



City of Seattle

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**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 Numbers:** 3011960

**Applicant Name:** Kevin Broderick, Broderick Architects, for L R Columbus, LLC.

**Address of Proposal:** 3902 S. Ferdinand Street

**Clerk File Number:** 311662

**SUMMARY OF PROPOSED ACTION:**

Council Land Use Action to rezone 6,600 sq. ft. of land from LR3 to LR3-RC. Proposed development on site will be as allowed per MUP #3008629, with change of use from 8 unit residential building to mixed-use building with five residential units above three commercial spaces at ground level.

The area to be rezoned is made up of platted lots #230 and #231, Block 10, Columbia Addition, bounded by 39<sup>th</sup> Avenue S. on the west, S. Ferdinand Street on the south, the east/west alley intervening between S. Edmunds Street and S. Ferdinand Street on the north, and Lot 232, Block 10, Columbia Addition on the east.

**Rezone** – to rezone 6,600 sq. ft. from LR3 to LR3-RC (Seattle Municipal Code Section 23.34.004)

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

**SEPA DETERMINATION:**       Exempt     DNS     MDNS     EIS

DNS with conditions

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

## BACKGROUND DATA

### Site and Vicinity Description

The proposal site, at 3902 S. Ferdinand Street in the Columbia City area of Seattle, is split zoned LR3 and SF 5000. The overall site, consisting of five platted lots, contains approximately 16,500 sq. ft. of land. The overall site is rectangular in shape, with approximately 110 feet of frontage along 39<sup>th</sup> Avenue S. and extending approximately 150 feet to the east. The LR3 portion of the site extends 60 feet to the east from 39<sup>th</sup> Avenue S. The SF 5000 portion of the site occupies the rest of the site, extending to the east property line, a distance of approximately 90 feet. There are two existing wood-frame structures currently in use on the subject site.



The applicant is seeking a rezone of the first two lots west of 39<sup>th</sup> Avenue S. (lots 230 and 231, Block 10, Columbia Addition), an on-site area of approximately 6,600 sq. ft.) from LR3 to LR3-RC. The overall area of the proposed rezone, extending by convention to the centerlines of the alley, 39<sup>th</sup> Avenue S. and S. Ferdinand Street (an additional 6,630 sq. ft. within the public right-of-way) would be 13,230 sq. ft. of land. However, the existing NC2-40' zoning line to the west of the subject site extends 10 feet short of the centerline of 39<sup>th</sup> Avenue S. In order not to further complicate an anomalous situation, the Department is recommending that the new LR3-RC zone extend to the existing zone line, ten feet west of the centerline of S. 39<sup>th</sup> Avenue, thus encompassing an additional area of 1,470 sq. ft. of right-of-way for a re-zone total area of 14,700 sq. ft.

On May 11, 2009, the Department published a Master Use Permit decision (#3008629) to allow an existing church sanctuary (Mission Baptist Church, aka Columbia Congregational Church) to be converted into eight residential condominium units, and to allow the existing education wing of a religious facility, located within the SF 5000 zone, to be converted into a bed & breakfast use. Additional parking at grade in a car-port would accommodate four vehicles.

An Administrative Commercial Use approval was required to allow the education wing of the former religious facility, which lay within the single-family zone, to be converted into a bed and breakfast with 5 lodging units and a caretaker unit, per SMC 23.44.028 (establishing a use not otherwise permitted in the zone in a structure unsuited to uses permitted outright in a single-family zone).

The "church" portion of the project would contain a basement parking garage for nine vehicles. In addition to providing for an open breezeway that would provide a clear demarcation between the multifamily and bed and breakfast uses, the approved plans for MUP #3008679 called for removal of existing chimneys, modification of windows and adding new penetrations, adding upper-level decks and a substantial west-facing dormer, among other conversions and improvements.

The site slopes nearly 18 feet from the eastern property line to the sidewalk on the east. Retaining walls and rockeries help to support the steeper, undeveloped eastern portion of the site. There are some trees located at this location and just in-board of the sidewalk on S. Ferdinand Street at the lower portion of the site where S. Ferdinand Street meets 39<sup>th</sup> Avenue S. There is no major new development proposed for the site where existing buildings are being modified for new uses. Development to the north, south and east of the site is predominantly residential. Development to the east of the site, in the existing Neighborhood Commercial zone is a mixture of residential and commercial uses. The site lies one city blocks east of Rainier Avenue S. and is located within the Columbia City Residential Urban Village.

### Proposal Description

Council Land Use Action to rezone 6,600 sq. ft. of land from LR3 to LR3 (RC). The project includes land use action to allow a modification and expansion (400 sq. ft.) of the existing 8-unit residential building by filling in floor area of discontinued staircases on the second floor. Parking for 13 vehicles will be provided, 9 below grade within the existing former church sanctuary structure, and 4 within a carport at grade. Application, dependent on the successful outcome of the rezone, includes a change of use from 8 residential units to 5 residential units and 3 commercial spaces. The area to be rezoned is made up of platted lots #230 and #231, Block 10, Columbia Addition, bounded by 39<sup>th</sup> Avenue S. on the west, S. Ferdinand Street on the south, the east/west alley intervening between S. Edmunds Street and S. Ferdinand Street on the north, and Lot 232, Block 10, Columbia Addition on the east.

The proposal is to rezone a portion of the subject site so that the ground floor spaces within the converted church sanctuary would be eligible for retail/commercial or live/work uses, uses considered more economically viable at the ground level in this particular geographic area and historic context.

### Public Comment

Four written public comments were received by the Department during the official comment period that ended on August 10, 2011. All indicated support and approval of the proposed rezone. One person wrote that “allowing low-impact commercial use on that property will help Columbia City continue growing as a vibrant mixed-use neighborhood.” Another, also writing in support of the project, added that the “rezone should be tied specifically to this proposed re-use of the existing building.”

### **ANALYSIS - REZONE**

Rezoning is subject to the procedures outlined in (SMC 23.34.002). A rezone from LR3 to LR3-R/C (Residential/Commercial) requires several stages of analysis. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which height designation, when applicable, best meets those provisions. This analysis of the rezone criteria includes code sections of General rezone criteria (SMC section 23.34.008) as well as the Designation of Lowrise 3 zones (SMC section 23.34.010). Any analysis must also consider the function and locational criteria of LR3 zones (SMC section 23.34.011) as well as an analysis of the criteria for function and location of the proposed LR3-R/C zone (SMC section 23.34.080). All rezoning is subject to the provisions of Sub-chapter II, and the general provisions contained in

SMC section 23.34.007. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a “hierarchy of priorities” for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

The following analysis will discuss the code criteria and the merits of the proposal. Code language is in italics followed by a discussion of the criteria and site-specific information. This analysis follows the code citations in their numerical order as mentioned above.

**SMC 23.34.007 Rezone Evaluation**

SMC section 23.34.007 sets forth the following pertinent parameters for this “Rezone Evaluation”:

- A. *In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*
- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.*
- 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.*

A boundary for the Columbia City Residential Urban Village has been set forth in the City of Seattle *Comprehensive Plan* and the subject site is located within the established Columbia City Residential Urban Village.

- E. *The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*  
The proposal is not located within a designated shoreline area.

**General Rezone Criteria of SMC 23.34.008**

The proposed rezone must meet the General rezone criteria of SMC section 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 be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.*

The site is located within the boundaries of the Columbia City residential urban village and the zoned capacity for the residential urban village taken as a whole is within the density range established in Section A1 of the Land Use element of the Comprehensive Plan. The proposed change from LR3 to LR3-RC does not modify the potential growth target for households. Employment targets are not available for Residential Urban Villages.

- 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 location criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

Analysis of the match between zone criteria and area characteristic follows in the summary at the end of the rezone analysis section. The analysis more logically follows an evaluation of the site and the proposed project's fit with LR3 zoning (SMC 23.34.020 ) and L3-RC zoning (SMC 23.34.070.

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

The site lies within the southeast quadrant of the Columbia City Residential Urban Village on land platted as part of Columbia which had been founded as a mill town in 1892. Rejecting a move for annexation in 1905, the citizens of Columbia City voted to advance from a "Town of the Fourth Class" to a "City of the Third Class" in 1905. In 1907, a vote of the citizens overwhelmingly approved annexation and the Columbia City neighborhood was annexed to the City of Seattle in 1907. The general zoning pattern, centered at the intersection of Rainier Avenue S. and S. Ferdinand Street, just one block west of the subject site, was a pivot point of commercial and civic buildings along Rainier Av S., surrounded with residential lots to the east and west. Between 1947 and 1992, the west portion of the site was zoned RM (residential multi-family) while the east portion of the site was zoned RD-5000 (residential single family). From 1992 until the present the west portion of the site bordering on 39<sup>th</sup> Avenue S. has been zoned L-3, while the east portion of the site was zoned SF 5000. With implementation of the new multifamily Code in 2009, the west portion of the site was designated LR3 while the eastern portion of the site remained SF 5000.

## **ANALYSIS, DECISIONS, RECOMMENDATIONS AND CONDITIONS**

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

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighted and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

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

**A. General Rezone Criteria -23.34.008**

1. Urban Village or Urban Center Zoned Capacity (SMC 23.34.008A1-A2)

The area of the subject rezone lies within the Columbia City Residential Urban Village. The proposed rezone from LR3 to LR3-RC would not modify the potential growth targets for households in the area. The target set by the City of Seattle Comprehensive Plan for Residential Urban Villages is a growth of 25 percent of new households. There are no specific targets for employment within the designated Residential Urban Villages.

2. Match between Zone Criteria and Area Characteristics (SMC 23.34.008B)

Subsection SMC 23.34.008.B states as follows: “The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.”

**Lowrise 3 (LR3) Zone, Function and Locational Criteria**

LR3 zones are described(SMC 23.34.020) as having “dual functions,” providing for a variety of multifamily housing types in existing multifamily neighborhoods, and to accommodate redevelopment in area within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

*The existing LR3 zone designation of the subject site could be said to generally fulfill these functions.*

Locational criteria for the LR3 zone designation is most appropriate in urban villages where new development could help establish a multifamily neighborhood of moderate scale and density (SMC 23.34.020 B.1.a) or in an existing multifamily neighborhood in or near an urban village (SMC 23.34.020 B.1.b), and near neighborhood commercial zones with comparable height and scale (SMC 23.34.020 B.2).

*The existing LR3 zoning meets these criteria.*

LR3 zoning is appropriate where it would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones (SMC 23.34.020 B.3).

*The existing LR3 zoning provides a transition between single-family zoning (SF 5000) and the commercial zone.*

LR3 zoning is appropriate where the following other criteria are met: street widths are sufficient for two-way traffic with parking along at least one curb, the area is well served by public transit, has direct access to arterial streets, and is well supported by existing or projected facilities and services (SMC 23.34.020 B.4,5,6,7).

*The existing LR3 zoning meets these criteria.*

SMC 23.34.020 C is not applicable to this site.

SMC 23.34.020 D excludes properties designated as environmentally critical areas, except for specific categories of ECA's from designation as LR3 zones.

*The subject site is designated as an abandoned land fill (ECA#7), which does not exclude it from designation as LR3 according to SMC 23.34.020 D.2.*

Summary: Except for the existing LR3 zoning providing a transition between a single family zone and commercial zoning, rather than between less intensive multifamily zoning and commercial zoning (SCM 23.34.020 B.3), the existing LR3 zone designation meets the functional and locational criteria of the LR3 zone.

### **Lowrise 3 (RC) Functional and Locational Analysis**

In this instance, the current zoning designation is split between LR3 and SF5000. The proposal is to designate the portion of the parcel in the RC3 zone as LR3-R/C, so it is the function and locational criteria for the LR3-RC zone that are the focus of this analysis. These criteria are stated in SMC 23.34.070.

The applicable functional criterion for the RC zone is the following: "As a means of supporting an existing commercial node" (SMC 23.34.070 A.1.d). Parcels directly across 39<sup>th</sup> Avenue S. are zoned NC2-40' and allow for smaller commercial uses. The proposed commercial use on the west side of 39th Avenue S. is a compatible match. It is generally regarded as a desirable urban planning element to allow commercial uses opposite each other on either side of the street.

Among the "desired characteristics" for a RC zoning designation are areas that provide the following: "a. Physical appearance resembling the appearance of adjacent residential areas, and "b. Mixed use with small commercial uses at street level" (SMC 23.34.070.A.2).

A requirement of the locational criteria for a RC designation is that the residential-commercial designation shall only be combined with a multifamily designation (SMC 23.34.070 B.1. The applicant is seeking an RC designation for property already zoned multifamily, namely LR3.

Additionally, the locational criteria for an RC zone designation is deemed most appropriate on land that exhibits the following existing character: "(1) areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/ commercial development is present; or, (2) areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas" (SMC 23.34.070 B.2.a). The subject site is seated in an area with a pre-existing pattern of mixed residential/ commercial development.

Physical factors favoring RC designation include the following: “(1) lack of edges or buffer between residential and commercial uses; (2) lack of buffer between major arterial and residential uses; (3) streets with adequate access and circulation; (4) insufficient parking in adjacent commercial zone results in parking spillover on residential streets” (SMC 23.34.070 B.2.b). To varying degrees, each of these physical factors favoring RC designation are applicable to the subject site.

### 3. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone are to be considered.

The site lies within the southeast quadrant of the Columbia City Residential Urban Village on land platted as part of Columbia which had been founded as a mill town in 1892. Rejecting a move for annexation in 1905, the citizens of Columbia City voted to advance from a “Town of the Fourth Class” to a “City of the Third Class” in 1905. In 1907, a vote of the citizens overwhelmingly approved annexation and the Columbia City neighborhood was annexed to the City of Seattle in 1907. The general zoning pattern, centered at the intersection of Rainier Avenue S. and S. Ferdinand Street, just one block west of the subject site, was a spine of commercial and civic buildings along Rainier Av S., surrounded with residential lots to the east and west. Between 1947 and 1992, the west portion of the site was zoned RM (residential multi-family) while the east portion of the site was zoned RD-5000 (residential single family). From 1992 until the present the west portion of the site bordering on 39<sup>th</sup> Avenue S. has been zoned L-3, while the east portion of the site was zoned SF 5000. With implementation of the new multifamily Code in 2009, the west portion of the site was designated LR3 while the eastern portion of the site remained SF 5000.

### Neighborhood Plans

The site is within the Columbia City Residential Urban Village. A neighborhood plan was adopted in 1999. Although the plan called for a number of specific rezones, including rezoning some areas east of 39<sup>th</sup> Avenue S. as NC2-40’ to encourage a broad range of commercial uses, the only policy adopted within the Comprehensive Plan was housing policy P-20 which was an exhortation to “encourage housing as a part of mixed-use development projects, including live/work spaces, within the business districts” and to “consider rezoning appropriate areas within the urban village to NC/R designations.” There are no specific recommended rezones in the Council-adopted Neighborhood Plan.

### Compliance with Zoning Principles

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

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

The rezone from LR3 to LR3-RC does not involve any change in the height limit of the zone and none is proposed by the applicant. The new zone designation would be applied to an existing structure (formerly a religious sanctuary building) which effectively builds out the site. No modifications affecting the height of the structure have been made and none are proposed.

The subject site is adjacent to single family zoning on its east side and if rezoned to LR3-RC any new development on site would be subject to any development standards that may be imposed on structures abutting property lines in a single-family zone.

- b. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers: (a) natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines; (b) freeways, expressways, other major traffic arterials, and railroad tracks; (c) distinct change in street layout and block orientation; (d) open space and green spaces.*

The single-family zoned area immediately to the east of the proposed rezone is property developed by the current applicants into a Bed- and- Breakfast establishment, a lodging use allowed through the administrative conditional use process in a single-family zone. This use, on the adjoining three lots east of the parcel to be rezoned to LR3-RC, separates the development site from single family dwelling units on the eastern portion of the block. A steep slope area along the east edge of the development site also serves as a buffer between the development site and those lots already developed in single-family structures.

- c. Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E (2) above; (2) platted lot lines.*

The proposed rezone would not alter the dividing line between the LR3 and single family zoning, but re-designate the LR3 as LR3-RC. The zone boundary would remain consistent with platted lot lines.

#### 4. Impact Evaluation

Regarding Impact Evaluation, SMC 23.34.008F states that “the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.” Following are the factors and service capacities to be examined.

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

- a. Housing, particularly low-income housing*

Multifamily housing, in an existing building, with commercial uses on the ground floor is the housing type to be provided. This type of housing is generally thought to be more affordable than detached single family housing. It is not known whether any of the housing, now or later proposed, would be low income. The rezone would foster the development of multifamily housing as compared to single family, as does the present zoning designation.

*b. Public services*

No negative impact on public services is expected from the proposed action. All utilities required for the proposed project can be provided by existing connections or extensions thereof. Little or no additional burden on public safety services is anticipated.

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

There is no reason to believe that there would be any more impacts resulting from environmental factors from a mixed commercial and multifamily development than would occur on just multifamily development. Current code requirements would limit to a good degree water quality impacts (Stormwater, Grading and Drainage Control Ordinance) and any new construction would require a high degree of energy conservation (Energy and Building Codes).

*d. Pedestrian safety*

The impact of a LR3-RC designation rather than an LR3 designation would have no impacts on pedestrian safety.

*Manufacturing activity*

There are no manufacturing activities in the immediate area nor none intended as a result of the proposed rezone.

*e. Employment activity*

The proposed project would be expected to have no negative effect on area employment activity. To a small degree any additional commercial activity on site could be expected to increase employment.

*f. Character of area's recognized for architectural or historic value*

The project includes the retaining of an historic institutional building which adds character to the historic fabric of Columbia City.

*g. Shoreline view, public access and recreation*

The project is not within a shoreline designation.

*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*

There would be no change to existing street access. There would be no negative impact on street access.

*b. Street capacity in the are*

Vehicles will access the site from an existing alley on the north side of the property which connects to 39<sup>th</sup> Avenue S. Thirteen on-site parking spaces are provide, with nine parking spaces being provided below grade in the existing building on site. The proposed rezone will not modify the existing parking. Commercial development on site allowed by the proposed rezone is not anticipated to have measurable effect on traffic generation.

*c. Transit service*

The proposed site is located one block east of an arterial served by public transit. Frequent transit service is available on Rainier Avenue S., located a block to the west of the site.

*d. Parking capacity*

Any commercial development is not likely to substantially impact parking capacity on the street.

*e. Utility and sewer capacity*

No negative effect is anticipated. Existing capacities of utility and sewer services in the area can reasonably be expected to accommodate development enabled by this rezone.

*f. Shoreline navigation*

This consideration is not applicable.

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

There is no clear set of changed circumstances that would offer conclusive or compelling support of retention of the existing LR3 zoning or a rezone to LR3-RC.

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

The area is located within the Columbia City Residential Urban Village, an area the City of Seattle Comprehensive plan identifies as suitable for “a variety of available housing options” and which will “support opportunities for business incubators and local business ownership within the community “ (*Seattle’s Comprehensive Plan, Neighborhood Plans: Columbia City, CC-P11, CC-G8*).

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

There is a mapped ECA #1 (steep slope) area on the eastern portion of the site, but not within the area proposed for the rezone. A waiver of steep slope requirements for this area was granted by the Department on March 5, 3008. The site is subject to standards of ECA #7, Abandoned Landfill. A mitigation report will be required. There are no effects on the identified critical areas due to the proposed rezone.

The analysis has considered the foregoing criteria. Given the circumstances of the subject property, the locational criteria of appropriate zoning, the zoning history, the goals of the Comprehensive Plan , impacts and capacities, the LR3-RC zone appears to be a suitable zoning designation for the property currently zoned LR3.

### **SMC 23.34.004 Contract rezones**

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. This is effected through a Property Use and Development Agreement (PUDA).

The restrictions imposed by a PUDA are to be directly related to impacts that may be expected to result from the rezone. In this instance, where development is intended to be undertaken as specified in MUP #3008629 and as modified in this MUP, namely in the adaptive reuse of existing structures on site, the Director would recommend, as the only condition of a PUDA, that the rezone from LR3 to LR3-RC be contingent upon the applicants' reuse of the existing structures on site as allowed per MUP #3008629 with the modifications for commercial ground use that would be allowed through the subject rezone.

### **RECOMMENDATION – REZONE**

Based upon the above analysis, the Director recommends that the proposed rezone from LR3 to LR3-RC be **approved**.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant, dated July 6, 2011, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

Both the short-term and long-term impacts of development on site per the LR3-RC zone designation, which would allow for commercial uses on the ground floor of the former church sanctuary building, are otherwise as those set forth in the SEPA analysis in Director's Decision 3008629 regarding this site.

### Long-term Impacts

The proposal would modify development standards and density on the subject property. Ultimate impacts would only be realized through the specific project action. SEPA regulations will be applied on a project basis, and appropriate mitigation required where necessary. However, land use impacts and density related impacts resulting from the rezone, such as height, bulk and scale, traffic and parking are discussed further below.

The proposal project-level impacts of the particular development would be mitigated by application of Land Use Code standards of the new zone during specific project review. Specific project impacts subject to environmental review could be additionally mitigated through SEPA if the Code does not sufficiently mitigate adverse impacts.

### Height, Bulk and Scale

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

The existing height limit of the zone would not be altered by the re-designation as LR3-RC zoning. Development proposed as allowed by MUP #3008629, and with allowable uses as modified by the rezone to LR3-RC, would be within an existing structure (the church sanctuary building) and no alteration of the height of the building has been proposed. New construction would be controlled by development standards for LR3 in the multifamily Code. The height limits for the proposed LR3-RC zone are the same as the existing LR3 zone. The subject site would continue to be adjacent to single family zoning on its east side. Future development of the site would be required to provide setbacks from the single family property to the east of the overall site. The development of the former religious education wing as a bread and breakfast use in the single-family portion of the site would provide an adequate transition to the single family area to the east which sits on higher ground than the subject site, a condition that helps provide for compatible transitions between zones as well. No further mitigation through SEPA is warranted.

### Traffic and Parking

The size and proportions of the subject site as well as height limits would not allow for any large development on the site. Impacts due to development that would increase traffic and add to parking on the site would be expected to be minor. Existing traffic on 39<sup>th</sup> Avenue S. does not burden roadway capacity and impact to the surrounding traffic network is not of concern. Parking impacts would be further evaluated if there were to be a specific project review.

