezone under existing multi-family code requirements would allow the following differences for an apartment building on this site:

- 5' taller building with L-3 zoning
- 8 more units possible with L-3 density
- 1' or more larger side setback required with L-3 zoning
- 5' larger rear setback required with L-3 zoning
- 15' wider building allowed with L-3 zoning

- 6'4" deeper building allowed with L-3 zoning
- 640 square feet more lot coverage allowed under L-3 zoning

Rezone under proposed Multi-family code changes:

If the proposed rezone from L-1 to L-3 were approved and the proposed zoning changes were passed by City Council, then a rezone under the proposed multi-family code requirements would allow the following differences for an apartment building on this site:

- 10,240 square feet additional building area with FAR under LR3 zoning (maximum possible with parking location, amenity area, and sustainable development bonuses)
- 10' taller building under LR3 zoning
- Same required setbacks as LR2 zoning
- 40' additional building width under LR3 zoning
- 6'4" additional building depth under LR3 zoning

Requirements beyond the maximum zoning envelope based on lot size

The applicant would also have to consider other development constraints with any development of this property, such as replacing any required parking and play area on the parcel that is required to meet development standards for the First Place School institution. The applicant would also have to accommodate parking spaces, vehicle maneuvering area, residential amenity area, Green Factor landscaping, and any other code requirements. After these requirements are met, the resulting development may be smaller than the amounts shown in the table above.

Additionally, a proposal including more than 8 dwelling units under either existing L-3 or proposed LR3 zoning would be required to go through design review (SMC 23.41). Design review examines bulk, scale, residential amenity areas, landscaping, and other items that could further reduce or modify the maximum development area for this site.

The City Council is also contemplating proposed changes to the Design Review thresholds, which would require development in L-1 and L-2 zones to also go through Administrative Design Review.

*Conclusion:*

There do not appear to be any recent zoning changes in the area.

An extensive change to the Multi-family Lowrise code requirements is currently in review with City Council. If approved, it would result in increase building height, increased building width and depth, modified setbacks, reduced parking, and compliance with a maximum Floor Area Ratio for this site under existing L-1 zoning designation.

If the multi-family code changes are approved by City Council, and the proposed rezone for this site is approved, it would result in even more additional building height, a larger maximum floor area ratio, and increased maximum building width and depth.

The maximum building envelope may be smaller than the calculations in this analysis, once the project goes through required Design Review and replaces any required parking and play areas for First Place School.

***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.*

Portions of the Central Area Action Plan were adopted by City Council November 2<sup>nd</sup>, 1998. The adopted portions can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section.

- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The subject property falls within the Central Area Neighborhood Planning area and is covered by the adopted portions of the Central Area Neighborhood Plan.

*Conclusion:*

The proposed rezone is consistent with previous and current recommended zoning changes in and around the neighborhood and Residential Urban Village, and will facilitate future development that will best accomplish the City's planning objectives.

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

The adopted portions of the Central Area Neighborhood Plan don't appear to include land use policies to guide future rezones. There are no specific Land Use section policies in the adopted portions of the Neighborhood Plan.

The Housing section policies of the Neighborhood Plan address concerns for home ownership, age integration, and affordable housing programs. The applicant has noted that the intent is to build affordable housing units, but a specific development proposal has not been submitted at this time.

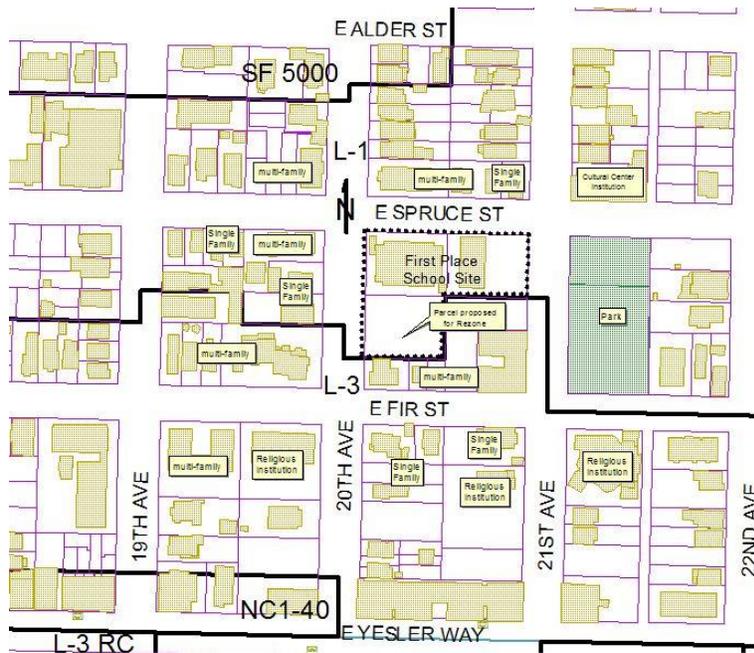
*Conclusion:*

It doesn't appear the adopted portions of the Central Area Neighborhood Plan include any rezone policies that would apply to the proposed rezone.

***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.*

This proposed rezone would result in approximately the same zoning transition from north to south. The existing zoning border from L-1 to L-3 currently runs through the middle of the block, continuing to break the middle of blocks east and west of this location (see map below). The proposed rezone would modify this line to continue the mid-block zoning change.



*For illustrative purposes only*

The proposed rezone would not create a significant change to the buffering principle that exists in this area, with the L-3 zone creating a 'buffer' between the NC1-40 at E. Yesler Way and the L-1 zone near this site, and the L-1 zone creating a 'buffer' between the L-3 zone and the Single Family approximately a block north of this site. The proposed rezone would result in a continued 'buffer' of L-1 zoning between the Single Family zone to the north and the L-3 zone to the south.

However, the fact that the proposed rezone parcel and the two adjacent parcels to the north have been tied together through

permit activity at DPD means that the proposed rezone would result in a split zoned development site. Creating split-zoned sites is not the preference of DPD, due to the resulting complication of development standards and uses for multiple zones on a single development site.

There are two possible options to avoid creating a split zoned development site in this situation:

1. Retain the existing L-1 zoning for the entire three-parcel development site; or
2. Rezone the entire three-parcel development site to L-2 or L-3 zoning

As described in the analysis for 23.34.008.C above, the potential multi-family code changes currently in review with City Council would result in the LR2 designation at this site. The new LR2 designation would include both the existing L-1 zoned sites inside Urban Villages, and the existing L-2 zoned sites. Therefore rezoning this parcel to L-2 would result in no difference from the existing L-1 zoning if the multi-family code changes are approved by City Council.

If the entire site was rezoned as L-3, then the multi-family code changes would result in the LR3 designation at this site. The L-1 zone in the area would be designated LR2 under the proposed code changes. The Single Family zone located approximately one block to the north would remain Single Family 5000.

The proposed rezone, or a rezone of all three development site parcels to L-3, will not affect or change any physical buffers. The existing zoning transition from L-1 to L-3 is mid-block at this site and in nearby blocks. A rezone of the proposed parcel from L-1 to L-3 would maintain this condition. A rezone of the three-parcel development site from L-1 to L-3 would result in a zoning transition buffered by a public right of way (E. Spruce Street), which would provide a better physical buffer than the existing mid-block transition.

Future development that exceeds the minimum threshold for design review will be required to go through design review. Thresholds are listed in SMC 23.41; currently the threshold is 8 dwelling units for L-3 and L-4 zones (no design review is currently required in L-1 or L-2 zones). Design review for the subject properties would be reviewed under the existing Design Review Guidelines for Multifamily and Commercial Buildings (“City-wide guidelines”). The City-wide guidelines include specific guidelines for new development design to respond to adjacent uses.

Examples include Guidelines:

- A-5: Respect for Adjacent Sites
- B-1: Height Bulk and Scale Compatibility

*Conclusion:*

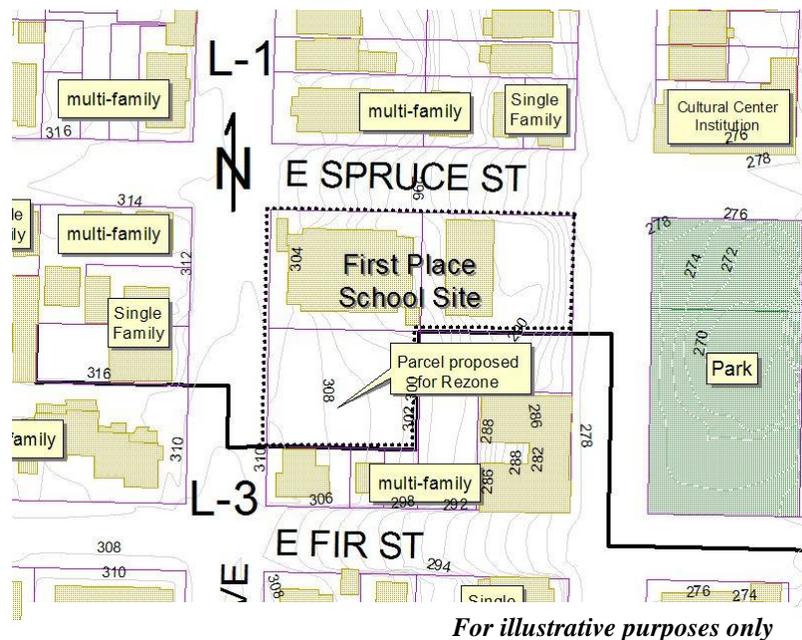
The existing zoning transitions from Neighborhood Commercial to Single Family Residential would remain approximately the same under either existing zoning or a proposed rezone of all three development site parcels to L-3.

The existing zoning transitions from L-3 to L-1 would be improved if all three development site parcels were rezoned to L-3. The zone change under this scenario would be separated by a public right of way, rather than a mid-block transition.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
  - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
  - c. *Distinct change in street layout and block orientation;*
  - d. *Open space and greenspaces;*

Area topography slopes down from the west to the east. The proposed rezone parcel is relatively flat. The topography drops sharply immediately to the east. The topography drops sharply immediately to the east. The proposed rezone parcel is located approximately 30' above parcels fronting on 21<sup>st</sup> Ave (the block to the east). This similar transition in topography continues to the north and south of the site.

The existing zoning transition in this area is from the north to the south, which is perpendicular to the change in topography from west to east.



The existing topography currently provides a transition between a few L-3 zoned sites to the east, and the L-1 zoned sites to the west. If the proposed parcel was rezoned to L-3, or the three-parcel development site was rezoned to L-3, the sloping of the site down to the east would minimize the impact of that rezone on L-1 parcels to the west. This rezone would also slightly increase the impact of development on the parcels to the north and east.

The presence of Spruce St Mini-Park to the east provides an additional buffer between the parcels east and west of the Park. The parcels east of the Park are also zoned L-1.

*Conclusion:*

There is some effective separation provided by topography changes and the open space at Spruce Street Mini-Park. These effective separations would provide some buffer between the proposed rezone of one or all three parcels to L-3 and the nearby L-1 zoned parcels.

3. *Zone Boundaries*

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

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

The proposed zoning would replace the existing zoning within the existing platted lot lines, and includes some topographic buffer as described in response to E2 above.

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.*

There are no boundaries between commercial and residential areas that would be affected by this rezone. The nearest commercial/residential boundary is near E. Yesler Way, approximately one block to the south.

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.*

As described in response to SMC 23.34.007.D above, the proposed rezone is located within the 23rd Ave and S. Jackson-Union Residential Urban Village.

As described in the analysis for SMC 23.34.008.C above, the existing L-1 zone height is 25' (plus 10' for a pitched roof). The proposed rezone to L-3 would allow a 30' height (plus 5' for a pitched roof).

The Multi-family code changes currently under review by City Council would change this L-1 zone to an LR2 zone, allowing apartments to be built up to 30' tall (no additional height for a pitched roof). The existing L-3 zone would change to an LR3 zone, allowing apartments to be built up to 40' (plus 5' for a pitched roof or 4' for a partially below grade floor).

#### *Conclusion*

Neither the proposed rezone of one parcel, nor the possible rezone of the three-parcel development site, would exceed 40'. All three parcels are located within an Urban Village.

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

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

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

The future project will have a positive impact on the supply of housing on the site and its surroundings by providing an additional floor of new dwelling units where none now exist. The rezone will add housing capacity to the neighborhood, locate additional housing in the Residential Urban Village, and take pressure off adding housing to the nearby single family neighborhood. Although the applicant has indicated that the intent is to build low-income residential units, none of the three parcels are currently designated "low-income" as defined by the Land Use Code or Seattle Office of Housing.

*b. Public services;*

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. The increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact, and may be seen as mitigating the increased demand.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by neighborhood commercial and residential activities.

Air quality – No noticeable change in impacts will result from a change in zoning to allow some additional building mass and height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. If the future development took advantage of FAR or density bonuses at this site, the development would have to address sustainability measures such as air quality. Sustainable measures related to air quality include CFC reduction in HVAC equipment, Ozone Depletion prevention, and Indoor Environmental Quality measures.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water runoff from future development will be conveyed to a city drainage system. If the future development took advantage of FAR or density bonuses at this site, the development would have to address sustainability measures such as water quality. Sustainable design related to water quality include pervious concrete paving, rain gardens, and green roofs. Storm water collection and management would be in conformance with City of Seattle standards. The proposed rezone would not create the potential for any more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC 23.45. The change in zoning would not reduce the vegetation requirements for future development. The Multi-family code changes contemplated by City Council include a Green Factor based on lot size. Under these code changes, the Green Factor for this site would be the same under either the LR2 or LR3 zoning designation.

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

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

Shadows – Potential development will create additional shadows, depending on season and time of day. As described in the response to SMC 23.34.008.C above, future development would likely be subject to design review, which would include consideration of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

Views – The only views from or across the development site are territorial views of other development and nearby Spruce Street Mini-Park. There would be no appreciable difference to private views between L-1 zoning and L-3 zoning.

*d. Pedestrian safety*

No noticeable change in impacts will result from change in zoning. Future development will be required to complete any required street improvements such as sidewalks and sight lines for driveways. As described in the response to SMC 23.34.008.C above, future development would likely be subject to design review, which would include review of the pedestrian environment.

*e. Manufacturing activity;*

Not applicable.

*f. Employment activity;*

The existing and proposed zoning would only include residential units, so this does not apply.

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

The nearest historic landmarks are the Yesler Houses on 23<sup>rd</sup> Ave near E. Yesler Way, approximately three blocks to the southeast. No noticeable change in impacts will result from the proposed change in zoning.

The existing structure and site on the northwest parcel of this three-parcel development site (First Place School) could possibly be eligible for historic landmark status. The structure is listed as a potential historical site by the Department of Neighborhoods as Herzl Synagogue.

Any future development application that exceeds the threshold for SEPA review in SMC 25.05 would include review by Department of Neighborhoods for potential landmark status. If the Department of Neighborhoods determined the structure or site to be a potential historic landmark, then the proposal would need to complete the Landmark Nomination process.

*Conclusion*

The proposed rezone of one parcel or the possible rezone of the three-parcel development site would not impact any existing historic landmarks. The neighborhood has some older buildings,

but is not a designated Historic District. The existing First Place School building could possibly be designated an historic landmark, but would need to go through appropriate reviews at the time of any development application.

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

There are no shorelines that are visible or accessible at or near this site.

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

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*

All adjacent streets are designated as non-arterial residential access streets.

In response to criteria (a) through (d), the street access, street capacity, transit service and parking are discussed in the SEPA analysis below.

*e. Utility and sewer capacity;*

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the maximum development potential under either existing or proposed zoning at this site. Any future development will go through city review and be required to meet/conform to city of Seattle standards, codes and/or ordinances.

*f. Shoreline navigation*

The area of the rezone is not located within a shoreline environment so shoreline navigation is not applicable to this rezone.

**No significant impacts are anticipated as a result of this rezone.**

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

A Growing Population and Economy: In 1990 the Puget Sound Council of Governments projected the need for 34,000 new households over the next 30 years (2020). Since that time the

economy in Seattle and the region experienced robust growth as Seattle established itself as one of the most desirable places to live and work. As a result, in 2004 Seattle projected the need for 47,000 additional households by 2024 to accommodate expected growth.

Growth Management Act (GMA): In 1990 the Legislature found that “uncoordinated and unplanned growth, together with a lack of common goals... pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.” (RCW 36.70A.010) This is the foundation for the Growth Management Act (GMA).

As a result, the State directed 29 counties and the 218 cities within the state to establish plans for growth based on certain requirements. These jurisdictions included Seattle and some of the other fastest-growing counties and the cities.

Several goals of the GMA were to focus urban growth in urban areas, reduce sprawl, provide efficient transportation, encourage affordable housing, and encourage sustainable economic development.

Seattle Comprehensive Growth Plan: In 1994, in response to the State Growth Management Act of 1990, the City of Seattle adopted a Comprehensive Growth Plan. The Comprehensive Plan established 20-year housing unit growth targets for Urban Centers, Center Villages, Hub Urban Villages, and Residential Urban Villages.

Investing in Seattle’s Urban Villages: By the year 2000, Seattle’s urban village areas housed 32% of the city’s population. As part of the Comprehensive Growth Plan they are expected to accommodate most of Seattle’s new housing units. As a result, the city is making infrastructure investments in and around urban villages to improve transit access, to create more walkable communities and to provide attractive residential and commercial environments.

In the 2004 Comprehensive Plan update the 23<sup>rd</sup> Ave and Jackson-Union Residential Urban Village (RUV) was given a 2024 growth target of 650 additional households.

The adoption of the Comprehensive Plan (1994), the designation of the 23<sup>rd</sup> Ave and Jackson-Union RUV, and the adoption of the 2024 growth target for the 23<sup>rd</sup> Ave and Jackson-Union RUV (2004) are all circumstances that have changed since the most recent zoning change for this area in 1982 (described in response to 23.34.008.C above).

Transportation: Since 1990, the city of Seattle and its transit partners have made significant street and transit investments to keep people, goods and services moving. As part of the Complete Streets initiative investments are being made to provide people with options to single occupancy vehicles.

The area surrounding the subject property rezone proposal is well-served by transit lines. The nearest bus stop is at 20<sup>th</sup> Ave & E. Yesler Way (one block to the south), with transit service approximately every 30 minutes. Other nearby stops are located at 23<sup>rd</sup> Ave & E. Yesler Way (four blocks to the southeast), with three bus routes with service as frequently as every 15 minutes at peak times.

Seattle Department of Transportation (SDOT), as part of *Bridging the Gap*, is making a number of improvements to the city transportation network. Some of these improvements are targeted to increase transit speed & reliability in the Central District. King County Metro has also made improvements to service in the area, including a recent reduction of the number of transit stops to increase timetable accuracy and reduce transit trip times, and increasing frequency of transit routes to access the light rail station approximately two miles to the south (McClellan Street station).

These transit service increases are circumstances that have changed since the most recent zoning change for this area in 1982 (described in response to 23.34.008.C above).

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

This site is located in the center of the 23<sup>rd</sup> Ave and Jackson-Union Residential Urban Village overlay. The Comprehensive Plan Urban Villages element notes that Residential Urban Villages are intended to take the second highest amount of residential growth in the City (the highest growth intended for Urban Centers). Comprehensive Plan Goal UVG33 states, “Encourage growth in Seattle between 2004-2024, to be generally distributed across the city as shown in Figure 8.” Figure 8 shows that Residential Urban Villages such as the 23<sup>rd</sup> Ave and Jackson-Union RUV are expected to accommodate 25% of the residential growth across the City. The proposed rezone would support this goal.

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

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

<p><b>SMC 23.34.008 Conclusion:</b> The proposed rezone meets almost all the requirements of SMC 23.34.008, per the analysis above.</p>
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***23.34.009 Height limits of the proposed rezone. Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:***

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

The proposed rezone would allow an additional 5’ height under the existing L-1 to proposed L-3 zones, or 10’ additional height under an ordinance currently in review with City Council (see SMC 23.34.008 above for a summary of the changes anticipated under the new multi-family land use code ordinance).

As Seattle's Comprehensive Plan states, "The preferred development character is to be achieved by directing future growth to mixed use neighborhoods, designated as "urban villages", where conditions can best support increased density." These villages should "function primarily as compact neighborhoods providing opportunities for a wide range of housing types and a mix of activities that support the residential population". The proposed rezone lies within the boundaries of the 23<sup>rd</sup> Ave and Jackson-Union RUV.

The height limit that would result from the proposed rezone would allow either 5' or 10' of additional height, depending on the outcome of the City Council review of proposed multi-family code changes. The proposed rezone would allow the same multifamily residential uses that are allowed in the existing zone, so there is no potential to displace preferred uses.

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

Topography of the surrounding area is described with a site plan in response to SMC 23.364.008.E.2 above. The block includes a drop in topography from the upper west portion to the lower east portion. The proposed rezone would result in a 5-10' higher building possible on the subject property than would currently be permitted. The rezone would result in the same zone as other lots on this block.

The existing zoning pattern runs perpendicular to the topography in this area and the zoning does not reinforce the natural topography of the area. The proposed rezone would not change this pattern.

The only views in this area are territorial. The proposed rezone would not be likely to block any views in the area.

***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.*

The current height limit of this site and L-1 zoned properties to the northeast and northwest is twenty five (25) feet, although some buildings exceed this due to higher permitted limits in the past. The current height limit of L-3 zoned properties to the southwest and southeast is 30'.

The draft multi-family ordinance currently under review with City Council would change L-1 heights in this area to 30' and L-3 heights in this area to 40' for apartments (see analysis in SMC 23.34.008 above).

Existing development in the immediate area ranges from one to four stories (approximately 15-45' high). Newer two and three-story structures have been built to maximum zoned height. The existing development appears to be a good measure of potential development in the area.

The proposed rezone would be compatible with the range of heights in existing development in the area, and would also be consistent with heights permitted under adjacent L-3 zoning.

***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.D.2, are present.*

The subject property is not in or near a Major Institution.

The existing zoning transitions from NC1-40 (40' height limit) a block to the south (E. Yesler Way), to Lowrise 3 (30' height limit) and Lowrise 1 (25' height limit) at this site, to Single Family 5000 (30' height limit) a block to the north. The existing zoning exhibits a gradual transition in height and scale and level of activity. The proposed zoning would continue this gradual transition pattern, while moving the zoning change line of L-1/L-3 one parcel to the north.

The proposed rezone would be consistent with the transition of zoned heights and proposed multi-family zoned heights to nearby single family zoned heights in the area.

***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.*

As described in response to SMC 23.34.008.D above, portions of the Central Area Neighborhood Plan were adopted by City Council and are included in the Seattle Comprehensive Plan. It doesn't appear that any of the adopted goals and policies in the Central Area Neighborhood Plan directly relate to height for proposed development or rezones.

<p><b>SMC 23.34.009 Conclusion:</b> The additional increase height that would result in a change of zoning from L-1 to L-3 would meet the criteria of SMC Section 23.34.009, as described above.</p>
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**SMC 23.34.013 Designation of Multifamily Zones:**

- A. 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 23.34.010 B.***

The proposed rezone would not rezone any properties from single-family to multifamily.

**SMC 23.34.016 Lowrise 1 (L1) Zone, Function and Locational Criteria.**

- A. Function. An area that provides low density, primarily ground-related multifamily housing opportunities.***

The area includes a mix of densities of multi-family housing, a few single family residences, and some institutional uses. The majority of surrounding residential development appears to include low to medium density ground-related housing, as a response to development activity in the last 10 years built to maximum permitted zoning of L-1 and L-3.

- B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:***

***1. Development Characteristics of the Area.***

- a. Areas where structures of low heights, generally less than thirty (30) feet, and small bulk establish the pattern of development;***

The area includes a mix of structure heights, as described in the response to SMC 23.34.009 above. Most of the residential structures appear to be approximately 30' in height. The older single family structures are 1-2 stories. The older multi-family structures may be up to 4 stories tall. The newer multi-family structures are built to the code maximum of 25' to 30' plus roof structure. The institutional uses appear to be approximately 30' tall. The bulk of structures also ranges, including newer townhouse development built to the maximum bulk permitted under existing codes, and older institutional and multi-family structures that were built prior to codes restricting building bulk.

Generally, the average residential development nearby exhibits 20-30' structures with moderate bulk and scale.

***b. Areas with:***

- 1. A mix of single-family structures, small multifamily structures and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or***
- 2. Numerous or large vacant parcels suitable for family housing where densities greater than single-family are desired; and***

There are some older single family structures that appear to be converted to multi-family structures, and a few smaller vacant parcels that could be developed as multi-family housing. However, most of the area appears to be developed to the code-permitted maximum under existing zoning.

*c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired character of L1 areas.*

The subject property is located approximately 1 block from an arterial (E. Yesler Way). The existing site is located on a block with steep east-west sloping and doesn't include an alley. Vehicular access could be permitted from any of the street fronts for this site, but most likely from 20<sup>th</sup> Avenue. All adjacent streets are designated non-arterial residential access streets.

## **2. Relationship to the Surrounding Areas.**

*a. Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale character;*

The subject property appears to be part of a general zone transition with more intensive zoning a block to the south (NC1-40 at E. Yesler Way) to less intensive zoning to the north (Single Family 5000 near E. Alder St). The area is not identified in the adopted Neighborhood Plan or Comprehensive Plan as a pocket within a higher density zone where it is desirable to preserve small-scale character.

*b. Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;*

The surrounding zoning is described above. The site does not appear to be surrounded by a larger single-family area.

*c. Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;*

The zoning transition in the area is described above, in response to SMC 23.34.008. The gradual zoning transition would be maintained with the proposed rezone.

*d. Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;*

The non-arterial residential access streets adjacent to this site are not any more congested or narrow than other nearby similar streets in L-3 or L-1 zones. The street pattern is part of a regular interconnected grid with many options for access and circulation to nearby destinations.

*e. Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.*

Nearby schools and parks are described in the Site and Vicinity Description near the beginning of this document. The nearest community centers are Garfield Community Center at E. Cherry St & 23<sup>rd</sup> Avenue (approximately ½ mile to the northeast) and Yesler Community Center (approximately ¾ mile to the west). There are a number of households with children in the immediate area.

The subject property site includes First Place School. The applicant has indicated that future development on the subject property parcel would be targeted as residences for families of children attending First Place School.

*C. Areas zoned single family meeting the locational criteria for single-family designation may be rezoned to L1 only when the provisions of Section 23.34.010 B are met.*

The proposed rezone does not include any rezone of single-family designated parcels.

**SMC 23.34.016 Conclusion:** The proposed rezone site appears to meet some of the zone, function, and locational criteria for L-1 zoning. Overall, it appears that the area around the proposed rezone site is at or beyond the maximum density and zoning principles intended for L-1 zones.

The applicant has proposed a change from L-1 to L-3 zoning for this parcel. The Land Use Code includes L-2 zones, which allow density and development between the lower development allowed under L-1 and the more intensive development allowed under L-3. The proposal therefore is analyzed below for relation to L-2 zone, function, and locational criteria.

**SMC 23.34.018 Lowrise 2 (L2) zone, function and locational criteria**

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

As noted in response to SMC 23.34.016, the area includes a mix of densities of multi-family housing, a few single family residences, and some institutional uses. The majority of surrounding residential development appears to include low to medium density ground-related housing, as a response to development activity in the last 10 years built to maximum permitted zoning of L-1 and L-3.

**B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:**

**1. Development Characteristics of the Areas.**

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

The area includes a mix of structure heights, as described in the response to SMC 23.34.009 and 23.34.016 above. Most of the residential structures appear to be approximately 30' in height. The older single family structures are 1-2 stories. The older multi-family structures may be up to 4 stories tall. The newer multi-family structures are built to the code maximum of 25' to 30' plus roof structure. The institutional uses appear to be approximately 30' tall. The bulk of structures also ranges, including newer townhouse development built to the maximum bulk permitted under existing codes, and older institutional and multi-family structures that were built prior to codes restricting building bulk.

Many of the structures are built on a single lot, with the exception of newer townhouses that are often built with four to six units on a single parent lot (divided for purposes of sale, but remaining a single lot for development standards under the Land Use Code).

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

As described in analysis for SMC 23.34.009, the only views in the area are territorial. The subject property block slopes steeply from west down to the east. However, the parcel on the lower portion of the block is already zoned L-3 and developed to at least maximum zoning height, if not higher. The block to the east is occupied by a Park.

There do not appear to be any significant views to retain within this zone.

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

As noted in response to SMC 23.34.016, the non-arterial residential access streets adjacent to this site are not any more congested or narrow than other nearby similar streets in adjacent L-3 or L-1 zones. The street pattern is part of a regular interconnected grid with many options for access and circulation to nearby destinations.

**2. Relationship to the Surrounding Areas.**

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

The subject property appears to be part of a general zone transition with more intensive zoning a block to the south (NC1-40 at E. Yesler Way) to less intensive zoning to the north (Single Family 5000 near E. Alder St). There are no well-defined edges between the existing zones in this area, and many of the zone changes occur mid-block. A zone transition that coincides with the platted street would better meet this criterion.

The proposed rezone would maintain the existing pattern of a transitional scale of development with a zone change mid-block from L-1 to L-3. A rezone of this parcel from L-1 to L-2 would introduce a new zoning designation in this area, which would provide additional transition from the south to the north.

Existing development in the area includes moderate scale multi-family structures, as described in response to SMC 23.34.016. Development between this site and the Single Family zone further to the north includes primarily low to moderate scale townhouses and single family residences, which have established the scale of relationship with the Single Family zone to the north.

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

The area is not identified in the adopted Neighborhood Plan or Comprehensive Plan as a pocket within a higher density zone where it is desirable to preserve smaller scale character and a mix of densities. The development surrounding the proposed rezone parcel also does not indicate a definable pocket with these characteristics.

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

As described in analysis for SMC 23.34.009 and 23.34.018.B.1.b, the only views in the area are territorial. The block to the east is occupied by a Park. There do not appear to be any significant views from uphill areas to the west or from the Park to the east. There are no SEPA Scenic Routes designated in this area.

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

All streets adjacent to this site are designated non-arterial residential access streets, as are the streets to the south (through L-3 zoned areas) and to the north (to Single Family zoned areas). Travel to this site from the south would bring vehicular access through residential access streets via more intensive zones (NC1-40 and L-3).

Travel to this site from the north would bring vehicular access through residential access streets via less intensive residential zones (L-1 and Single Family 5000). This is an existing pattern in the immediate area. The proposed rezone would not significantly alter that pattern.

***C. Areas zoned single family that meet the locational criteria for single-family designation may be rezoned to L2 only if the provisions of subsection 23.34.010.B are met.***

The proposed rezone does not include any rezone of single-family designated parcels.

**SMC 23.34.018 Conclusion:** The proposed rezone site appears to meet some of the zone, function, and locational criteria for L-2 zoning. Overall, it appears that the area around the proposed rezone site is at or beyond the maximum density and zoning principles intended for L-2 zones.

**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.***

As noted in response to SMC 23.34.016, the area includes a mix of densities of multi-family housing, a few single family residences, and some institutional uses. The majority of surrounding residential development appears to include low to medium density ground-related housing, as a response to development activity in the last 10 years built to maximum permitted zoning of L-1 and L-3. Surrounding blocks include some single family and moderate scale apartment structures, as well as institutions.

***B. Locational Criteria.***

***1. 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 proposed rezone parcel is zoned L-1. Parcels immediately to the south are zoned L-3.

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

As noted in the Site and Vicinity Description, and in the response to SMC 23.34.016, development in the area is varied. Properties to the south of the proposed rezone parcel include some institutional and older mixed-use structures that appear to be developed at or beyond the permitted L-3 density. Properties to the north of the proposed rezone parcel include some institutional and residential development, most of which appears to be developed at or near the maximum permitted L-1 densities. The scale in this area is well established and this is one of the few remaining underdeveloped sites in the area. The proposal appears to meet this criterion.

***c. Properties within an urban center or village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or***

The proposed rezone site is located within the 23<sup>rd</sup> @ Jackson-Union Residential Urban Village. The proposal meets this criterion.

***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.***

The proposed rezone site is not located in the Delridge Neighborhood Revitalization Area.

***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.***

The proposed rezone site is not designated as, or adjacent to, any environmentally critical area. The proposal meets this criterion.

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

*a. Development Characteristics of the Area.*

*1. Either:*

- a. Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,*
- b. Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or*
- c. Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 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.*

Response reflects that found in SMC 23.34.020.B.1.b through 23.34.020.B.1.d. The proposal appears to meet these criteria.

- 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.*

As noted in earlier sections, all streets adjacent to this site are designated non-arterial residential access streets that are part of a larger grid street system, and provide many alternatives for access to nearby areas. The proposed rezone site block does not include an alley, which is similar to block conditions to the south in the adjacent L-3 zone.

The approximate street widths at and adjacent to this block are:

- 20<sup>th</sup> Ave: 66' Right of Way, 26' paved parking and driving width
- E. Spruce St: 56' Right of Way, 25' paved parking and driving width
- 21<sup>st</sup> Ave: 66' Right of Way, 29' paved parking and driving width
- E. Fir St: 56' Right of Way, 24' paved parking and driving width

Under SMC 23.53, minimum street widths are required, depending on the zone and whether the street is an arterial or non-arterial. All adjacent streets in this area are non-arterials.

For L-1 zoned sites, the minimum non-arterial right of way width is 40'. For L-3 zoned sites, the non-arterial right of way width is 52'. All of the adjacent streets would meet the minimum non-arterial width for L-3 zoned sites. This width is intended to provide sufficient traffic and on-street parking for the maximum level of development expected in L-3 zoned sites.

The proposal appears to meet this criterion.

***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 area surrounding the subject property rezone proposal is well-served by transit lines. The nearest bus stop is at 20<sup>th</sup> Ave & E. Yesler Way (one block to the south), with transit service approximately every 30 minutes. Other nearby stops are located at 23<sup>rd</sup> Ave & E. Yesler Way (four blocks to the southeast), with three bus routes with service as frequently as every 15 minutes at peak times. Direct pedestrian access is available from the subject property to these transit stops, with paved sidewalks connecting the areas.

The streets accessing the proposed rezone site are designated non-arterial residential access streets, as are the streets to the south (through L-3 zoned areas) and to the north (to Single Family zoned areas). Direct access to the nearest arterial (E. Yesler Way, one block to the south) would be from 20th Avenue, a non-arterial residential access street that would bring drivers through an L-3 zone.

The proposal meets this criterion.

***2. Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or LI multifamily development;***

As described previously, there is a topography change from west down to the east at this block, but it is oriented in a perpendicular direction to the zoning transitions that run north-south in this area. Zoning transitions in this area often occur mid-block, which prevents even the use of a platted right of way as a break between zones.

The proposed change from L-1 to L-3 zoning for this parcel would maintain the existing condition of a mid-block change from L-3 to L-1 in this area. Rezoning all three parcels of the subject site would prevent a split zoned development site, and also provide a zoning transition from L-3 to L-1 at the E. Spruce Street right of way (see Site and Vicinity Description for a description of the entire site).

The proposed rezone appears to meet this criterion, but the criterion would be better met by a rezone of all three parcels of this development site to L-3 zoning.

***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;***

As described earlier in the analysis, the subject property is located within a few blocks of several schools, parks, and residential amenities. The area has very good pedestrian connections, with paved sidewalks along all nearby streets. The streets are connected in a grid system with small block sizes to further facilitate pedestrian connectivity.

The proposal meets this criterion.

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

Commercial areas are located one block to the south at E. Yesler Way. Medium density multi-family development is also located to the south, with larger multi-family structures located adjacent to E. Yesler Way. The subject site is not directly adjacent to these areas, but would be contiguous with the L-3 zoning that provides a transition from these areas to the L-1 and Single Family zones to the north.

The proposal appears to meet this criterion.

**SMC 23.34.020 Conclusion:** The proposed rezone site appears to meet all the zone, function, and locational criteria for L-3 zoning. A zoning transition that coincides with the public right of way would provide a better transition from L-3 to L-1 zoning in the area, and would prevent a split-zoned development site at this location. Therefore, DPD has recommended a condition below to rezone all three parcels at this development site to L-3 zoning.

**RECOMMENDATION – REZONE**

Based on the analysis undertaken in this report, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposed rezone from Lowrise 1 to Lowrise 3 be **CONDITIONALLY APPROVED.**

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, February 23, 2010, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, and the

experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

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

### Short-term Impacts

Approval of the proposed rezone to L-3 would allow more variety of commercial uses, 5 to 10 feet of additional height and increased density (specific requirements depend on the proposed Multi-Family Land Use Code ordinance currently in review with City Council). Short-term impacts resulting from construction are anticipated including: decreased air quality due to suspended particulates from demolition, grading, clearing, and building activities and hydrocarbon emissions from construction vehicles and equipment, temporary soil erosion, increased dust caused by drying mud tracked onto streets during construction activities, increased traffic and demand for parking from construction equipment and personnel, increased noise, increases in carbon dioxide and other greenhouse gas emissions, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts including; the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

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

### Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short-term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gasses thereby impacting

air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from specific future projects in the rezone area. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

### Long-term Impacts

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

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

### Drainage

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

### Environmental Health

Operational activities, primarily vehicular trips associated with future construction and future development energy consumption, are expected to result in increases in carbon dioxide, and 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 due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

### Height, Bulk, and Scale

Development under the proposed rezone would result in an additional 5 feet (under existing Land Use Code requirements) or 10 feet (under proposed Code changes) of building height. This could result in shadowing to adjacent properties, and reduced light and air.

The Land Use Code includes setback requirements for commercial and mixed-use development adjacent to existing residential zones, intended to address some of the height, bulk, and scale impacts of new development.

Any development that exceeds Design Review thresholds in SMC 23.41 would be required to go through design review. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.” The height, bulk or scale impact issues will be addressed during the Design Review process for any new project proposed on the site. Additional mitigation is not warranted under SEPA.

#### Traffic and Transportation

The parcel proposed for rezoning currently includes 31 surface parking spaces. The other two parcels that make up this development site include approximately 23,803 square feet of institutional building use. The development intended by the applicant if this rezone is approved is for 16 apartment units on the parcel currently occupied by surface parking.

Under existing Land Use Code requirements, it appears it could be possible to build approximately 8 dwelling units on the site currently occupied by surface parking. If the parcel were rezoned to L-3, it would be possible to build approximately 16 dwelling units. If all three parcels were rezoned to L-3 and all structures were demolished, it might be possible to build approximately 48 units total, under existing Land Use Code requirements. It’s likely that the unit count of any of these scenarios would be much less than 48, since any development would have to meet other development standards, Design Review Guidelines, and Department of Neighborhoods review of potential historic structures or sites.

The applicant has provided a Traffic Impact Analysis (for First Place School at 160- 20<sup>th</sup> Avenue, Seattle WA, by Transportation Engineering Northwest, dated June 17, 2010). This analysis includes an estimate of trip generation and distribution that might be possible under the proposed rezone of the single parcel from L-1 to L-3. The analysis indicates that under the proposed rezone of the single parcel, a total of 60 trips per day could be expected. This includes an increase of 5 traffic trips per hour in the morning and 6 traffic trips per hour at night at peak travel times, beyond existing conditions. The analysis shows that approximately 60% of the trips from this site would move south toward E. Yesler Way. Another 30% would move north towards E. Cherry St, and the remainder would move east and west from the site. This distribution indicates that six traffic trips per hour would translate to an additional 3 or 4 cars per hour on adjacent streets.

Using this rationale, if all three parcels at this development site were rezoned to full L-3 potential, a total of 180 additional traffic trips per day with 15 traffic trips per hour in the morning and 24 traffic trips per hour in the evening could be expected. Continuing the trip distribution analysis from the Traffic Impact Analysis report, adjacent streets may see up to an additional 12 cars per hour at peak travel times.

DPD has reviewed the Traffic Impact Analysis and the anticipated impacts of rezoning all three parcels in this development site to L-3, and has determined that neither scenario would have a significant adverse impact. Additional mitigation is not warranted under SEPA.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Any future development must meet the Land Use Code requirements and would be expected to accommodate the parking demand generated by the project, as well as replace any required parking on site (such as the surface parking currently used to meet First Place School permit requirements). Mitigation of parking impacts will be considered during the SEPA review of any future proposed project on the rezone site.

### Summary

In conclusion, it is anticipated that the development potential of rezoning of all three parcels at this development site from L-1 to L-3 will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Conditions to mitigate the potential development impacts will be imposed during the SEPA review of future development proposals.

## **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 - SEPA**

None.

**RECOMMENDED CONDITIONS – REZONE**

1. All three parcels (Parcel numbers 9826701222, 9826701245, and 9826701300) of the First Place School development site shall be rezoned to Lowrise 3.

Signature: \_\_\_\_\_ (Signature on file) Date: August 12, 2010,  
Shelley Bolser AICP, LEED AP, Senior Land Use Planner  
Department of Planning and Development

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