CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Applicant Name: The Department of Planning and Development

Address of Proposal: Twenty-Third & E. Union node of the 23rd Ave. @ S Jackson-Union Urban Village

SUMMARY OF PROPOSED ACTION

This proposal is to adopt rezones and amend the Land Use Code to add area-specific development standards to implement the Comprehensive Plan Neighborhood Planning Element and the 23rd Avenue Action Plan (Union-Cherry-Jackson) recommendations. The rezones will encourage new pedestrian-friendly mixed-use development, increase housing density and opportunity including affordable housing in and around the 23rd Avenue and E. Union Street commercial area, and expand retail choices. The proposal includes changing existing Neighborhood Commercial 2 (NC2P-30 to NC2P-40, NC2P-30 to NC2P-65, NC2-40 to NC2-65, NC2P-40 to NC2P-65).

An amendment to the Land Use Code Chapter 23.58A Incentive Provisions is proposed as a part of the rezone ordinance for the 23rd and Union node of the 23rd Ave. @ S Jackson-Union Urban Village) to require development within the rezone area to provide off-site affordable housing within the Central Area Neighborhood Plan Boundary. This will provide more affordable housing to off-set displacement in the Central Area and promote equitable growth.

The proposed rezones include 74 parcels on approximately 11acres of land. The proposed rezones could increase the amount of growth over the next 20 years by about 474 housing units, 56,340 commercial square footage, and 188 new jobs.

The following approval is required:

SEPA - Environmental Conditions - Chapter 25.05, Seattle Municipal Code.

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

[ ] DNS with conditions

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

BACKGROUND DATA

Background

The proposed rezones are located within the 23rd Ave. @ S Jackson-Union Urban Village. In 2013, Central Area residents, business interests, property owners, and local institutions began work with the City to create the 23rd Avenue Action Plan (Union – Cherry – Jackson). The purpose of the planning process was to create a focused set of priorities and actions ripe for implementation. The mayor's office is leading an interdepartmental effort for continued collaboration and coordination with implementation of the Action Plan, development of an economic development plan, and creation of a Central Area Cultural and History District.

The Department of Planning and Development (DPD) is recommending rezones and land use code amendments to implement the Comprehensive Plan Central Area Neighborhood Planning Element and carry out priorities identified by the community during the 23rd Avenue Action Plan (Union-Cherry-Jackson) and Urban Design Framework process. The 23rd Avenue Action Plan (Union–Cherry–Jackson) is not a replacement of the previous Central Area action plans, instead, it intends to confirm and update priorities in previous Central Area Action Plans with focus on 23rd Ave at Union, Cherry and Jackson, and identify implementation mechanisms to help make this great neighborhood a healthier, more equitable and viable destination for all people who call the Central Area home.

The rezones are intended to achieve the community's vision and goals to strengthen the Central Area's unique identity and community character. These rezones are the product of a two year community development process that engaged a broad cross section of the community through hands-on and interactive workshops, focus group meetings, individual workshops, in-person interviews, business canvasing, and online surveys. All of the proposed rezones are within or abutting the 23rd Ave. @ S Jackson-Union Urban Village and are within areas designated as Commercial/Mixed Use or Multi-Family Residential on the Comprehensive Plan's Future Land Use Map. The analysis in this decision focuses specifically on rezone Area 8 within the 23rd & Jackson node of the 23rd Ave. @ S Jackson-Union Urban Village.

An amendment to the Land Use Code Chapter 23.58A Incentive Provisions is proposed as a part of the rezone ordinance for the 23rd and Union node of the 23rd Ave. @ S Jackson-Union Urban Village) to require development within the rezone area to provide off-site affordable housing within the Central Area Neighborhood Plan Boundary. This will provide more affordable housing to off-set displacement in the Central Area and promote equitable growth.

Proposal Description

> This proposal is to rezone 74 parcels on approximately 11 acres of land in the 23rd & E. Union node of the 23rd Ave. @ S Jackson-Union Urban Village.
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> The proposed rezones could increase the amount of growth over the next 20 years by about 474 housing units, 56,340 commercial square footage, and 188 new jobs.

Proposed rezones are as follows:

- Area 1:
  - Area 1a: Rezone from Neighborhood Commercial 2 with a Pedestrian (P) designation and structure height limit of 40 feet (NC2P-40) to Neighborhood Commercial 2 with a Pedestrian (P) designation, and a structure height limit of 65 feet, with Incentive Zoning base floor area ratio (FAR) of 3.0 (NC2P-65(3.0)).
  - Area 1b: Rezone from Neighborhood Commercial 2 (NC2-40) to Neighborhood Commercial 2 with a Pedestrian (P) designation and structure height limit of 65 feet and Incentive Zoning base floor area ratio (FAR) of 3.0 (NC2P-6585(3.0)).
- Area 2: Rezone from Neighborhood Commercial 2 (NC2P-30) to Neighborhood Commercial 2 with a Pedestrian (P) designation and structure height limit of 65 feet and Incentive Zoning base floor area ratio (FAR) of 2.25 (NC2P-65(2.25)).
- Area 3: Rezone from Neighborhood Commercial 2 with a Pedestrian (P) designation and a height limit of 30 feet (NC2P-30) to Neighborhood Commercial 2, with a Pedestrian (P) designation and a structure height limit of 40 foot, with Incentive Zoning base floor area ration (FAR) of 2.25 (NC2P-40 (2.25)).

In addition to the proposed rezones, the Land Use Code is proposed to be amended as follows:

- Setback requirements. As shown on proposed Map C for 23.47A.009, a minimum street-level setback of 5 feet along the street property line and a minimum upper level setback of 15 feet for all portions of a structure above a height of 35 feet above the average sidewalk grade. These requirements aim to provide transitions to single-family zones at the edge, to bring light to the street, reduce the perceived bulk of buildings more light onto the street and reduce the perceived bulk of buildings and to create a more pedestrian friendly environment. The upper level setback requirement corresponds to the allowed height of single family residences across the street. These areas can generally be described as follows:
  - North of E. Spring Street between 23rd Avenue and 24th Avenue
  - West of 24th St. between E. Union Street and E. Spring Street where single family zones (SF5000) are on the opposite side of 24th Avenue
  - South of E. Pine Street between 23rd and 24th Avenues
  - East of 22nd Avenue between E. Union Street and E .Spring Street where single family zones (SF5000) are on the opposite side of 22nd Avenue.

- Street-level residential use. Street-level residential uses are required in area shown on proposed Map C for 23.47A.009. This requirement aims to preserve the residential feel of the street and to respect adjacent single-family zones. The areas affected are located across from residential development on 22nd Avenue, 24the Avenue, and along E. Pike Street and E. Spring Street, while providing for retail frontage along the 23rd Avenue arterial. The restricted areas may include uses accessory to residential use, including residential access, open space and required amenity spaces and are generally described as follows:

- North of E. Spring Street between 23rd Avenue and 24the Avenue, except within 80 feet of the property line on 23rd Avenue
- West of 24th Avenue between E. Union Street and E. Spring Street, where single family zones are on the opposite side of 24th Avenue
- South of E. Pike Street between 23rd Avenue and 24the Avenue, except within 80 feet of the property line on 23rd Avenue
- East of 22nd Avenue between E. Union Street and E. Spring Street where single family zones are on the opposite side of 22nd Avenue

Incentive Zoning

The extra height and floor area allowed through the proposed rezone could only be obtained by providing affordable housing on site or off-site within the Central Area (as shown on Map A for 23.58A.014) through the incentive provisions described in the Seattle Municipal Code Chapter 23.58A.

An amendment to the Land Use Code Chapter 23.58A Incentive Provisions is proposed as a part of the rezone ordinance for the 23rd and Union node of the 23rd Ave. @ S Jackson-Union Urban Village) to require development within the rezone area to provide off-site affordable housing within the Central Area Neighborhood Plan Boundary. This will provide more affordable housing to off-set displacement in the Central Area and promote equitable growth. This will allow people of all races, ethnicities and abilities to access more housing and to stay within the Central Area.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at a future scheduled Council public hearing.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 10, 2015. The information in the checklist, the information and analysis in the Director's Report and Recommendation, a copy of the proposed text amendments to the Land Use Code, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

As noted above, all of the proposed rezones are located within the 23rd Ave. @ S Jackson-Union Urban Village and are intended to align these areas with the Comprehensive Plan's Future Land Use Map. Potential impacts of the rezone proposal are analyzed below.

Short-term Impacts

As a non-project action, the proposed amendment will not have any short-term impact on the environment.

Long-term Impacts

Most long-term impacts of these proposed actions are expected to be minor. Impacts to noise, light and glare, shadows, water, air quality (including greenhouse gas emissions), toxic/hazardous substances, and use of energy, natural resources, and most public services and facilities may slightly increase, due to larger structures and greater levels of activity on various sites, but are not expected to be significant. Projects that develop pursuant to these proposed actions would be subject to environmental review if they meet or exceed environmental review thresholds. This would include projects which might be expanded would be expanded or developed elsewhere within the Central District by developers choosing to avail themselves to the expanded Incentive Provisions of SMC 23.58A. All would be subject to existing codes and regulations, including the Land Use Code, Environmentally Critical Areas regulations, the Stormwater Code, and the Grading Code.

Increased housing density in the type of mixed use environment envisioned by the 23rd Avenue Action Plan (Union-Cherry-Jackson) in the Jackson core area may, in certain cases, reduce demands for energy and natural resources. This concentration of residential commercial uses in the vicinity of frequent transit service and bike facilities can reduce energy consumption by clustering services and having a good land use mix, increasing the convenience and likelihood that people will walk, bike and use transit for work and pleasure trips. The proposed changes do not alter any regulations directly related to energy or natural resources such as energy performance standards in new development. Projects would continue to be required to comply with the existing Energy Code and standards for sustainable development.

The most likely adverse impacts of the proposed actions would be to land use; height, bulk, and scale; traffic and transportation, and public services/utilities. These topics are discussed further below:

Land Use

The Land Use SEPA policy states, in part, that "it is the City's policy to ensure that proposed uses are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, and the shoreline goals and policies set forth in section C-4 of the land use element of the Seattle Comprehensive Plan for the area in which the project is located." The proposal would result in no direct impacts to land and shoreline use as it is a non-project proposal. The proposal would represent a moderate change in the types and density of land use allowed within the area. The rezone proposal will encourage future development consistent with the intent of the 23rd Avenue Action

Plan (Union-Cherry-Jackson), Central Area Neighborhood Plan and Comprehensive Plan policies. The rezone will encourage new pedestrian-friendly mixed-use development, increase housing density and opportunity in and around the 23rd Avenue and E. Union Street commercial area, and expand retail choices. No portion of the proposed rezones is within the City's Shoreline District.

The proposed rezone would support the goals of the Comprehensive Plan Urban Village Element to focus housing and jobs in areas where they can support existing neighborhood centers, maximize transportation and utility investments, and create walkable, pedestrian-friendly communities. These goals are described, in part, through the following goals and policies:

- UVG3 Promote densities, mixes of uses, and transportation improvements that support walking, use of public transportation and other transportation demand management (TDM) strategies, especially within urban centers and urban villages.

- UVG4 Direct the greatest share of future development to centers and urban villages and reduce the potential for dispersed growth along arterials and in other areas not conducive to walking, transit use, and cohesive community development.

- UVG8 Use limited land resources more efficiently and pursue a development pattern that is more economically sound, by encouraging infill development on vacant and underutilized sites, particularly within urban villages.

- UVG11 Increase public safety by making villages places that people will be drawn to at all times of the day.

- UVG27 Promote the development of residential urban villages, which function primarily as compact residential neighborhoods providing opportunities for a wide range of housing types and a mix of activities that support the residential population. Support densities in residential urban villages that support transit use.

- UVG29 Encourage growth in locations within the city that support more compact and less land-consuming, high quality urban living.

- UV1 Promote the growth of urban villages as compact mixed-use neighborhoods in order to support walking and transit use, and to provide services and employment close to residences.

The proposed rezone is consistent with existing growth targets for the 23rd Ave. @ S Jackson-Union Urban Village and Vision 2040. Urban village policy 40 provides guidance on the intent of the 20 year growth targets:

- UV40 Use 20-year growth targets for urban villages as a tool for planning for the growth that may occur in each urban village. Use these targets as a guide for City plans for development and infrastructure provision. Recognize that the growth targets do not represent the maximum amount of growth that could occur in a village. Recognize also that the private sector builds most housing units and creates most jobs, and, therefore, the growth targets impose no obligation on the City to ensure that those numbers of households or jobs actually occur.

This rezone would also support the following goals and policies of the Comprehensive Plan Neighborhood Planning Element for the Central Area:

- CA-G18 The three community nodes along 23rd Ave at Jackson, Union and Cherry are each distinct with a different niche, but together they exhibit or demonstrate the shared identity of the Central Area. These community nodes together serve the diversity of cultures in the Central Area and continue to be home to those businesses and institutions that are central to the African American community:

- 23rd and Jackson - The largest of the three community nodes with larger scaled mixed use developments. It is the community's center for general goods and services including education, arts, places of worship and gathering, parks, a library, housing, social services and places to shop for daily household needs. It is a local and regional destination that draws a broad mix of people.

- 23rd and Union - A medium sized community-serving node with mixed use developments. This node has locally owned businesses and institutions and continues to serve as the center of the African American community. It is a neighborhood scale destination that builds on existing assets and draws customers from the larger neighborhood.

- 23rd and Cherry - This is a smaller scaled community-serving node with finer grained mixed use developments. This node has an abundance of community assets including parks/open space, Garfield High School and Community Center, teen center, arts programs, and small businesses, in particular ethnic restaurants, that create a unique identity for this node. It draws a broad mix of people, especially youth.

- CA-P63 Encourage new pedestrian-friendly mixed-use development and increased housing density in and around the 23rd Avenue and Jackson Street commercial area. Include small and large businesses, opportunities for startup businesses, and affordable housing while preserving existing gathering spaces.

- CA-G1 The Central Area is a community proud of its culture, heritage, and diversity of people and places. This richness derives from the fact that this

neighborhood has always been a place of welcome and it has been, and continues to be the center of the African American community.

- CA-P6 Create an appealing environment that enhances the historic character while providing opportunities for existing and new development to grow, and serve the emerging needs of the diverse community.

- CA-P7 Create a vibrant commercial district, encouraging dense urban development in the commercial areas and encouraging housing supportive of the community through land use tools, such as rezones, design guidelines and incentives.

- CA-G7 The Central Area is a culturally and ethnically diverse and economically strong community. Its business districts provide the goods and services needed for the multicultural community who live, work, worship and shop there.

- CA-P38 Support vibrant, diverse and distinct commercial districts that provide a range of goods and services for the entire community.

Development on parcels proposed to be rezoned will be subject to design review, assuming they exceed thresholds for design review established in the Land Use Code. Design review considers the context and character of surrounding development in applying City design guidelines, thus providing an additional opportunity to address any potential incompatibilities between new development and development on adjacent parcels. It is not anticipated that the proposed text amendments will result in significant land use impacts, pursuant to SMC 25.05.675 J.

The proposed rezones are consistent with the land use designations on the Future Land Use Map, as amended by City Council in 2014 and 2015.

Height, Bulk, and Scale

Overall, the additional height proposed for the rezoned areas (outlined above) could result in blockage of some private views. The proposed development standards adding upper level setback, maximum façade length, and pedestrian connection requirements, will reduce such impacts. Individual development projects that utilize the proposed legislation's zoning changes will be subject to environmental review (if they meet or exceed thresholds for environmental review) for height, bulk and scale impacts.

Specific development standards, ground-level and upper-level setbacks, as well a requirement for street-level residential uses as specified in proposed Map B for 23.47A.009 for any new development in the 23rd and E. Union area are calculated to mitigate impacts on adjacent single family zones. Any scale impacts of projects developed pursuant to the proposed rezones may also be addressed by the City's design review process. Specific height, bulk and scale impacts of proposed development will be determined at the time of project review. Neither the proposed

rezones nor the changes in SMC 23.58A(Incentive Provisions) are expected to have a significant impact on height, bulk, and scale, pursuant to SMC 25.05.675 G.

Transportation

The affected area is approximately 11 acres and it is not possible to determine the location and/or intensity of individual projects that may use the proposed Land Use Code provisions. As described previously, the proposed rezones could increase the amount of growth over the next 20 years by about 474 housing units, 56,340 square feet of commercial use, and 188 new jobs compared with what would occur under the current zoning. This potential increase to the 20-year growth estimate provides the basis for analyzing the level of impacts the neighborhood could experience due to the proposed rezones.

In general, the 23rd Ave. @ S Jackson-Union Urban Village is part of the City's urban center and urban village strategy that seeks to focus Seattle's share of the region's growth in areas that can be efficiently served by urban infrastructure. Much of the area is already served by needed infrastructure – roads, sidewalks, water and sewer, schools and parks. Where there are deficiencies, they are localized and can generally be addressed by individual developments.

In total, a potential increase of 188 more jobs (of the type expected in a mixed-use area) would generate about 2,767 – 3,161 new daily trips, with 198-226 of these trips occurring in the AM peak hour and 227-258occurring the PM peak hour. The additional residential units would generate roughly 1,891-2,209 new daily trips, 147-171 AM peak hour trips, and 175-204 PM peak hour trips.

The affected areas are generally located within a single block, or even one half block either side of 23rd Avenue and of E. Union Street. Twenty-Third Avenue is a north-south principal arterial that connects a variety of users to businesses, institutions and residences. Seattle Department of Transportation is working on the 23rd Avenue Corridor Improvement Project to improve transit speed and reliability and enhance the pedestrian environment. In addition to 23rd Avenue improvements, a neighborhood greenway will be built generally parallel to 23rd Avenue that will prioritize bicycle and pedestrian travel by providing a more comfortable environment for people to walk and bike. E. Union Street is a minor arterial and is recommended to include protected bicycle lanes as indicated in the Seattle Bicycle Master Plan. Overall, all improvements mentioned above will serve increased volumes of pedestrians, bike riders, and transit users and support alternatives to driving. Additionally, the proximity of residential and commercial uses within the Jackson core may mean more people will complete trips by foot, bike or bus.

Based on the 2011 Gap Report Update of An Assessment of Gaps in Seattle's Open Space Network, the 23rd Ave. @ S Jackson-Union Urban Village has met the Population-based Goals. There are 33.48 acres of existing parks and open space within and abutting the Urban Village; this amount of space exceeds the anticipated 5.78 acres needed to meet 2035 growth projections.

It is unlikely that the proposal will result in significant indirect or cumulative impacts related to transportation.

Public services/utilities

A review by Seattle Public Utilities staff indicates that the overall water, sewer and drainage utility systems are likely to be adequate to serve future demand levels. While some specific improvements may be needed, these improvements will be identified at the time of the future development. New development projects in this area could be required to perform analysis of development-related impacts on utility system infrastructure and, where necessary, to construct improvements that increase capacity and avoid service degradation. New development will also be required to provide storm water control as required under the Stormwater Code.

There are no known capacity constraints within the area's substation and electrical system that could be exacerbated by this rezone. Minor site-specific feeder line improvements may be needed to accommodate future development, but would be coordinated at the time of future development.

The amount of growth introduced by the proposed rezone is within the range covered by the City of Seattle's Comprehensive Plan for Fire Protection and Police Services.

Consequently it is unlikely that this proposal will result in significant indirect or cumulative impacts related to public services/utilities, other public services, including fire and police services, parks, and schools relative to already existing needs served by existing facilities and opportunities.

Conclusion

The proposed rezones in the E. Union node of the 23rd Ave. @ S Jackson-Union Urban Village are not expected to have significant adverse impacts. The allowed height, bulk, and scale of development on the affected parcels are not expected to substantially increase over what is allowed by current zoning. Design review will be required of projects over the size threshold, reducing potential height, bulk, and scale impacts. Increased trips will be accommodated by the existing arterial capacity and existing and future transit service and the mixed-use nature of the area are likely to reduce levels of auto traffic from development projects in the rezoned areas.

DECISION – SEPA

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

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

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

RECOMMENDED CONDITIONS – SEPA

None.

Signature: Michael M. Dorcy Date: 6/23/2015

Michael M. Dorcy, Senior Land Use Planner
Department of Planning and Development