City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Numbers: 3012217 & 3012417

Council File Number: 311812

Applicant Name: Scott Roberts, for Trenton Associates McClellan LLC

Addresses of Proposals: 2615 & 2715 25th Avenue S

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow two, 7-story residential structures, with a total of 307 residential units. Parking for 222 vehicles will be provided below grade. Project includes a contract rezone to rezone 67,919 square feet of land from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65').

The following approvals are required:

Contract Rezone – Rezone two parcels from SF 5000 to SM/R 65' to allow the future construction of two seven story residential buildings with a schematic development scheme (SMC Section 23.34.004).

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

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

PROJECT DESCRIPTION

The applicant, Trenton Associates McClellan LLC, proposes a contract rezone from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R 65') for land totaling 67,919 square feet. The two sites, one north and one south of the intervening S. Lander Street right-of-way, are comprised of platted lots 1 through 8, Block 5 of McArthur's Addition to the City of Seattle, and platted lots 1 through 14, Block 2 of McArthur's Addition to the City of Seattle. These parcels comprise the "rezone area" being discussed. A specific development is proposed for the area that comprises these parcels and includes design review and environmental review. The Master Use Permit Applications (MUP #3012217 & 3012417), in addition to the rezone analysis and recommendation for the two sites, includes design review and environmental review and determination for two separate seven story residential buildings. The Property Use and Development Agreement (PUDA) would include both of the sites to be rezoned.

The proposed rezone would relocate the boundary separating a large area of SF 5000 zone from the centerline of the north/south running 25th Av S. to the centerline of 24th Av S one block to the west. The area running south from the north property line of the north development site to the centerline of S. McClellan Street and between the centerline of 25th Avenue S. and the centerline of 24nd Avenue S. would be rezoned to SM/R-65.

Adjacent zoning to the north is a mix of Neighborhood Commercial 3-65' and Commercial 1-65'. Adjacent zoning to the east in Neighborhood Commercial 3-65'. Across S. McClellan Street to the south the zoning is Lowrise 2.

The entire area of the proposed rezone would undergo new development with the construction of two new 7-story residential structures and attendant right-of-way improvements. The area proposed for the rezone is co-extensive with the area subject to the Design Review component.

The residential structures, one to the north of S. Lander Street and the other to the south of S. Lander Street, will each be bounded by 24th Avenue S. on the west and each will face onto 25th Avenue S. The combined total of the two structures would be approximately 307 residential units, with 111 units in the proposed north building and 196 in the proposed south building. Parking for the each of the structures will be provided in two underground parking garages, 123 stalls in the north building and 99 in the south building, for a combined capacity of 222 vehicles. Access to each of the garages will be from S. Lander Street.

SITE & VICINITY

The two sites, situate on either side of S. Lander Street, are located at 2615 and 2715 25th Avenue S., and extend between 25th Avenue S. and 24th Avenue S. The Rights-of-way of both 25th Avenue S. and 24th Avenue S. terminate at a line that co-extends along the north property line of the north development site. The south property line of the south development site abuts S. McClellan Street to the south.

The two sites were formerly occupied by 2 two-story and 3 one-story houses, four of which have been removed. Platted lots 15 and 16, Block 2, McArthur's Addition to the City of Seattle, located at the southwest corner of the block are currently occupied by a minor communication utility (cell tower and accessory equipment), are under separate ownership (Verizon) and are not a part of the development proposal or rezone petition.

The northern edge of the proposed rezone site is currently zoned C1-65 and NC3-65. Properties east of 25th Avenue S., both north and south of S. McClellan Street are currently zoned NC3P-65. Properties south of S. McClellan Street and west of 25th Avenue S. are zoned LR2.

The development sites generally slope down steeply to the east and northeast between 24th Avenue S. and 25th Avenue S. and parts of the sites are mapped as landslide prone environmentally hazardous areas.

PUBLIC COMMENT

The comment period for this proposal ended on October 26, 2011. The City received no written comments regarding the project. Public comment was also solicited at each of the Design Review meetings and specific comments are included under the Design Review analysis discussed below. While addressing other aspects of the proposal, none of these comments directly addressed the specifics or the appropriateness of the rezone.

REZONE- ANALYSIS & RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

SMC 23.34.004 Contract Rezones.

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

The proposal is for a contract rezone in which development would be controlled by a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structures approved through the Design Review process, a summary and analysis of which is included below. The approved design includes, but is not limited to, the design of the proposed structures, their location on the site, the height of the proposed structures, building materials, landscaping, street improvements, parking design, location and layout, public benefit features, signage, and site lighting and is documented in the approved plan sets dated September 16, 2012.

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

No waivers are being requested or are necessary as part of the contract rezone.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter 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 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.

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

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.

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 subject property is located within the North Rainier Hub Urban Village which has been established in the Comprehensive Plan and thus will be subject to the sections of SMC Chapter 23.34 pertaining to Urban Villages.

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 any shoreline environment.

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.

General Rezone Criteria of SMC 23.34.008

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

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

The project site is located in the North Rainier Hub Urban Village. The Urban Village Element of the Seattle Comprehensive Plan has targeted this Urban Village to receive 900 households. The proposal will increase the zoned capacity for the project site and for the North Rainier Hub Urban Village as a whole, essentially allowing the addition of 307 residential units to the Urban Village. The additional residential units would contribute to achieving the goal of realizing the 125% of the growth targets set for the North Rainier Hub Urban 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 project site is located within the North Rainier Hub Urban Village. The Urban Village Element of the Seattle Comprehensive Plan has earlier targeted this Urban Village to receive an increase of 900 households. In order to meet this growth target, the North Rainier Hub Urban Village would need to increase its density from 4 dwelling units per acre to 5 dwelling units per acre. Growth statistics for the area indicate that under the present zoning the area has failed to achieve its growth targets. The proposed rezone of this development site will increase zoned capacity by nearly 300 units, increasing the zoned capacity of the North Rainier Hub Urban Village and its ability to achieve its targeted population goals. The Comprehensive Plan designation for the project site was changed from “single family” to “multifamily residential” in 2010 by Council Ordinance 123267.

Hub Urban Villages are designed to provide residential development around a core of commercial services and within easy access of an efficient transportation network. The proposed contract rezone will allow for the intensification of an existing residential use on site. The addition of residential capacity on site will further contribute to meeting the target set by the Comprehensive Plan for a citywide growth of 25 percent by providing for new households within hub and 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 locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The applicant proposes to rezone the existing SF 5000 to SM/R 65 in order to provide for an intensification of the residential use already on the site. The applicant has proposed a store two residential buildings with a total unit count of 307. The analysis below will consider the appropriateness of the SM/R- 65 zone’s criteria as a match for the area’s characteristics.

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

The parcels under consideration for a rezone have been consistently zoned single family at least for 85 years. The 1927 zoning map shows the subject sites, as well as adjacent land to the north and east, zoned "first residence district." The subject sites were later designated as RS 5000 and with implementation of Title 23 in 1982, SF 5000. Of special significance is the gradual "commercialization" of those properties between the subject sites and Rainier Avenue S. Into the late 1950s, properties, including those facing onto Rainier Avenue S., were similarly zoned RS 5000. Incrementally, and starting with properties facing onto Rainier Avenue S. in 1957, a series of rezones designated these areas as CG (general commercial). The last of the properties to be so designated was a thin strip of land between S. Lander Street and S. McClellan Street on the east side of 25th Avenue S., rezoned to CG in 1963. A portion of the properties south of S. McClellan Street were rezoned from RS 5000 to multifamily RM 1800 in 1966, later to be designated, as currently, Lowrise 2. Today properties directly north and abutting the north subject site are zoned C-1, with a 65 foot height limit, and NC3-65. The area northeast and east of the two subject sites, commencing at the centerline of 25th Avenue S. and extending to Rainier Avenue S., is zoned NC3-65. There do not appear to have been any rezones granted in the general vicinity of the North Rainier Hub Urban Village in the past several years. The history of the surrounding area that includes Commercial, Neighborhood Commercial, lowrise multifamily and single-family zones has remained similarly stable.

There are two parcels at the southwest corner of the block bounded by 24th Avenue S, S McClellan Street, 25th Avenue S, and S Lander Street, zoned SF 5000, characterized by steep slope environmentally critical areas, and occupied by a tall monopole cellular transmission tower (Verizon communications). These parcels, under separate ownership (Verizon), are not a part of this rezone petition.

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.*

The project site lies partially within the planning area of the North Rainier Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan by City Council in 1999. The Neighborhood Plan is currently being revised through a neighborhood planning update process that began in the fall of 2008. A draft North Rainier Neighborhood Plan was transmitted to the City Council in January 2010 but has not yet been acted upon by the City Council.)

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

The North Rainier Neighborhood Plan is applicable to the subject property. The 1999 Plan, which is the plan applicable to this proposal as it is currently in effect, includes the following policies that are consistent with the proposal:

- *NR-G1: A Town Center with the highest densities in the neighborhood that is well connected with the regional light rail station, consists of housing and vital commercial activities, provides living-wage employment opportunities, is pedestrian and bicycle-oriented, and has attractive streetscape and amenities.*

Response: The proposal will create a higher density in the area designated as the "Town Center" and will provide pedestrian and bicycle-oriented streetscape and amenities, and over 300 new units of housing within short walking distance of the light rail station.

- *NR-P1: Recognize the "Town Center" as the area where the neighborhood would like to use land use and zoning designations that facilitate transit-oriented development to assemble and finance the type of development envisioned by the neighborhood around the light rail station, and strive to facilitate the vitality of existing businesses that help meet the neighborhood's employment goals.*

Response: The proposal includes a transit-oriented residential development a short distance away from the light rail station, fulfilling the Town Center vision.

- *NR-G2: New Housing for North Rainier Goal: Housing the in the neighborhood which meets community needs and makes a compatible transition from higher-intensity mixed-use and multifamily residential to single family areas.*

Response: The proposal includes new multifamily housing that would facilitate a compatible transition from higher intensity mixed use areas near the light rail station to lower intensity single family areas on the west side of the Cheasty Greenbelt.

- *NR-P2: Seek to promote the highest intensity residential development in the proposed "Town Center." Encourage the "Town Center" to be the focal point of mixed-use commercial and residential development.*

Response: The proposal would allow the highest density development to occur in the Town Center area, creating a focal point of mixed use and residential development in proximity to the light rail station

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- *NR-P5: Seek to use design guidelines within the North Rainier Hub Urban Village to promote mixed-use, townhomes, and higher density development which accommodates the anticipated growth, while promoting the development of well-designed structures that respond to the physical character and environment of the neighborhood. Seek to avoid suburban "tract home style" developments that detract from the character of some of North Rainier's single-family neighborhoods.*

Response: The proposal would be a residential multifamily development that has been recommended for approval by the Design Review Board, and does not include suburban tract homes.

- *NR-G5: Reclaiming North Rainier's Olmsted park & boulevards goal: Cheasty Boulevard and Greenbelt has been reclaimed and developed in a manner consistent with the 1909 Olmsted Parks and Boulevards Plan.*

Response: The proposal would incorporate the Cheasty Greenbelt into its landscaping plan, creating a more usable and safe place for people.

- *NR-P6: Seek to preserve environmentally sensitive areas, particularly those in the Cheasty Greenbelt, and seek to protect them from further residential development.*

Response: The proposal would comply with all steep slope critical area regulations and would not develop the Greenbelt as residential development.

- *NR-G9: North Rainier Valley's network of parks, recreational facilities, open spaces, and arts and culture programs are functioning and are well utilized.*

Response: The proposal would seek to connect more people to the Cheasty Greenbelt in order to make it a safer, more attractive place for people.

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.*

Although the 2010 North Rainier Neighborhood Plan, not yet adopted by the City Council, does propose a rezone of the subject site, the North Rainier Neighborhood Plan, adopted in 1999, does not provide for rezones of particular sites or areas.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The 1999 North Rainier Neighborhood Plan is the applicable plan to this proposal, as it is the plan that has been adopted by the City Council. It does not identify any rezones of the property. As noted earlier, the updated Comprehensive Plan, approved by Council, has designated the subject site for "multifamily residential" use.

Conclusion: The proposed contract rezone is consistent with applicable policies contained in the Comprehensive Plan's adopted North Rainier Neighborhoods Plan. The currently-adopted Neighborhood Plan does not provide for a rezone of these particular sites.

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.*

The project site is currently zoned SF 5000, but the site's Future Land Use Map designation was changed in 2010 to "Multifamily Residential" to recognize the site's proximity to the light rail station, and to recognize the City's and the Neighborhood's intention to place more transit-oriented residential development in close proximity to the light rail station. The parcel directly to the west of the subject site is zoned SF 5000, but this lies within the Cheasty Greenbelt and is essentially not in single family use, but rather in use as parkland. The heavily forested Cheasty Greenbelt provides an effective buffer between the proposed SM/R-65 zone and the single family-zoned properties up to and on top of the hill to the west beyond the greenbelt. The parcels to the north of the property are zoned C1-65 and NC3-65; the parcels to the east and across 25th Avenue South are zoned NC3P-65, and the parcels to the south across S. McClellan Street are zoned LR2 (including the site of the light rail station). The SM/R-65 zone, which is focused on multifamily residential development, would create a transition zone from the more intense commercial uses to the east and north to the less intense lowrise and single family uses to the west and south.

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;*

The subject property is steeply sloped downward from west to east as well as south to north, below and away from the single family zoned neighborhoods to the west. Furthermore, the Cheasty Greenbelt lies directly to the west of the site providing an effective separation and additional buffer from the single family zoned properties to the west. The topographical transition and the Cheasty Greenbelt together provide a pronounced and effective separation from the subject site and the single family neighborhood to the west.

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

The properties to the south and across S. McClellan Street are zoned LR2, as is the site of the Mount Baker Light Rail Station. S. McClellan Street, a minor arterial, provides an adequate buffer between the project site and the LR2 zoning to the south. It should be noted that even without the Light Rail Station, the transition between SM/R-65 and LR2 would be appropriate, as LR2 allows increased density of multifamily development up to a height of 30 to 35 feet. The parcels to the east of the project site are zoned NC3P-65. SM/R-65 allows for a residential density condign with the residential densities allowed in the NC365 and NC3P-65 zones to the north and east of the subject sites.

   c. *Distinct change in street layout and block orientation;*

The subject property is framed on three sides by several distinct right-of-way conditions. 24th Avenue South is an unopened and unimproved right-of-way. 25th Avenue South dead ends just north of the subject property. Lander Street, which bisects the subject property, dead-ends in the Cheasty Greenbelt and is unopened and unimproved. The property to the north is split-zoned C2-65 and NC3-65 and includes a construction contractor business and a fast food restaurant, both of which have private circulation and access to Rainier Avenue South to the east of the property.

These distinct characteristics make the site extremely well suited for residential development without causing impacts to the surrounding traffic flow and block orientation.

d. *Open space and greenspaces.*

The heavily forested Cheasty Greenbelt provides an effective buffer along the west property line of the site to the SF 5000 zoned property at the top of the hill.

3. Zone Boundaries

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

(1) Physical buffers as described in subsection E2 above;

See discussion regarding physical buffers above.

(2) Platted lot lines.

The proposed rezone would follow platted lot lines and street centerlines.

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.

Development on the adjacent C1-65 and NC3/NC3P-65 zoned properties face away from the proposal site. This is an existing condition. Although the proposed SM/R zoning would allow for commercial or mixed-use development as well, the proposal is for residential development only.

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

The rezone proposes a height limit of 65. All of the subject property is within the North Rainier Hub Urban Village.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above: the zoning designation and project design incorporates a gradual transition between the higher topographical area of the Cheasty Greenbelt to the west and the more intense zones to the north and east. Since only residential uses are proposed, the project will also serve to buffer the non-residential uses to the east from the greenspace and residential zoning to the west.

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:

Housing, particularly low-income housing;

The proposal includes 307 new housing units on a site where no multifamily housing currently exists. The proposal would displace 5 frame single family houses; only one of those units is currently standing. Thus, impacts to housing are expected to be positive by increasing the supply of housing within close proximity to the light rail station.

Public services;

There will be an increase in demand on public services from the proposed 307 residential units and parking for 222 vehicles. Fire and police service needs will likely slightly increase due to the development of additional residential units.

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

Noise, light and glare, and odor impacts consistent with a residential project could be expected, but are not likely to significantly increase, given the already developed urban nature of the area. Air quality impacts could increase incrementally due to additional vehicular traffic associated with the project, although many residents are expected to utilize the light rail for commuting and other transportation purposes. Water quality would likely be positively impacted as a result of the project as the storm water from the site will require detention. Shadows would increase in the area; however no individual properties will be negatively or significantly impacted as a result of shadows from the project, and the increase in shadow impacts were adequately addressed through the design review process. The project will comply with the current energy code and will therefore have no significant energy consumption impacts. The project site is not located in a shoreline area and will not negatively impact aquatic flora or fauna.

Pedestrian safety;

Pedestrian safety will be positively impacted by the proposed wider sidewalks and the improvement of Lander Street and 25th Avenue South (which are currently unimproved). The project will include further pedestrian and, possibly, bicycle connections to the Cheasty Greenbelt.

Manufacturing activity;

While some light manufacturing or quasi-manufacturing activities might exist and be allowed to the north and east of the subject sites, the current zoning would allow no manufacturing activities as such on site. The proposed change in zoning should have no impact on manufacturing activity, existing or proposed, near this location.

Employment activity;

The proposal will add 307 residential units to the neighborhood. Residents living in the units will undoubtedly add to the vitality of the area and favorably impact existing and future businesses in the neighborhood. The project's construction will create jobs, and the completed project will also require on-site management and maintenance which will create jobs. The proposed project does not displace any commercial uses and does not displace any jobs.

Character of areas recognized for architectural or historic value;

There are no areas in the immediate vicinity recognized for architectural or historic value and therefore no impacts are anticipated.

Shoreline view, public access and recreation.

The project site is not located in or near a shoreline environment.

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:*

Street access to the area;

The proposed rezone will be served by appropriately sized infrastructure. 25th Avenue South and South Lander Street adjacent to the project will be upgraded to serve the proposed development. No additional curb cuts or access points on the right of way are proposed beyond that which are allowed under current zoning. The development will consolidate its impacts on street access into a single access point to the below grade parking from newly improved Lander Street (two garage entrances). According to the traffic study the rezone would not result in a significant adverse transportation impact. No transportation mitigation is proposed for the project.

Street capacity in the area;

The rezone would not result in a significant adverse transportation impact and would not cause an adverse impact on street capacity. Levels of service of the studied intersections in the area would remain at the same levels of service with or without the project. All studied intersections are expected to remain at levels of service of C or better.

Transit service;

King County Metro Transit (MT) route numbers 7, 9, 34, and 42 have scheduled stops at Rainier Ave S nearest the project site. The Mt. Baker Light Rail Station lies just a few hundred feet to the south of the site, which serves multiple locations from Sea-Tac Airport to downtown Seattle with future expansion to the University of Washington, North Seattle, and further south beyond Sea-Tac Airport. Though parking is proposed for the project that approaches a .7:1 ratio, the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting, increasing ridership of light rail.

Parking capacity;

The project proposes to provide 222 parking stalls for the 307 proposed residential units. This parking to unit ratio approaches .7:1 stalls per units. Due to the proximity of the project to excellent transit service, a reduced parking demand rate is expected onsite, and the 307 apartment units would be expected to have an estimated weekday peak parking demand of 252 parking stalls. Therefore, there could be an overflow of 30 cars into the on-street parking. The Traffic Impact Study prepared for the development will be updated to analyze whether on-street parking can accommodate the anticipated overflow at peak parking demand and to offer mitigation if required.

e. Utility and sewer capacity;

Sewer Capacity:

Based on Seattle Public Utilities' input, a capacity analysis of the public wastewater infrastructure currently serving the project site needs to be undertaken to determine whether the existing combined sewer has adequate capacity to support the proposal. Such an analysis, to be undertaken by the proponents of the proposal, with changes in the system as needed approved by SPU, is a recommended condition of approval of the rezone and proposed development.

Electrical Service:

The electrical system servicing the development sites would likely need to be upgraded to provide adequate electricity to serve the proposal.

f. Shoreline navigation.

The project site is not located within or near any shoreline area and will therefore have no impacts to shoreline navigation.

Conclusion: There is anticipated a modestly increased need for police and fire services related to the 307 residential units. Other environmental impacts related to the proposal should also be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity is likely to be in need of upgrading to serve the proposal adequately and, given a successful petition for a rezone proposal, the developers will undertake, with Seattle Public Utilities assistance, a sewer capacity analysis. Electrical service would be upgraded as part of the development proposal.

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

The Future Land Use Map for the proposal site was changed in 2010 to designate the area where the subject property is located as suitable for multifamily residential development in keeping with the City's Comprehensive Plan. The proposed SM/R-65 zone would allow for the kind of multifamily residential development anticipated. Additionally, the development of the new light rail line just to the south of the site and the opening of the Mt. Baker Light Rail Station constitute changed conditions. The proposed rezone allows this project to address the need for new, multi-family transit-oriented development in relatively close proximity to the Mount Baker light rail station

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

The project site is within the North Rainier Hub Urban Village overlay. The goals of the Hub Urban Village are as follows:

- Accommodate concentrations of housing and employment at strategic locations in the transportation system conveniently accessible to the city's residential population, thereby reducing the length of work-trip commutes.(UVG25)
- Accommodate a concentration of residential development at 15 or more du/acre and a total of at least 1,800 housing units within ¼ mile of the village center. (UVG25)
- Within ½ mile of the village center a minimum of 1/3 (at least 20 acres) of the land area is currently zoned to accommodate mixed-use or commercial activity. (UVG25)
- Accommodate concentrations of employment and housing at densities that support pedestrian and transit use and increase opportunities within the city for people to live close to where they work.(UVG27)

The proposal meets the Urban Village goals of the Comprehensive Plan by placing multifamily housing near the light rail station, in conformance to the Future Land Use Map.

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.

There are several critical areas located on the subject site:

Steep slope critical area: *The project will comply with critical area regulations and therefore any negative impacts will be mitigated by compliance with the critical area regulations; the project was issued a limited Environmentally Critical Areas exemption for steep slopes.*

Potential slide critical area: *The project will comply with the slide-prone critical area regulations and possible negative impacts will thereby be mitigated.*

Liquefaction critical area: The project will comply with the liquefaction critical area regulations and any negative impacts will thereby be mitigated.

Wildlife critical area: The project is adjacent to a wildlife critical area (the Cheasty Greenbelt). The project will not encroach into the critical area, and is designed not to disturb wildlife critical habitat.

SMC 23.34.009 Height limits of the proposed rezone. *Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:*

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

Response: The proposal seeks to rezone the property to a 65 foot height limit. The Seattle Mixed zone allows height limits of 65 feet. SMC 23.34.128.E states that 40 or 55 feet shall be applied to the SM/R zone, but that a 65 foot height limit "shall apply where it is appropriate to provide for a uniform and pedestrian scale." In the case of the project site, the zoning to the north and to the east is 65 feet. The zoning to the southeast of the project site is NC3P-65 The 65-foot tall height is appropriate for the SM/R designation

in this area because it is appropriate to provide for a uniform and pedestrian scale of development as it transitions from Rainier Avenue South to the light rail station. In addition, the preferred use under the SM/R zone is residential development. According to the developers, the most economically efficient height for residential development in this zoning category, so close to a light rail station, is 65 feet tall.

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.*

Response: The 65 foot height limit fits within the natural topography of the area; the site slopes sharply upward to the west as it meets the Cheasty Greenbelt which is heavily and densely endowed with tall, vertical plantlife. The surrounding zoning to the north and east is 65 feet, and the light rail station is already developed to a substantial height directly to the south. No view blockage would occur as a result of 65 foot tall zoning on the project site, as there are no notable views to block.

C. *Height and Scale of the Area.*

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

   Response: The current height limits in the area range from 65 feet tall to the north and east of the project site (C1-65 and NC3-65), to 35 feet tall in the Cheasty Greenbelt (SF 5000), to 30 feet (LR2) to the south. Since the Cheasty Greenbelt will remain undeveloped, the 65-foot height limit would appear to be compatible with surrounding zoning.

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.*

   Please see the response to SMC 23.34.009.C.1 (above). The proposed 65 foot tall zoning is compatible with the predominant height and scale of the existing zoning. Surrounding parcels are currently underdeveloped as they relate to their zoning designations; to the east of the project is a QFC grocery store with a surface parking lot that is approximately 35 feet tall. To the north of the project site are 1 and 2 story commercial buildings. Considering the area's proximity to the light rail, these sites are largely underdeveloped given the City's policy to encourage greater heights and densities in close proximity to light rail.

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.*

Response: Please see response to SMC 23.34.009.C.1. and 2. The 65 foot height limits is compatible with the surrounding zoning and development. No major institutions exist near the project site.

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.*

   Response: Rezoning the property to allow 65-foot tall buildings results in a gradual transition of scale and level of activity between the single family zones and the LR2 zones due to the existence of the Cheasty Greenbelt and major grade changes directly west of the property.

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.*

   Response: There are no recommendations regarding height in business plans or neighborhood plans applicable to this area.

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.*

   Response: The current neighborhood plan does not specify height limitations.

   Conclusion: The 65-foot height limit is consistent with surrounding topography, zoned height limits, anticipated patterns of development, and meets the criteria of 23.34.009.

SMC 23.34.010 Designation of Single Family Zones

A. *Except as provided in subsections B or C of Section 23.34.010, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.*

Response: See below; the project site meets subsection B of 23.34.010, <u>and</u> it does not meet the criteria for single-family designation

B. *Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and that are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 if all of the following conditions are met:*

1. *A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, if applicable;*

Response: The North Rainier Neighborhood Plan, adopted in 1999, does not provide for rezones of particular sites or areas. However, the Future Land Use Map designation of the property adopted in 2010 is "multifamily residential," meaning that its current single family zoning designation is not in alignment with the Comprehensive Plan designation.

The rezone is:

a. *To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise 1 (LR1), Lowrise 1/Residential-Commercial (LR1/RC), or*

Response: The proposed rezone is to none of these designations but rather to SM/R-65.

b. *Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30 foot or 40 foot height limit, or*

Response: The area of the rezone is not located in North Beacon Hill.

c. *Within the residential urban village west of Martin Luther King Junior Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a Lowrise 1 (LR1 or Lowrise 2 (LR2) zone, or*

Response: The proposed rezone is not within these areas.

d. *Within an urban village and the Comprehensive Plan Future Land Use Map designation is a designation other than Single Family.*

Response: The project site is within the North Rainier Hub Urban Village, and is designated "multifamily residential" within the Comprehensive Plan's Future Land Use Map as of 2010

C. *Areas zoned single-family within the Northgate Overlay District, established pursuant to Chapter 23.71, that consist of one or more lots and met the criteria for single-family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a neighborhood commercial zone if the rezone is limited to blocks (Defined for the purpose of this subsection C as areas bounded by street lot lines)*

Response: The proposed rezone I does not lie within the Northgate Overlay District.

Conclusion: The project site is designated "multifamily residential" in the City's Comprehensive Plan Future Land Use Map as revised in 2010. Arguably, the City should rezone the property in order to comply with the Future Land Use Map. This position is strengthened insofar as the properties currently zoned SF 5000 can be determined not to meet the functional and locational criteria for single family zones (see below).

SMC 23.34.011. Single family zones, functional and locational criteria

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

Response: The project site is not in an area that includes predominantly single-family homes; the single family home neighborhoods are on the west side of the Cheasty Greenbelt, up a very large hill. The character of the areas bordering on the north, south and east are predominantly multifamily and commercial in nature.

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

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

Response: Although once the location for at least four other single-family structures, the blocks were never completely built out. Currently the project site includes only one structure, which is in single-family use. The remainder of the two sites is vacant.

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

Response: The 1999 North Rainier Neighborhood Plan does not designate this area for a particular use

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

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

Response: The proportion of single family homes has not increased in proportion to other construction in the area in the past five years.

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

Response: The trend in the broader area of southeast Seattle appears to be toward densification, not rehabilitation of existing single family homes

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

Response: The trend is toward multifamily and mixed-use developments, with several individual houses being demolished to make room for multifamily development.

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

Response: The area, sandwiched between the Cheasty Greenbelt and dense commercial properties along Rainier Avenue South, is not particularly suitable for single family development; single family homes previously located on the subject sites located along 25th Avenue S. faced the backs of commercial properties

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

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

Response: The area for rezone is within a single family zone and abuts properties within the same single family zone designation. The project site is 67,919 square feet in extent. The area abuts the Cheasty Greenbelt which is designated as single-family, as are most park properties maintained by the City of Seattle Parks and Recreation Department. Acquired as parkland, the land is most unlikely ever to be developed as single-family housing.

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

a. That the construction of single-family structures, not including detached accessory dwelling units, in the last 5 years has been increasing proportionately to the total number of constructions for new uses in the area, or
b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last 5 years, or,
c. That the area's location is topographically and environmentally suitable for single-family structures, or
d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.

Response: The general area has been trending away from single-family development over several years.

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

Response: The north portion of the project site includes a half-block that is across the street from a single family zone (the Cheasty Greenbelt) but is also directly adjacent to C2 and NC3 commercial zoning. The single family zoning is not buffered from high intensity commercial zoning in this location.

Conclusion: Although there is a certain weight that may be assigned the "given-ness" of single family zoning of the subject sites, it would appear that the isolation of the sites from actual single family development and their location between the Cheasty Greenbelt and light rail station and dense commercial strip development along Rainier Avenue South would suggest less than a perfect fit within the locational and functional criteria for single family zoning.

SMC 23.34.128. Seattle Mixed zone, function and locational criteria

Function. An area that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation or an area that is in transition from traditional manufacturing and commercial uses to one where residential use is also appropriate;

The proposal sites are located within vicinity that includes a wide range of uses both residential and commercial. The central location of the Mt. Baker Light Rail Station encourages development of the area into a mixed-use neighborhood with pedestrian orientation. The proposal sites lie within an area transitioning from single-purpose heavier commercial uses into a residential and mixed use Transit Oriented Development neighborhood.

Transportation and Infrastructure Capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;

The proposal site is in close proximity to the Mt. Baker Light Rail Station and is well-served by transit service. Five study intersections were analyzed by the traffic analysis completed for the proposal for future level of service conditions with the project in 2014. All intersections will operate at level of service C or better, and such levels of service will remain unchanged from the existing condition during both the weekday AM and PM peak hours without or with the proposed project.

Some utility systems, in particular the existing sewer system, may be in need of capacity improvements. As a condition of the rezone approval and development approvals the developer will be required to undertake a capacity analysis of the existing sewer system in coordination with Seattle Public Utilities and, if required, will have to provide increased capacity within the public realm as a condition of the rezone and development. It is recommended that the Proposal Use and Development Agreement (PUDA) accompanying the rezone petition be so conditioned. Electrical system upgrades, if necessary, would be completed in tandem with the project's development permits.

Relationship to Surrounding Activity. An area that provides a transition from a densely developed or zoned neighborhood or from industrial activity;

The proposal site provides a transition from the densely-developed Rainier Avenue South corridor, currently developed with heavy commercial and neighborhood commercial uses, to the low-rise and single family neighborhoods to the west of this project site.

Mix of Use. An area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Such an area shall be designated as Seattle Mixed/Residential (SM/R). Within the SM/R area, nonresidential uses shall generally be of modest scale or neighborhood-serving in character;

The proposal site will be of a residential character; two single purpose, residential buildings are proposed and it is recommended that the PUDA will require that the residential buildings, as approved through the Design Review process, be built on the rezoned sites. No non-residential uses are proposed.

Height. Height limits of 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, and 125 feet may be applied to land zoned SM. A 40 or 55 foot height shall be applied to the SM/R designation, or where it is appropriate to limit the intensity and scale of new development. A 65 foot, 75 foot, or 85 foot height shall apply where it is appropriate to provide for a uniform and pedestrian scale. A 125 foot height may be designated to serve as transition from areas where greater heights are permitted.

The proposed height is 65 feet to provide for the residential character allowed by the SM/R zone, and to also provide for a uniform and pedestrian scale consistent with the 65-foot zones across the street and adjacent to the proposal site to the east and north. The 65-foot allowable height zoning allows for the development of a more substantial streetscape/ and street improvements and should improve pedestrian scale. See response to SMC 23.34.009 (Height) for more information.

Conclusion: The subject sites meets the functional and locational criteria for the SM/R zone as the development proposals, specified and conditioned through the Contract Rezone process, it propose no commercial uses and are strictly residential in nature.

Summary

The proposals for the subject properties meet all of the functional and locational criteria of the SM/R zone. The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan and in the North Rainier Neighborhood Plan.

The proposals, as designed, are consistent with zoning principles that incorporate a gradual transition in height from the 65-foot height zone along Rainier Avenue South to the Cheasty Greenbelt to the west and single family zoning further to the west and the light rail station located south of the subject parcel. There are several physical buffers that help provide additional transitions, especially the steepness of the hillside that encompasses the Cheasty Greenbelt.

Impacts of the proposed rezone are minimal. It is anticipated that there will to be an increased need for police and fire services. Utilities may require updating and improvements. Other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, connections to the Cheasty Greenbelt (which are included in the recommended conditions of the PUDA), eyes on the street within the neighborhood, and providing slightly more than 300 residential units within walking distance of the light rail station. The combination of public transit opportunities serving the project is excellent.

RECOMMENDATION—REZONE

Based on the above analysis, a weighing and balancing of the provisions of SMC chapter 23.34.007, the Director recommends that the proposed contract rezone to SM/R-65 be CONDITIONALLY APPROVED subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans dated September 14, 2012.

Recommended Conditions of Approval of the Rezone to be Included by City Council in a Property Use and Development Agreement:

1. Future development in the rezone area shall be those improvements circumscribed by the approved uses, structures, and landscaping which, having undergone the Design Review Process, as set forth in the approved plan sets for MUP 3012217 and MUP 3012247, and include two multifamily residential structures and street improvements.

2. In co-operation and co-ordination with Seattle Public Utilities, the applicants shall undertake a capacity analysis of the existing sewer system servicing the two development sites on either side of S. Lander Street and provide, if deemed necessary, improvements to the sewer infrastructure considered by the City capacious enough to service the proposed developments.

3. Prior to the granting of any Certificate of Occupancy to either of the proposed development projects, the applicants shall supply, in lieu of other improvements to 24th Avenue S., a plan and a timetable for development of a pedestrian access path from S. McClellan Street to the Cheasty Greenbelt. The approved plan and timetable for implementation of the pathway, if deemed possible and desirable by the City, must have the approval of the Seattle Department of Transportation, the Department of Parks and Recreation, and the Department of Planning and Development.

ANALYSIS - DESIGN REVIEW

Early Design Guidance (September 25, 2008)

ARCHITECT'S PRESENTATION

DESIGN DEVELOPMENT

After brief introductions by members of the Board and the Planner, Lyle Bicknell of the Department of Planning and Development spoke of the proposed zoning changes that would be before the City Council later in the summer of 2011 as part of the *Mount Baker Town Center Urban Design Framework.* The area of the proposal, as part of that urban design framework, would more than likely be proposed for an up-zone to Neighborhood Commercial (NC3-65) or Seattle Mixed (SM), a zone designation that would take into account not only the possibilities of new transit-oriented development but existing mixed patterns of uses ranging from residential to larger scale commercial and even light manufacturing in the area.

Three alternative design schemes were presented by the design team from Ankrom Moisan Associated Architects. All of the options were said to embrace three project goals. The first of these goals was to provide true transit oriented development. This was to be the first new development in the area of the Mount Baker Light Rail station and as such it would stimulate new construction and increased density in the area by providing much needed market rate housing. A second goal was to strengthen the overall community by providing a needed balance of building types in an area dominated by industrial/commercial uses. Thirdly, the project would directly and physically relate to the Cheastly Greenbelt and provide a connection point between the urban and pastoral edges of the neighborhood.

Massing option one was premised upon a vacation of the street right-of-way of S. Lander Street, but with a re-alignment of the open space provided by the right-of-way further south between two proposed structure. A second massing option would not require a vacation of S. Lander street and showed a smaller structure to the north of the street arranged in the shape of a "U." The southern structure was an inverted "U" with a squared foot at the base of the eastern leg. The third scheme, the preferred massing option, eroded a northwest portion of the upper "U" and the entire west leg of the southern structure, interlocking each of the structures more integrally with the greenbelt.

PUBLIC COMMENT

Seven members of the public attending this Early Design Review meeting affixed their names to the sign-in sheet provided. The following comments, issues and concerns were raised:

- Noted that the vehicular access was well chosen and that the proposed connections to the greenbelt were a welcomed move.
- Stated that the choice of materials for the project would be of special importance since the neighborhood was in need of quality buildings and noted that these structures would strike a tone that other developers would need to follow.
- Pointed out the need for the special treatment that the potential blank walls of the partially-exposed parking structures would need to make this a successful project. Also noted that the corner of the southern structure facing 25th Avenue S. and S. McClellan Street was in need of careful treatment and enlivening since it was where the project most notably met the pedestrian realm. The whole notion of a development responding to the goal of "transit-oriented" means pedestrian oriented, and the primary pedestrian face of the proposal is the corner of S. McClellan Street and 25th Avenue S.
- Noted that, although the building would be "background someday," that it will be "front and center" for some time to come.
- Encouraged the development team to revisit the perceived need to provide so much parking as part of the development.
- Noted that the bike master plan showed 25th Avenue S. as a thoroughfare and that it was important to maintain that possibility for future development.
- Pointed out that some retail on the ground level could be desirable and might even be doable, and reiterated the importance of the southeast corner of the south building.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project.

The Neighborhood specific guidelines are summarized below.

Site Planning

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

The slopes of the site and the Cheasty Greenbelt along the west margin of the site were obvious foils to the development and how these were interlinked would dictate a high percentage of the success of the design development.

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

At the Early Design Guidance Meeting the Board noted that the placement of the vehicular entrances had been successfully thought out, but that the choreography of pedestrian movements needed more exploration and attention.

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

The Board thought that this issued had been addressed, but only partially. The guideline ought to be engaged in conjunction with guideline A-10. The corner of the structure that addressed the intersection of 25th Avenue S. and S. McClellan Street was in need of revisiting, a revisit that should seriously ask whether a secondary pedestrian residential entry should be placed there.

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

Human activity, in the form of pedestrian activity, should be assumed for a project that conceived itself as transit-oriented and linked to the proximity of the light rail station. An obvious linkage to the station was through the intersection of S. McClellan Street and 25th Avenue S. As noted above, this has implications for the treatment of the southeast corner of the southern structure.

A-6 **Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

The Board thought this was a “big” issue for the success of the project.

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

The Board discussed this guideline briefly, noting that, while the open space in the Lander right-of-way was "of a piece," the other two area adjacent the Cheasty Greenbelt might be better integrated with one another and of another piece, one less disparate in individual elements.

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

The Board agreed that the choice of S. Lander Street as access to the parking and as designed was the right move for the project, but discussed the need to see more detail how the safety and comfort of pedestrians utilizing the S. Lander Street passage would be optimized given the right-of-way's use as a driveway for parking to each of the structures.

A-9 **<u>Location of Parking on Commercial Street Fronts</u>. Parking on a commercial street front should be minimized and where possible should be located behind a building.**

At the Early Design Guidance Meeting, the Board noted that this guideline was not applicable to the proposal.

A-10 **<u>Corner Lots</u>. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

This guideline was selected as of highest priority for the project. The Board affirmed those statements from the public that noted that the southeast corner of the southern structure was the primary corner in the overall project, particularly as the corner would function in the proposed conceptual orientation as a transit-oriented development. The Board recognized that the corner should function as a secondary point of entry, but that it needed to incorporate at least some of the energy given to the two entries located where the structures met S. Lander Street. In noting the importance of this entry members of the Board also suggested that other individual entries to units, located above stoops, might further energize the S. McClellan Street and 25th Avenue S. ground level facades.

B. Height, Bulk and Scale

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

The Board noted that although this was always a guideline of primary importance they had no particular concerns related to how the design team had addressed compatibilities. As shown in the sections presented in the packets and the perspective drawings that were part of the power point presentation by the design team, the two structures carefully had exploited the topography of the site and embraced and engaged the hillside and greenbelt in a thoughtful manner.

C. Architectural Elements and Materials

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

The Board noted, as had members of the public, that these structures would set the benchmark for what hopefully would be more transit oriented development in the area.

C-2 **<u>Architectural Concept and Consistency</u>. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

The Board noted that this guideline was of high priority in conjunction with remarks that had been made regarding the priority of Guideline C-1.

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

The Board noted that they liked what they had seen in these preliminary renderings, how an attempt had been made to break down the scale of the two structures through a variety of techniques. The Board encouraged the design team to continue in this direction as design development occurred.

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

The Board noted that this was of highest importance for a successful design and affirmed their earlier statements and those that had come from the public that the choice and detailing of materials in this project would set a benchmark for subsequent development.

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

Affirming the design team's decision to locate the parking entrances to each of the structures off S. Lander Street, the Board further stressed the importance of avoiding an abrasive interface between vehicles and pedestrians who would share a pathway.

D. Pedestrian Environment

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

The Board reiterated the importance of addressing an entry at the corner of 25th Avenue S. and S. McClellan Street. They also discussed the importance of providing a pedestrian connection, however informal, to S. McClellan Street along the west margin of the south structure.

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

See after D-3.

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

Guidelines D-2 and D-3 were chosen by the Board as of highest importance and, given the topography of the site, elements of the project that would need to be addressed.

D-5 **Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

This was chosen by the Board as a guideline of highest priority, but without specific comment beyond the directions of the guideline itself.

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

In response to a question from the Board, the design team noted that these functions would be located within the interior parking areas, a choice of location affirmed by the Board as important for the success of the project.

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

The Board noted this guideline to be of highest priority, but without further specificity.

D-12 **Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.**

The Board referred to earlier comments on providing a distinguishable secondary entry at or near the southeast corner of the south structure, as well as exploring additional individual residential stoops.

E. Landscaping

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

See after E-3.

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

See after E-3.

E-3 **<u>Landscape Design to Address Special Site Conditions</u>. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

The Board selected E-1, E-2 and E-3 as each being of high priority for this proposal. In doing so the Board noted that while the S. Lander Street landscaping might have a distinctive motif or theme of its own, an attempt should be made to integrate the motifs or themes proposed for the open area at the northwest and southwest edges of the site. Additionally, all three of the open space areas should be linked as far as possible with pathways, existing or proposed, for the greenbelt itself.

DEVELOPMENT STANDARD DEPARTURES

Since the proposal is premised on a contract rezone and particulars of the rezone have not of yet been determined no particular departures from development standard have been indicated at this time. The Board's recommendation on any departures that may be subsequently identified and requested will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the time of the final Board meeting.

BOARD DIRECTION

At the conclusion of the EDG meeting, the Board recommended the project should move forwards to MUP Application in response to the guidance provided at this meeting.

FINAL RECOMMENDATION MEETING: December 13, 2011

DESIGN DEVELOPMENT

After brief introductions by members of the Board and the Planner, Michael Willis of the development team described three primary goals of the proposed development in the north Rainier neighborhood, which included exploiting the proximity to the light rail station. The development would be the first in the Mt. Baker Station transit overlay district (TOD) and would set the direction for increased density in the area while providing for market rate housing. A second goal was the beginning of an effort to transform the surrounding community, currently dominated by industrial and commercial uses, many at a large scale, into a better balance of multifamily residential uses. Nestled as it would be up against the Cheasty Greenbelt, the project would have as a third goal one of providing a clear link to this intra-urban amenity. The project would provide a "softer, pastoral edge," connecting directly to a public forty acre natural area owned by Seattle Parks and Recreation.

In making their presentation, the design team focused on four specific areas or "topics" highlighted by the Design Review Board at the Early Design Guidance meeting as essential to success of the project. The first related to concerns expressed by Board members that the secondary building entry toward the southeast corner of the southern building, while not competing with the main entry, ought nevertheless to present itself as an entry since in all likelihood it would provide the main passage for residents walking to and from the light rail station. In response to the Board's directives the entry had been given a canopy and a more noticeable stairway.

Since both vehicles and pedestrians would be navigating S. Lander Street as the entries and exits for each building, the Board had asked for a fuller presentation regarding the "choreography" of pedestrian and vehicular movements with an eye towards both safety and comfort. This second theme was explored through a series of plans and perspectives depicting pedestrian and vehicular domains with various landscaping details defining walkways and driveways.

A third topic or theme was a response to the Board's guidance that this project should set a benchmark for future transit oriented development in the area, especially in the selection and detailing of architectural materials. A selection of materials and a palette of colors was presented to the Board, a selection intended to indicate a consistency of architectural concept between the two separate structures.

A final topic was that broached in response to the Board's earlier call for a more apparent integration of the various open spaces proposed as part of the project—S. Lander Street and the rear courtyard, especially, since they touched upon the greenbelt itself.

Departures

The applicants indicated they were requesting no departures from the development standards of the targeted rezone, Seattle Mixed (SM).

Public Comment

Eight members of the public attached their names to the sign-in sheet. Among the comments addressed to the Board were the following:

- In favor of the sidewalk shown ascending S. McClellan St.; appreciated the way the massing of the development was broken up, but cautioned it might look like a solid wall from a distance;
- Liked the proposed colors, the abundance of outdoor space, encouraged deciduous trees with some height; thought the project succeeded in setting the bar for future development in the area;
- Suggested wide sidewalks around the project.

Board Deliberations

The Board commented favorably on how the two structures complemented each other, achieved an attractive urban form while creating a lively pedestrian environment enhanced by substantial landscaping. Overall the proposal more than adequately had complied with Design Review Guidelines chosen by the Board as of highest priority for the success of the project. For instance, at the Early Design Guidance meeting the Board had chose Guideline A-3 ("Entrances visible from the street") as a guideline of particular applicability to the project. Their thinking had focused on the secondary entry that would be used by residents since it was closest for residents accessing and leaving the building on foot. Guideline A-10 was equally of importance since the building sat upon a corner lot and the intersection of 25th Av S. and S. McClellan St. was of special importance, even though the main entrances to each of the structures was further north at the junction of S. Lander St. and 25th Av. S. After much discussion the Board agreed that the applicants should tone down the residential entry nearest the corner so as not to make it detract from the primary entrances at S. Lander St.

DEVELOPMENT STANDARD DEPARTURES

Since the proposal is premised on a contract rezone and particulars of the rezone had not been determined at the time of the EDG meeting, no particular departures from development standards were indicated at the time of the EDG meeting. The applicants indicated that the design as presented at the Recommendation meeting would require no departures from the intended SM/R 65' zoning designation being sought through the rezone process.

BOARD DIRECTION

At the conclusion of the Recommendation meeting, the Board unanimously recommended approval of the project as presented. It was understood by both the Board and the applicant that the project, together with proposed improvements to the public right-of-way, would provide the contractual basis of the contract rezone.

In making this recommendation the Board noted that the amount of parking proposed for the project would seem to be out of step with the concept and intentions of Transit Oriented Development (TOD), and the Board wished to go on the record as being in favor of a less dense parking solution than that which had been shown.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

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

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 14, 2011. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

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

Short-term Impacts

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

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Limitations imposed by the Noise Ordinance are found to be adequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no further mitigation is warranted.

Air Quality

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

Earth

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

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

Grading

Excavation to construct the two residential structures will be necessary. The estimated amount of excavation required for the two structures is approximately 22,000 cubic yards of soil.

The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

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

Traffic and Parking

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

The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 22,000 cubic yards of soil are expected to be excavated from the project site. The soil removed will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 2,200 round trips with 10-yard hauling trucks or 1,100 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. A construction/ excavation plan will need to be submitted to SDOT for approval prior to commencement of excavation on site. No further mitigation is warranted.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

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

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

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. It has been estimated that the lifespan emissions (MTCO2e) for the north building will be 152,832 and for the south building344, 566. While these impacts are adverse, they are not expected to be significant.

Traffic and Transportation

A traffic impact analysis, dated February 7, 2012, has been prepared for this project by Transportation Engineering NorthWest, LLC. According to that analysis the proposed projects would increase sire traffic by about 96 vehicle trips during the AM peak hour and 116 trips during the PM peak hour. The project associated trips are expected to add very little delay to the study area intersections during the PM peak hour, with each study intersection to operate at Level of Service (LOS) C or better in the future with the proposed project. The analysis concludes that no off-site transportation mitigation is required to accommodate the proposed development.

Parking

The proposed project would supply 222 parking spaces. These new spaces would be distributed as follows: there would be 99 residential parking spaces below grade under the proposed south building and 123 residential parking spaces under and within the north building.

To account for the proposed development's urban location and close location to accessible and frequent transit service, the Traffic Impact study chose a conservative parking demand rate of 0.82 parking stalls per dwelling unit to determine that the proposed 307 apartment units would have an estimated weekday peak parking demand of 252 parking stalls.

It was the Design Review Board's contention that most practicable mitigation for possible off-site spillover parking demand during peak hours, if needed, would be the fact of limited parking contributing to the self-selection of potential residents for this site. A peak parking demand of 0.72 parking stalls per dwelling unit would accommodate the demand on site. A peak parking demand of 0.82 would indicate a spill-over parking demand of 30 vehicles to be accommodated by on street parking. As a condition of approval, the applicants will be required to supply an addendum to the Traffic Impact Study of February 7, 2012, verifying the on-street parking availability to accommodate spill-over parking from the project, or to suggest and offer other mitigation for the spill-over parking demand.

Summary

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

DECISION - SEPA

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

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

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

RECOMMENDED CONDITIONS-REZONE

The Director recommends **APPROVAL** of this request for a rezone from SF 5000 to SM/R-65, subject to the following recommended conditions of the PUDA.

1. Future development in the rezone area shall be those improvements circumscribed by the approved uses, structures, landscaping and street improvements which, having undergone the Design Review Process, are set forth in the approved plan sets for MUP 3012217 and MUP 3012247 dated September 6, 2012. These include the construction of two multifamily residential buildings.

2. Prior to granting of any Certificate of Occupancy to either or both of the proposed structures, the applicants will supply, in lieu of other improvements to the 24th Avenue S. right-of-way, a plan and timetable for development of a pedestrian access path from S.McClellan Street to the Creaty Greenbelt. The approved plan and timetable for implementation, if the project is deemed desirable and possible by the City, shall have the approval of the Seattle Department of Transportation, the Department of Parks and Recreation and the Department of Planning and Development.

3. In co-operation and co-ordination with Seattle Public Utilities, the applicants shall undertake a capacity analysis of the existing sewer system servicing the two development sites on either side of S. Lander Street and provide, if deemed necessary, improvements to the sewer infrastructure considered by the City capacious enough to service the proposed developments.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit

4. Provide the planner with an addendum to the Traffic Impact Study of February 7, 2012, which addresses the impacts of spill-over parking and mitigation.

Prior to Building Permit Issuance

5. Provide the Planner with an update of negotiations between the developer and the City of Seattle Department of Parks and Recreation and Department of Transportation and any updated plans showing the proposed pedestrian connection to the Creaty Greenbelt area.

Prior to Issuance of a Certificate of Occupancy

6. Provide the DPD planner, in lieu of other improvements to the 24th Avenue S. right-of-way, a plan and timetable for development of a pedestrian access path from S .McClellan Street to the Creaty Greenbelt. The approved plan and timetable for implementation shall have the tentative approval of the Seattle Department of Transportation, the Department of Parks and Recreation as well as the Department of Planning and Development.

7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Michael Dorcy, 615-1393). An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

8. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Michael Dorcy, 615-1393). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

CONDITIONS – SEPA

Prior to Building Permit Issuance

9. Provide the planner with an addendum to the Traffic Impact Study of February 7, 2012, which addresses the impacts of spill-over parking and mitigation.

Signature: (signature on file) Date: January 3, 2013
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

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