



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 2500126
Applicant Name: Kelly Foster for Howland Homes
Address of Proposal: 2140 North 113th Street

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to rezone 22,306 sq. ft. of land from SF7200, single family to a multifamily zone, Lowrise 1. Property is bounded by North 113th Street to the south.

The following approvals are required:

Rezone - To rezone from SF7200 to L1 - Seattle Municipal Code 23.34

SEPA - Environmental Determination - Seattle Municipal Code Chapter 25.05.

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

*Notice of Early DNS was published on 2 June 2005.

BACKGROUND DATA

Except for the specifically proposed contract development (12 townhouses), which differs in minor details from a 12-townhouse concept of 2 years ago, the proposed contract rezone is in all essentials comparable to foregoing DPD Project Nos. 2204181 and 2205526, which were pursued to conclusion (denial by Seattle City Council). Thus, by far the most effective treatment of this present application is to present applicable findings from the 28 May 2003 Hearing Examiner recommendation for that earlier proposal (attached), and to present new analysis where appropriate based on changes in the City's Comprehensive Plan. The present matter turns on whether these remain tenable, or whether anything has so changed as to warrant revision in the City position. That assessment follows the description of public comment.

Public Comments

The City received one comment letter, based on a desire to preserve single family zoning, and a desire to avoid "nibbling" to the edges of single family zoning.

Hearing Examiner 2003 Findings and Recommendation

Findings of Fact:

Continue to apply:

1, 2, 4-7, 9-12, 16-19

Require modification:

3 – There is one fewer house on the north side of N. 113th Street, adding support to the proposal.

8 – The details of proposed contract development have changed; changes immaterial to determination.

13 – The Northgate Area Plan was modified by Ordinance #121701, which was adopted in December of 2004. The ordinance expressly loosened rezone criteria for single-family-zoned properties within the subject area, stating that single family zoning should be maintained only for properties meeting locational criteria for single family zoning.

14 – One vs. several comment letters. It opposes rezone.

15 – DPD recommendation now to **CONDITIONALLY APPROVE** (see below).

In short, there have been major changes with respect to the Hearing Examiner's 2003 Findings of Fact, most importantly that the Northgate Area Plan has been changed to enable the proposal and others like it to proceed. Because the former wording of the Northgate Plan was determinative in the prior application, the former decision now has no basis.

Conclusions:

Continue to apply:

1-16

In particular, Conclusion #4 is that the two of the three single family locational criteria are not met. The third, the council-adopted plan criterion, has already been shown to not be met. In short, none of the 3 locational criteria for Single Family zoning are met.

Hearing Examiner's 2003 Recommendation:

Denial – No longer has basis.

The denial was stated by the Hearing Examiner as follows, "The analysis of most of the criteria for rezones would lead to a recommendation that the site be rezoned to L1, the strongest being that it would provide a better transition than from the L3 to SF7200 that now exists across the intervening street. However, since it appears that the Northgate Area Comprehensive Plan has designated the site as appropriate for single family use and that this portion of the plan was adopted by the City Council, SMC 23.34.010 prohibits its rezoning from single family."

ANALYSIS - REZONE

As stated above, in this report the DPD adopts the cited 2003 Hearing Examiner findings and conclusion, supplemented as follows:

Ordinance #121701 is the only substantial change in regulatory language to have taken place since the disposition of the previous rezone application for the subject site. Ordinance #121701 expressly changed the Northgate Plan to remove the obstacle to rezoning created by the earlier version. The revised Northgate Plan allows for rezone of single family-zoned properties that do

not meet single family locational criteria. Previously, The Hearing Examiner had already determined that the subject sites do not meet the remaining single family locational criteria, but better meets the L1 locational criteria. There has been no material change since then which suggests either that the single family locational criteria would now be met, or that the L1 locational criteria would not be met. Hence, the proposal should be approved.

The contract rezone would be to develop a larger number of units than presently permitted, which with individual vehicular access would substantially change the character of the neighborhood. To mitigate this impact, project approval has been conditioned to limit vehicular access to a single curbcut and driveway. There would also be substantially more parking required and provided on the site than would be necessary or likely to be provided under current zoning. Such additional parking must be sensitively handled if not to adversely impact adjacent single-family residences. To mitigate this impact, project approval has been conditioned upon adequately buffering adjacent properties from parking impacts. The west side setback area is where the building bulk on the rezoned sites would most closely approach permissible development on an adjacent single family-zoned lot. This transition should be especially sensitively handled. To mitigate this impact, project approval has been conditioned to require adequately landscaped buffering (e.g. 10 feet) in this area.

Development potential on the site will be increased from a potential 3 single family residences to 12 multi-family ground-related units, with attendant increased bulk and activity impacts. The Lowrise-1 development standards generally result in projects that are compatible with adjacent properties that are zoned Single Family. In this application, the proponent has submitted a 12-unit townhouse project that would provide: six 2-unit buildings with parking garages in each unit, a single 20-unit foot wide curbcut near the center of the site, saving most of the existing trees, and building materials that are compatible with the residential neighborhood. Although additional plan information is needed before DPD can determine that the proposal complies with the L-1 development standards, there is adequate information to conclude that the project will not have unacceptable impacts in terms of land use or height, bulk and scale. The rezone also would not have unacceptable impacts on other elements of the built environment or the natural environment, as the site is located in an urban environment that is highly developed and well served by public infrastructure.

RECOMMENDATION - REZONE

The rezone should be **CONDITIONALLY APPROVED**.

RECOMMENDED CONDITIONS - REZONE

Following SEPA analysis and conditions, near the end of this report and recommendation.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated 18 April 2005. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of same project form the basis for this analysis and decision.

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

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

Short-term Impacts

Proposed development is for 12 dwelling units on the site. On that basis, the following temporary or construction-related impacts are expected with future development: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources. Except for noise impacts of construction of multiple townhouse units, and construction worker parking, and possibilities for tying up a very constrained circulation system, these impacts are expected to be very minor in scope and of very short duration.

Noise

There will be demolition and excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining residentially zoned area. Due to the proximity of other residential uses to the north and west, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted. Accordingly, project approval is conditioned upon limiting the hours of construction activity to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature and/or to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Any request for modification of this condition must be made at least 3 working days in advance.

Construction Traffic and Parking

There is relatively little on-street parking in the project vicinity, and there is no practical means of bypassing any blockage of N. 113th Street. Hence, project approval is conditioned upon providing a peak-construction employee estimate and Construction Phase Off-Street Parking Plan. The plan shall be approved by the DPD, and implemented as written at all times by the proponent; responsibilities in these regards may not be delegated to others. There shall be no unauthorized blockage of N. 113th Street at any time.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal. Increasing the potential density of the site from 1 dwelling unit to 12 would likely result in increased traffic in the area, increased demand for parking, increased bulk, increased light, glare

and noise, decreased privacy, and increased demand for public services and utilities. All of these impacts have been addressed pursuant to rezone authority.

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

Prior to Issuance of this Permit

1. The owner(s) and/or responsible party(s) shall provide
 - A. A peak-construction employee estimate and
 - B. A Construction Phase Off-Street Parking Plan. The plan shall ensure that all site-related employees park off street, shall be approved by the DPD, and shall implemented as written at all times. The plan shall clearly state that it is the owner, and not others, who bears responsibility for ensuring comportment with the plan.

Prior to Council Consideration

The owner(s) and/or responsible party(s) shall:

1. Revise plans, pursuant to zoning correction(s) and secure zoning reviewer's approval (non-appealable condition).

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.

Hours on weekdays may be extended from 6:00 p.m. to 8:00 p.m. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

Any request for modification of this condition must be made at least 3 working days in advance.

2. The owner(s) and/or responsible party(s) shall ensure that the Construction Phase Off-Street Parking Plan is observed.
3. There shall be no blockage whatsoever of the south lane of North 113th Street at any time.

RECOMMENDED CONDITIONS: REZONE

Prior to Issuance of the Rezone Permit:

The owner(s) and/or responsible party(s) shall:

1. Provide a concept site plan that shows:
 - A. Only one vehicular access/egress curb cut;
 - B. Substantial (i.e. 10 foot) west side yard on the west property, to be fully landscaped (not paved in any portion), with tree canopy and to be under-planted with substantial shade-tolerant shrubs. Landscape plan to be reviewed and approved by

Prior to Finaling of any Building Permit, and for the Life of the Project:

1. The owner(s) and/or responsible party(s) shall maintain the development, and in particular the vehicular access, parking location and buffering, and landscape buffer strip, as approved in the rezone Master Use Permit.

Signature: (signature on file) Date: March 23, 2006

Paul M. Janos, Land Use Planner
Department of Planning and Development