



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3020405
Applicant Name: Martin Liebowitz
Address of Proposal: 1106 34th Ave
Council File: 314325

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a 4,808 sq. ft. portion of land from Lowrise 2 to Neighborhood Commercial 1 with 30-foot height limit (LR2 to NC1-30') and a 6,109 sq. ft. parcel of land from Lowrise 2 to Neighborhood Commercial with 30-foot height limit (LR2 to NC1-30'). The property is bounded on the south by East Spring Street, to the west by 34th Avenue, to the North by a commercial building at 1112 34th Ave and to the east by an unimproved alley.

The following Master Use Permit components are required:

Rezone — To rezone from LR2 to NC1-30 pursuant to Seattle Municipal Code (SMC) 23.34)

SEPA — Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

Notice of Applicant and Public Comment:

Multiple written comments were received during the comment period ending on November 30th 2016. Comments against the rezone focused on the amount of undeveloped commercial property available, inadequate vehicle parking available on the street, the negative impact of a large building on residential neighbors, and the amount of commercial/retail density that cannot be assimilated by the neighborhood. The comments also noted concerns with the possibility of added traffic to the rights-of-way. Comments for the rezone favored having additional commercial spaces and residential units developed in the area. These comments have been considered in this analysis and recommendation.

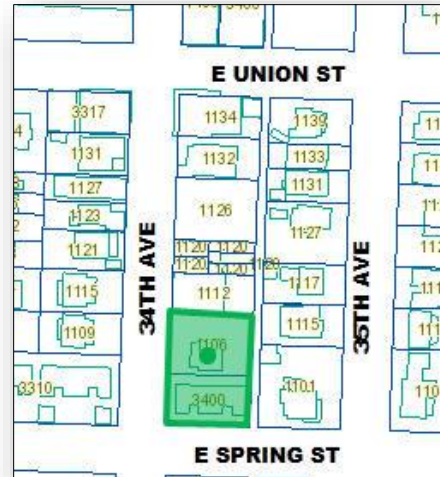
ANALYSIS — Site and Vicinity

Site Zone: Neighborhood Commercial One (NC1-30) and Lowrise Two (LR2)

Nearby Zones: North: NC1-30
South: LR2
East: SF5000
West: NC1-30

Lot Area: 10,917 sq. ft.

Current Development: A single family residential structure at 1106 34th Ave and four unit multi-family residential structure at 3400 E Spring St.



Surrounding Development and Neighborhood Character

The subject site is located on the northeast corner of 34th Ave and E Spring St. The site contains two parcels with two existing residential buildings. The site topography contains an approximately 4 foot grade change from the west to the east property line. The east lot line, along the alley, is the low point of the site. The subject lot is currently split zoned Neighborhood Commercial One (NC1-30) and Lowrise Two multifamily (LR2). Lots to the north are zoned NC1-30. Lots to the east, across the alley are zoned Single Family 5000 (SF5000). Lots to the south are zoned LR2. Lots to the west are zoned NC1-30. To the north is a one-story retail business. South of E Spring St is a 3-story, 4-unit townhouse with basement garages and to the west is a commercial and multi-family residential structure. To the east across the alley are single family residences. On the southwest corner of 34th Ave and E Spring St is Madrona Playground.

This neighborhood, includes multi-family housing and commercial services. Thirty-Fourth Avenue contains several multi-story, mixed use structures and one story commercial structures. To the east, five blocks, is Madrona Park. Six blocks to the west is ML King Jr Way. Most buildings are between one and two stories with a few three and four story structures. Within walking distance from the site, services include some restaurants, grocery stores, shopping, and parks. Natural amenities in the area include Lake Washington.

BACKGROUND

In November of 2015 City Council passed Ordinance 124895 establishing a new Chapter 23.58B of the Land Use Code (Commercial Program). The purpose of Chapter 23.58B is to mitigate certain adverse impacts of development of new commercial floor area on the need for affordable housing for the households of new workers having lower-wage jobs. The Chapter provides regulations for how a development must provide an affordable housing payment or affordable housing performance to mitigate affordable housing impacts.

In August of 2016 City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of Chapter 23.58C is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapter 23.58C specifies a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in residential development capacity.

Chapters 23.58B and 23.58C are applicable as follows:

- Where the provisions of a zone specifically refer to Chapter 23.58B or Chapter 23.58C, or
- Through the terms of a contract rezone in accordance with Section 23.34.004.

I. ANALYSIS — REZONE

The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.004 (contract rezones), 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.013 (designation of multifamily zones), 23.34.018 (LR2 zone, function and locational criteria), 23.34.020 (LR3 zone, function and locational criteria), 23.34.070 (Residential Commercial zone, function and locational criteria), 23.34.072 (Designation of Commercial zones), and 23.34.074 Neighborhood Commercial 1 (NC1 zones, function and locational criteria).

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

SMC 23.34.004 Contract Rezones.

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing 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 imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone.

- B. *Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

As noted on page 2, in August of 2016, the City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). SMC 23.58B and SMC 23.58C are applicable through the terms of a contract rezone in accordance with Section 23.34.004. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58C in this case. Director's Rule 14-2016 was adopted on April 6, 2017 and clarifies how SDCI will apply the provisions of Chapter 23.58C in contract rezones, particularly the amounts of performance and payment requirements that shall be applied prior to adoption of pertinent amounts in Chapter 23.58C.

- C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA 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.*

A PUDA will be executed and recorded as a condition of the contract rezone.

- D. Waiver of Certain Requirements. The ordinance accepting the PUDA 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 that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

SMC 23.34.007 Rezone Evaluation.

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

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

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

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

- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezonings, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.*

The proposed rezoning is not a shoreline environment redesignation, so the Comprehensive Plan Shoreline Policies were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The subject rezoning is not located inside of an urban center or village, therefore this criterion does not apply.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The subject rezoning is not a redesignation of a shoreline environment, therefore this criterion does not apply.

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

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

SMC 23.34.007 Conclusion: The rezoning meets the requirements of SMC 23.34.007, per the analysis above.

SMC 23.34.008 General rezoning criteria.

- A. To be approved a rezoning shall meet the following standards:*
- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
 - 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The rezoning parcels are not located within an urban center or urban village; therefore, this criterion does not apply.

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

Analyses comparing the characteristics of the area to the locational criteria for Neighborhood Commercial 1 (NC1) zoning can be found in the responses to 23.34.074 below.

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

Zoning History for the eastern block front of 34th Ave from E Union St to E Spring St is as follows:

- LR2, April 19th 2011
- L2, December 31st 1987
- L2, June 9th 1986
- RM, June 10th 1982
- RM, January 24th 1964

There is limited evidence of recent zoning changes in the immediate area. The most recent zoning change occurred in 2011, including an update of development standards and naming conventions for Lowrise Multi-family Residential zones across the City, rather than a change in zoning patterns near this site. Ordinance 123495 changed L2 zoning to LR2 at this site and similarly zoned sites across the City.

There are no City-initiated zoning changes currently proposed for this neighborhood or sites surrounding the subject property.

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.***

There is no adopted or amended neighborhood plan established by the City Council for this site, therefore this criterion does not apply.

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

There is no adopted neighborhood plan established by the City Council for this site, therefore this criterion does not apply.

- 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.***

There is no adopted or amended neighborhood plan established by the City Council for this site, therefore this criterion does not apply.

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.*

There is no adopted or amended neighborhood plan established by the City Council for this site, therefore this criterion does not apply.

SMC 23.34.008.D Summary:

There is no adopted or amended neighborhood plan established by the City Council for this site, therefore this criterion does not apply.

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 two 34th Ave block fronts, from E Pike St to E Spring St (north to south), has Neighborhood Commercial 1 (with a 30' height limit) zoning in a linear pattern. Single family zoning lies within a half block to the east and a full block to the west, and south of E Spring St. A zoning change that reflects the more intensive commercial zone transition to the less intensive single zoning.

Properties zoned residential use include the 34th Ave block south of E Spring St (south of the subject property) zoned SF 5000 on the western blockfront and LR2 on the eastern blockfront).

Transitions between commercial 34th Ave properties and residential properties to the east and west are generally eased by the presence of an alley or a street separating the commercial zoning from the single-family zoning to the east and west.

The general area slopes from west down to the east, toward Madrona Park and Lake Washington. Within the block area, the topography provides another transition between the commercially zoned 34th Ave corridor and the adjacent residential zoning to the east and west. NC1-30 zoning (30' height limit) is more common on the west side of 34 Ave, with NC1-30 (30' height limit) more common on the northeast side of 34th Ave. This zoning pattern responds well to the change in topography, allowing future buildings to response to the lower elevations east of 34th Ave.

The proposed rezone would result in an extension of a zone edge of NC1-30 (30' height limit) adjacent to SF 5000 (30' height limit) to properties to the east.

A 10' wide partially improved alley separates the subject property from the properties to the east. There is also a drop in topography from the west to the east.

The proposed rezone does not include a specific development.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*

- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces;*

The north and west edges would remain adjacent to other neighborhood-commercial zoned properties and the south edge continues to be adjacent to a multi-family zone. The south and west edges include rights-of-way acting as physical buffers. The west edge is adjacent to 34th Ave, a collector-arterial with a 60' right of way width. The south edge is adjacent to E Spring St, a non-arterial with a 60' right of way width.

The rezone would result in a modified zone edge at the east side of the site. The east edge is separated from the subject property by a 10' wide alley and a change in grade of approximately 4-foot grade change from the west to east property line. The east lot line is the low point on the site. The property to the east is lower than the subject property by 4 feet. New development may result in the appearance of additional bulk on the subject site.

3. Zone Boundaries

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

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

The zoning boundaries would have physical buffers including 34th Av and an alley. Existing platted lines would remain.

- 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.*

The rezone would maintain the pattern of commercially zoned properties facing each other across 34th Ave. It would also result in the southern extension of commercial uses facing each other directly across 34th Ave, with an eastern residential area facing away from the commercial area. As noted in earlier analysis, 34th Ave is a collector-arterial 60' wide and the alley is 10' wide, both rights-of-way provides a separation between uses.

- 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 subject rezone is not requesting a height limit greater than forty (40) feet, therefore this criterion does not apply.

SMC 23.34.008.E Summary:

The rezone would result in a zoning transition that is reflective of similar conditions along 34th Ave. The rezone would align with the platted lots by eliminating a split zoned parcel and creating a contiguous block of NC1-30 zoning.

To the east, the adjacent alley would act as modest buffer.

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

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

a. Housing, particularly low-income housing;

Currently a single-family residence is on the northern parcel and a 4-unit multi-family residence is on the southern parcel. With the rezone the site could be redeveloped with commercial and/or residential dwelling units. The negative impact on the area could be the impacts from denser development or no housing. The positive impact is commercial and multi-family uses would be developed on the site within walking distance to commercial services and nearby open space.

The PUDA will ensure that the provisions of Chapters 23.58B and 23.58C will apply to the project proposal. Participation in the program under Chapter 23.58C or Chapter 23.58B will yield affordable housing within the project or an equivalent in lieu payment.

b. Public services;

Though demand for public services may increase with this proposed rezone, commercial uses will strengthen the community by contributing to the neighborhood uses. Local schools could experience a small increase in student enrollment if residential dwell units were developed on the parcels. Local parks could experience an increase in use by business customers and employees, or residents. Energy use and roadway use could modestly increase. However, the potential increased demand for public services would have little negative impacts on the area.

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

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

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional development. Future air quality measures will comply with applicable Federal, State, and City emission control requirements.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water runoff from future development will be conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Storm water collection and management would be in conformance with City of Seattle standards. The existing site is entirely paved and developed. The proposed rezone would not create the potential for more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but new development would need to comply with Land Use Code requirements.

Glare – No noticeable change in impacts will result from a change in zoning. New development would need to comply with the environmental polices of Seattle Municipal Code 25.05 Environmental Policies and Procedures.

Odor – No noticeable change in impacts will result from a change in zoning. New development would need to comply with the environmental polices of Seattle Municipal Code 25.05 Environmental Policies and Procedures.

Shadows – Potential development may create additional shadows on neighbors. Future development would include consideration of shadow impacts from the proposal. Massing options to minimize shadow impacts would be examined.

Energy – No noticeable change in impacts will result from a change in zoning. Development will be required to comply with the City of Seattle energy codes.

d. Pedestrian safety

No noticeable change in impacts will result from change in zoning. Future development would include public right of way improvements for pedestrian safety.

e. Manufacturing activity;

Not applicable; manufacturing is not permitted by the existing or proposed zoning.

f. Employment activity;

The proposed zoning would allow commercial uses at this site, which could result in more employment activity than the existing zoning.

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

The nearest historic landmark is the Myron Ogden House at 35th Ave and E Cherry St, approximately three blocks southeast of the site. The site is not in an historic district.

The existing buildings on the rezone site are more than 50 years old and future development will require the Department of Neighborhoods to determine if the existing buildings are likely to be eligible for landmark nomination.

h. Shoreline view, public access and recreation.

The proposed rezone is located outside of the shoreline.

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

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

The proposed rezone fronts on two streets: 34th Ave is a collector-arterial and E Spring St is a non-arterial.

Added commercial uses or increased residential dwelling units would increase the use of the roadway by pedestrian and vehicles. The collector-arterial can support this increased capacity. The parcels abut an alley, if improved. That could add vehicle access and capacity to the area.

Street access to the area will be unchanged by the rezone. Street capacity to the area will be unchanged by the rezone. Transit services may see an increase in ridership with development. Parking capacity will be unchanged by the rezone; however, parking demand could be increased with development.

e. Utility and sewer capacity;

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

f. Shoreline navigation

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

SMC 23.34.008.F Summary:

The rezone would allow new development and uses with possible impacts on the surroundings. Public services, environments factors, and public safety impacts are anticipated to be relatively minor or not applicable. The rezone would potentially allow small scale commercial uses available to the area and employment activity/opportunity for its surroundings.

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

A Growing Population and Economy: In 1990 the Puget Sound Council of Governments projected the need for 34,000 new households over the next 30 years (2020). Since that time, the economy in Seattle and the region experienced robust growth. As a result, in 2004 Seattle projected the need for 47,000 additional households by 2024 to accommodate expected growth.

Development west of the rezone proposal includes a retail and residential structure that provides services and dwelling units to the area. Recent development north of the rezone proposal includes office, retail, and residential dwelling units. Most recent developments represent a change in circumstances in the use of parcels in the area away from small residential development, with a movement towards small commercial and residential dwelling units.

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

The area surrounding the subject property rezone proposal is served by transit lines. The nearest bus stop is on 34th Av between E Union St and E Spring St (on the same block front as the proposed rezone).

Seattle Department of Transportation (SDOT), as part of *Bridging the Gap*, is making several improvements to the city transportation network. Some of these improvements are targeted to increase transit speed and reliability in the City of Seattle.

These transportation improvements are additional circumstances that have changed since the most recent zoning change for this area in 2011 (described in response to 23.34.008.C above).

SMC 23.34.008.G Summary:

The rezone responds to changed circumstances in this area, including the interest for increased development in area and for new or future transit and pedestrian investments.

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

The subject rezone is not within an overlay district, therefore this criterion does not apply.

SMC 23.34.008.H Summary:

The subject rezone is not within an overlay district, therefore this criterion does not apply.

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

The site is not within a critical area, therefore this criterion does not apply.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:

- 1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or*
- 2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned*

The proposal is not located in a zone with an incentive zoning suffix, therefore this criterion does not apply.

SMC 23.34.008 Conclusion: The proposed rezone will result in a zoning pattern that reflects most of the zoning along 34th Ave. The proposed rezone will also align the zone edges with the parcels on site, removing a split zone condition.

The proposed rezone meets all other requirements of SMC 23.34.008, per the analysis above.

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

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

The proposed rezone would keep the same base height at 30' as the existing LR2 zone.

The existing zoning allows for single-family and multi-family uses. The proposed rezone would increase the capacity for multi-family residential uses and would allow commercial uses in the NC1 zone. There is no potential to displace preferred uses.

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

Generally, this area slopes from west down to east towards Lake Washington. The subject property includes a drop in topography from the west property line down to the east property line. The proposed rezone would not result in a higher building possible on the subject property than would currently be permitted. The proposed rezone would result in a west to east zoning transition that reflects a similar condition along the 34th Ave corridor.

The existing zoning transition pattern in this area does not necessarily reinforce the natural topography of the area. Zoning to allow taller buildings is typically closer to 34th Ave, with lower height zoning adjacent to Lake Washington. The proposed rezone would not change this pattern.

The Land Use Code does not include criteria for protection of views from private property.

- C. Height and Scale of the Area.**

- 1. The height limits established by current zoning in the area shall be given consideration.**
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.**

The existing zoning at this site is LR2. The proposed zoning is NC1-30'.

LR2 zoning allows the following heights for the applicable uses:

Type of Development	LR2 Height (feet)
Cottage housing developments	18
Rowhouse and townhouse developments	30
Apartments	30

NC1-30 allows a 30' base height for a building.

In the 30-foot zone, an additional 4 feet of building height may be obtained through the requirements in SMC 23.47A.012.A, including provision of 13' floor to floor non-residential uses at the street level. Other rooftop features are permitted above the 30' height limit per SMC 23.47A.012, including mechanical equipment and stair/elevator penthouses. Zoning review for

compliance with all building height provisions in SMC 23.47A.012 is a Type 1 review as defined in SMC 23.76.004.

The current height limit at this site is thirty (30) feet. Nearby zones include height limits of 30'.

The proposed rezone would be consistent with the predominant height and scale of nearby newer development, which is representative of the area's overall development potential.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.***
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2, are present.***

Most recent development on the block fronts have been 3-story structures. These include a 3-story retail and residential building, a 3-story office, retail, and artist studio/dwelling north of the parcels and a 3-story retail, office, and residential building southwest and west of the parcels.

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

The pattern of zoning transitions is described in response to SMC 23.34.008.D.2. As noted in that response, a zone allowing 30' heights are commonly found adjacent to a zone allowing 30' heights for many properties along 34th Ave.

The proposed rezone would be consistent with the transition of zoned heights and scale of development in the area.

E. Neighborhood Plans

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.***
- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.***

No business district plan or neighborhood plan has been adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

SMC 23.34.009 Conclusion: The height that would result in a change of zoning from LR2 to NC1-30 would meet the criteria of SMC Section 23.34.009, as described above. The change to NC1 would be consistent with the zoning along 34th Ave. Some views from private property may be blocked by future buildings resulting from the rezone.

SMC 23.34.013 Designation of Multifamily Zones:

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

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

SMC 23.34.018 Lowrise 2 (LR2) Zone, Function and Locational Criteria.

- A. Functions. The dual functions of the LR2 zone are to:***
- 1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and***
 - 2. Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.***

The property could provide opportunities for a variety of multifamily housing types by remaining LR2. These two parcels sit in a Neighborhood Business District and are separated from LR2 zoned townhouses to the south by E. Spring St. The business district and LR2 zones are surrounded by many blocks of single-family homes. Thus, the area is not a multi-family neighborhood, but a single-family neighborhood that abuts a neighborhood business district. The site itself is more closely associated with the Madrona commercial core and its NC1-30 zoning.

The area includes a mix of housing types. Nearby structures include single family housing ranging from 1-3 stories, 3-story multi-family structures, 3-story commercial/multi-family structures, and 1-2 story commercial structures.

The site is not located in an urban center, urban village, or Station Area Overlay District.

- B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:***
- 1. The area is either:***
 - a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or***

The proposed rezone is not located in an urban center, urban village, or Station Area Overlay District.

- b. located in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:***
 - 1. small-scale structures generally no more than 35 feet in height that are compatible in scale with SF and LRI zones;***
 - 2. the area would provide a gradual transition between SF or LRI zones and more intensive multifamily or neighborhood commercial zones; and***

The proposed rezone is not located in an urban center, urban village, or Station Ave Overlay District. It is located on a collector-arterial. Structures are generally no more than 35 feet in height. There is no LR1 zones nearby.

- 2. The area is characterized by local access and circulation conditions that accommodate low density multifamily development;*

Access at the west edge of the subject property and area is characterized by collector-arterial with transit service, vehicular, bicycle, and pedestrian use.

The predominant pattern of access and circulation adjacent to the site typically accommodates a broader range of densities and uses than just low density multi-family development.

- 3. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and*

As noted in response to the previous criterion, the site is adjacent to 34th Ave, with transit service, and vehicular, bicycle, and pedestrian use. Future vehicular access to the site would be from the alley as required by the Land Use Code. A residential zone (SF 5000) is located across the alley to the east of the site. To access the alley, vehicles must access from E Union St and travel south to the parcels.

- 4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The surrounding area includes a mix of multi-family, mixed-use, commercial, and single family structures. A limited range of retail service is located along 34th Ave. The nearest parks include Madrona Playground to the south, Alvin Larkins Park to the north, and Madrona Ravine and Madrona Park to the east near Lake Washington. The surrounding area includes sidewalks at the street frontages. Existing facilities and services well support the area.

SMC 23.34.018 Conclusion: The proposed rezone site appears to meet some of the zone, function, and locational criteria for LR2 zoning.

SMC 23.34.020 Lowrise 3 (LR3) Zone, Function and Locational Criteria.

A. Functions. The dual functions of the LR3 zone are to:

- 1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
- 2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

Along 34 Ave, the nearby neighborhood is predominantly multi-family, with a mix of multi-family and commercial development. The immediate neighborhood ranges from 1-3 stories in height, a moderate scale and density.

The site is not within an urban center, urban village, or Station Area Overlay District.

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

- a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or***
- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;***

The site is not located near an urban center, or Station Area Overlay District, or on an arterial street. Ten blocks to the west is the 23rd Ave at S Jackson-Union Residential Urban Village.

The neighborhood is predominantly multi-family, with a mix of multi-family and commercial development along 34th Ave. The immediate neighborhood includes a range of 1-3 stories in height, a low to moderate scale.

2. The area is near neighborhood commercial zones with comparable height and scale;

The site is adjacent to NC1-30 to the north and west that allow a 30' height and a comparable scale of development.

3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;

Scale:

LR3 zoning at this site could only provide a transition between LR2 parcels to the south and NC1 30 parcels to the north. However, given that both the LR3 and NC1 zones have a 30' height, it does not appear that an LR3 zone would provide any perceptible transition in scale or intensity between these zones.

Therefore, LR3 or LR3-RC zoning would provide some transition between less intensive uses permitted in the LR2 zoning on the existing parcels and more intensive uses permitted in the NC1-30 zoning to the north. However, there is no LR3 near this area of Madrona.

4. *The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

Thirty-fourth Ave is a collector-arterial with a 60' right of way width, with sufficient width for two-way traffic and parking.

E Spring St is a non-arterial street to the south, with a 60' right of way width, with sufficient width for two-way traffic and parking. Most nearby non-arterial streets are 60'.

5. *The area is well served by public transit;*

As described in response to SMC 23.34.008.G, the area is served by public transit.

6. *The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*

As described in response to SMC 23.34.018.B.3, the site is adjacent to a collector-arterial 34th Ave. Vehicular access to the alley would need to travel through lower density zones. A residential zone SF5000 is located across the alley to the east of the site.

7. *The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

As described in response to SMC 23.34.018.B.3, existing facilities and services well support the area.

C. *The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The proposed rezone is not in the Delridge High Point Neighborhood Revitalization Area; therefore, this criterion does not apply.

D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*

- 1. *was created by human activity, or***
- 2. *is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.***

The criteria does not apply as there are no environmentally critical areas on the two parcels.

SMC 23.34.020 Conclusion: The proposed rezone site appears to meet some of the zone, function, and locational criteria for LR3 zoning. However, the LR3 zone would not be an effective transition and would leave one parcel split zoned.

23.34.070 - Residential-Commercial (RC) zone, function and locational criteria.

A. Function.

1. Purposes. Areas that serve as the following:

- a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;**
- b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;**

The area is not characterized as a strip commercial area. There is no need to downzone this area as it is successful as a mixed use neighborhood.

Nearby development has small scale commercial development. Some nearby sites include mixed-use residential and commercial buildings with commercial at the ground floor. Some nearby sites include 1-story commercial buildings.

The proposed rezone would not downzone any properties.

- c. To provide opportunities for needed parking in areas where spillover parking is a major problem;**

On-street parking is well utilized in the neighborhood. The RC zoning designation does not directly provide any opportunities for needed vehicular parking in the area. Small commercial businesses are exempt from vehicular parking requirements, and commercial uses in residential zones have a maximum limit on number of vehicular parking spaces. Spillover parking in the area does not appear to be a major problem. Specific parking requirements are described in SMC 23.54.015.

- d. As a means of supporting an existing commercial node.**

As noted in response to SMC 23.34.008.E.1, the nearby pattern of zoning and commercial uses is linear in the neighborhood, with commercial uses focused along the length of 34th Ave.

2. Desired Characteristics. Areas that provide the following:

- a. Physical appearance resembling the appearance of adjacent residential areas;**
- b. Mixed use with small commercial uses at street level.**

As noted in response to SMC 23.34.018, the immediate neighborhood ranges from 1-3 stories in height (approximately 10' to 30'). Several nearby structures are 3 stories, a moderate scale and height. The overall appearance and scale of development resembles nearby multi-family scale and appearance.

Mixed-use development along 34th Ave tends to be 3 stories tall, with small commercial uses at the street level. Older one-story commercial structures also include small commercial uses at street level.

B. Location Criteria.

- 1. Requirement. A residential-commercial designation shall be combined only with a multifamily designation.**

A residential-commercial designation could be added to the LR zone but there is no RC zoning in the vicinity.

- 2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:**

a. Existing Character.

- 1. Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or**

The area includes both residential and commercial uses, with predominantly residential uses on the blocks east and west of 34th Ave. A pattern of mixed residential/commercial development is present.

- 2. Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.**

The site is within a commercial area that extends north and south along 34th Ave for two blocks. This street includes a mix of both commercial and residential uses. An RC zoning designation would not result in additional parking requirements at this site.

b. Physical Factors Favoring RC Designation.

- 1. Lack of edges or buffer between residential and commercial uses;**

As described in response to SMC 23.34.008, residential properties east of the alley have limited or no buffers.

- 2. Lack of buffer between major arterial and residential uses;**

Thirty-fourth Ave is not a major arterial. East of the proposed rezone are single-family uses. A 10' alley provides a buffer for the rezone.

- 3. Streets with adequate access and circulation;**

The collector-arterial (34th Ave) provides capacity for vehicles, transit, bicycles, and pedestrians. Other nearby streets provide neighborhood access or access to nearby neighborhoods, and commercial centers.

- 4. Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.**

Existing on-street parking is heavily utilized in this neighborhood.

SMC 23.34.070 Conclusion: The proposed rezone site and immediate area meet some of the functional and locational criteria for RC zoning. If the site were to remain zoned for residential multi-family (either LR2 or LR3), then an RC designation may be appropriate at this location.

23.34.072 - Designation of commercial zones.

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

The existing zoning on site is Neighborhood Commercial and Lowrise Residential. The proposed rezone would extend the commercial zoning 107 feet south of the current commercial zoning, into a residentially zoned area (LR2) designation, to Spring St.

As described in response to SMC 23.34.008.E.1, the pattern of development along 34th Ave is predominantly commercial zoned. The proposed rezone would continue this linear neighborhood pattern.

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

The existing zoning is not Single Family; therefore this criterion does not apply.

- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.***

SMC 23.34.010 and 23.34.011 describe protections for Single Family zones. The existing zoning is multi-family zoning and is adjacent to a single-family zoning. Changing the designation to a NC1-30 zone would not change the edge condition with the Single Family zone.

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

As described in response to SMC 23.34.008.E.1, commercial development in the neighborhood is a linear pattern facing 34th Ave. The proposed rezone from LR2 to NC1-30 would continue this pattern of focusing commercial zones and uses on 34th Ave.

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

The proposed rezone would extend the Neighborhood Commercial zoning 107' to the south, into an area currently zoned for multi-family residential use. The proposal does not constitute creation of a new business district.

SMC 23.34.070 Conclusion: The proposed rezone site meets all of the criteria for designation of commercial zones and reinforces the neighborhood pattern of a commercial zone facing 34th Ave.

23.34.074 - Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

A. Function. *To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*

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

The 34th Ave street frontage includes many small neighborhood-serving businesses within the blocks north of the subject property. Most of the businesses are built to the front property line. Continuous sidewalks and small scale of development allows pedestrian activity between stores. The storefronts and intimate scale attract pedestrian activity.

The subject property is part of a blockfront that is zoned for commercial uses (NC1-30). Expanding this commercial zoning to the south would support the ability of this blockfront to function as a small shopping area for the adjacent residential neighborhood, as described in the function for NC1 zones.

B. Locational Criteria. *A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:*

- 1.** *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*

The subject property is outside of an urban center and urban village and is peripheral to the primary business district and adjacent to a low-density residential area.

- 2.** *Located on streets with limited capacity, such as collector arterials;*

The subject property is located on 34th Ave, which is a collector-arterial street with limited capacity.

- 3.** *No physical edges to buffer the residential areas;*

The buffers and edges between the existing NC1-30 and the adjacent single-family residential zoning are described in response to SMC 23.34.008.E. As noted in that analysis, little or no physical separation between commercial and multi-family zones is a common occurrence in the 1100 block of 34th Av. The existing edges include an alley separating commercial from a residential single family zone to the east. Commercial zones are located across the streets to the north and west. The proposed rezone would continue this pattern of separation and a shared edge between commercial and single-family zones.

4. *Small parcel sizes;*

Existing nearby parcels and the parcels at the subject property are relatively small in size. The proposed rezone does not include a change in parcel sizes. The proposed rezone includes two parcels developed with two buildings. The portion of the north parcel to be rezoned is approximately 4,808 square feet and the south parcel is approximately 6,109 square feet, per dimensions on the plat. Other parcels on this block front of 34th Ave are of a comparable size, ranging from approximately 5,000 to 7,500 square feet. A few parcels that have been subdivided for sale of townhomes are as small as 800 square feet in size.

5. *Limited transit service.*

As described in response to SMC 23.34.008.G, the area has limited transit service.

SMC 23.34.074 Conclusion: The proposed rezone parcels meets the zone, function, and locational criteria for NC1 zoning. The small parcels are abutting small parcels zoned neighborhood commercial with street frontage that included many small neighborhood-serving businesses. The collector-arterial has limited capacity for vehicles and transit services. An eastern alley to the parcels provides a physical edge to buffer the single-family residential area.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposed rezone from Lowrise 2 to Neighborhood Commercial 1-30 be **APPROVED.**

II. ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the updated environmental checklist submitted by the applicant and dated August 10th 2015. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The department has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposal will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08)

Short Term Impacts

As a non-project action, the proposed rezone would not have any short-term impacts on the environment. Future development affected by this legislation would likely be subject to SEPA which would address anticipated short-term impacts on the environment.

Long Term Impacts

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the land use element of the Seattle Comprehensive Plan. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

Rezoning of the parcels would result in commercial uses compatible with the current commercial uses established on the block fronts and would be consistent with the commercial policies to ensure a wide range of opportunities available currently and in the future.

As analyzed in the rezone criteria, the department concludes that no adverse land use impacts will occur as a result of the proposal.

Height Bulk and Scale

The proposed rezone would not increase the building height requirements from the LR2 zone to the NC1-30 zone. The subject properties are adjacent or within proximity (across the street) to various edge conditions.

The residential uses to the east are buffered from this site by a 10' alley. The property to the north shares a property line with the proposed rezone property and is zoned NC1-30'. The proposed 30 ft. height limit is a reasonable transition from the adjacent 30 ft. height limit.

Furthermore, Design Review would likely be required at the project level for most development anticipated on the subject site. The Design Guidelines, as adopted or amended, would help to ensure that the function, form, and appearance of new structures are compatible with the vision embodied in the neighborhood plan. The land use code requires the provision of street trees and other plantings, as well as building and site features compatible with the built environment. The relationship of height, bulk, scale and shadows on public spaces are considered in the design review guidelines. In addition, one design guideline includes respect for adjacent sites.

Design Review Guidelines such as CS2-Urban Pattern and Form (CS2.D Height, Bulk, and Scale) and DC2-Architectural Concept (DC2.A Massing) would be used to review these impacts.

In summary, the proposed rezone to change the zoning designation of the project site from LR2 to NC1-30' would not increase the building height requirements for future development planned for this site. No specific project is proposed as part of this rezone. No significant adverse impacts of the proposal are anticipated. Specific impacts related to height, bulk and scale would be evaluated for any future development that exceeds SEPA and Design Review thresholds. Therefore, the department concludes that no adverse height, bulk and scale impacts will occur as a result of the non-project rezone proposal that would warrant mitigation.

Shadows

Potential development may create additional shadows on adjacent sites. Future development would include consideration of shadow impacts from the proposal.

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.

- 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

Prior to Issuance of a Master Use Permit

Development of the rezoned property shall be subject to the requirements of SMC 23.58 B. and/or 23.58 C. The rezoned property shall be subject to the provisions of SMC 23.47A.017 that apply to NC zones with a mandatory housing affordability suffix. The PUDA shall specify the payment and performance calculation amounts for purposes of applying SMC 23.58 C.

RECOMMENDED CONDITIONS – SEPA

None.

Colin R. Vasquez, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: June 5, 2017

CV:drm

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three-year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two-year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.