



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
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**CITY OF SEATTLE  
ANALYSIS, RECOMMENDATION AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 2309015 (Contract Rezone) 2409418 (Subdivision)  
**Council File Numbers:** 307093 (Contract Rezone) 307092 (Subdivision)  
**Applicant Name:** Rob Kiker, Environmental Works, for Semar Community Health Centers  
**Address of Proposal:** 1000 South Henderson Street

**SUMMARY OF PROPOSED ACTIONS**

Council Land Use Action to rezone 117,954 sq. ft. of land from SF 5000 (Single-Family 5000) to LDT (Lowrise Duplex Triplex) for future full subdivision. Property is bounded by South Trenton Street to the north; 10<sup>th</sup> Avenue South to the west; and South Henderson Street to the south.

Council Land Use Action to subdivide one parcel into 14 parcels of land in an *environmentally critical area*. Proposed parcel sizes are A) 3,166 sq. ft., B-D) 3,180 sq.ft., E) 3,198 sq.ft., F-M) 3,109 sq.ft. and N) 76,504 sq.ft.

The following approvals are required:

**Contract Rezone** – Rezone the site from SF 5000 to LDT to allow the future construction of 13 single-family residences for ownership by households with income below 80 percent of medium income and 25 units of multi-family rental housing for tenants below 50 percent of median income (SMC Section 23.34.004).

**Subdivision** – Subdivide one parcel into 14 parcels of land (SMC 23.22)

**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

## **SITE AND VICINITY DESCRIPTION**

The approximately 117,954 square foot parcel (approximately 2.7 acres) is zoned SF 5000 and located in the South Park neighborhood. The site is approximately the western one-half of a one square block property owned by Semar Community Health Centers (Semar) and which is bounded on four sides by South Trenton Street and partial undeveloped right of way (ROW) to the north, South Henderson Street to the south, 10<sup>th</sup> Avenue South to the west, and 12<sup>th</sup> Avenue South to the east. This entire property is historically known as Catholic Hill. Semar owns and operates a health care facility on the east half of the property, which is zoned Lowrise 3 (L3).

The surrounding neighborhood is zoned SF 5000 and is comprised of historically platted small lots with a variety of ages and styles of single-family structures. Some lots are undeveloped.

To the west of the site State Route 99 / West Marginal Way South runs southeastward to north westward and divides this portion of South Park from a similar residentially developed area further to the west.

One and one-half blocks to the south the zoning changes to Industrial Buffer (IB U45). One and one-half blocks to the east is 14<sup>th</sup> Avenue South, the principal commercial street in this neighborhood. One-half block to the north the topography drops steeply causing 10<sup>th</sup> and 12<sup>th</sup> Avenues to change to pedestrian stairways for a one-half block section. North of this residential development and zoning continues to the north.

The entire site and surrounding area are within the South Park Residential Urban Village.

## **Proposal Description and Background Information**

The applicant proposes this rezone and associated subdivision in order to develop a mix of single family and multi-family (duplex and triplex) structures to provide low income housing targeted to households earning below the area median income as described previously. The rental housing will also include dwelling units to accommodate disabled persons and provide transitional housing for formerly homeless families.

The subject single family zoned parcel was formed through the short platting of the entire Catholic Hill site in 1991 (City of Seattle Master Use Permit # 9100203). The short plat was to facilitate the rezoning of the eastern portion of the site for the construction of the current Semar Health Care Facility (Master Use Permit # 9003162). The rezone for the Semar facility included a Property Use and Development Agreement (PUDA) placing specific conditions on the development of the Semar facility and included a Conditional Use Permit to allow this use.

Information in the previous rezone decision (MUP 9003162) indicates that a single family zoning designation was established for the entire site in 1967. In 1984 a contract rezone of the entire site to Lowrise 2 was approved by the City. This, however, expired because the project was not pursued.

### Public Comments

The City received eleven comment letters and two petitions during and after the two comment periods for this project. (The initial comment period was 2/10/05 through 2/23/05. Because the first comment period gave only posted and mailed notice about the subdivision application and posted notice about the rezone application but not the mailed notice required for rezone applications, a second comment period was held between 4/14/05 and 4/27/05.)

Seven individuals submitted written comments against the rezone; one petition containing thirteen signatures, also opposed the rezone. Concerns expressed regarded traffic and parking impacts, loss of green space (some commenters asserted that an intention of the Semar contract rezone area was to set aside the subject site as a park or buffer between the Semar facility and the residences to the west), construction impacts, the impact of an improved and widened South Trenton Street on residential structures that are located very close to that right of way (ROW), and a preference to simply keep the current Single Family zoning designation.

Three individuals submitted written comments supporting the rezone; one petition containing twenty-three signatures, also supported the rezone. Reasons for support were: the subdivision proposed to accompany the rezone would result in a better development than if the site was subdivided into individual “skinny” lots, the PUDA (Public Use and Development Agreement) accompanying the rezone would give the community and City better control over the quality of future development, and that SEMAR has demonstrated a long term commitment to the community over the years and will likely continue this commitment with this development.

One comment letter, which did not speak for or against the proposal, expressed a concern about the possible increased traffic on South Henderson Street and possible cumulative impacts from this project and a proposed four lot short plat in the vicinity on South Director Street.

### **REZONE- ANALYSIS and RECOMMENDATION OF THE DIRECTOR**

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

#### **General Rezone Criteria of SMC 23.34.008**

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

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.

The proposal site and surrounding neighborhood are within the South Park Residential Urban Village.

Section A1 of the Land Use Element of the Comprehensive Plan, Categories of Urban Villages, contains the goals and policies for designation of the different categories of urban villages. Policy L34 1 of Section A1 gives density criteria to allow this designation (Exhibit A). It states: "The area presently supports, or can accommodate under a current zoning, a concentration and mix of residential development, at 8 to 15 dwelling units (du) per gross acre on average, and at a small to moderate scale".

The current SF 5000 zoning, which requires a minimum lot size of 5,000 sf equates to 8.7 du per acre (1 acre = 43,560 sf / 5,000 = 8.7). The density proposed for the contract rezone would place 38 dwelling units on 2.7 gross acres or 14 du acre, within the average range. In contrast, an LDT zone designation, which requires a minimum lot area of 2,000 sf per dwelling unit, could result in a density of 22 du per gross acre.

- B. SMC 23.34.008.B Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the location criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The proposal is to rezone an area currently designated Single Family 5000 (SF 5000) to Lowrise, Duplex, Triplex (LDT). SMC 23.34.011 gives the Single-Family Function and Locational Criteria. SMC 23.34.014 gives the Lowrise, Duplex, Triplex Function and Locational Criteria. Additionally, SMC 23.34.010.B requires areas determined to meet the criteria for SF zoning and located within the adopted boundaries of an urban village and proposed to be rezoned must also meet the criteria of SMC 23.34.010.B.1-5. Thus, it must first be determined if the proposal site meets the Single-Family Functional and Locational criteria in SMC 23.34.011.

SMC 23.34.011, Single-Family Function and Locational Criteria.

Section A is not applicable. This section is read to apply to proposals to rezone an area from a non-single-family zone to single-family.

Section B of SMC 23.34.011 directs that a single-family zone designation is most appropriate in areas meeting the following *Locational Criteria*:

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures in single-family residential use; or

2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or
3. Areas that consist of blocks with less than seventy (70) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated (gives four examples).

This Code section, by presenting the “or” option of three criteria, directs that if the area under question meets any one of the criteria, it can be considered to be appropriate for a single family zoning designation.

Locational Criterion 1 of SMC 23.34.011.B.

The Code defines a “block” as consisting of two facing block fronts bounded on two sides by alleys or rear property lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening (SMC 23.84.004.B). Exhibit B is a block map with building outlines of the multiple block area surrounding the proposal site marked “X”. This multi-block area was chosen because it provides natural boundaries to the project site vicinity, i.e. it is the surrounding area. For example, the north boundary is South Cloverdale Street, a Class 1 arterial, the eastern boundary is 14<sup>th</sup> Avenue South, also a Class 1 arterial, and forming the south and west boundaries are State Route 99 / West Marginal Way South and a portion of South Director Street.

A “windshield survey” and research in the King County Assessors GIS data base on the current use of the structures within these boundaries and on blocks as defined above indicates that more than 70 percent of all structures are single-family and zoned single-family. Exceptions are the SEMAR facility to the east, the Donovan Apartments and a church facility respectively on the northeast and northwest corners of 8<sup>th</sup> Avenue South and South Donovan Street, and most of the structures fronting the west side of 14<sup>th</sup> Avenue South. Accordingly, the proposal site and the surrounding area, whether the blocks where the project site is located, or the broader single-family area, meet this locational criteria for single-family zoning.

Locational Criterion 2 of SMC 23.34.011.B.

The site is already zoned Single-Family, thus this criterion does not apply (i.e. neighborhood plans do specifically mention all areas that are already a certain zoning). However, there is relevant information in the neighborhood plan that is important to discuss.

The South Park Neighborhood Planning Committee finalized a neighborhood plan as a part of the City wide neighborhood planning process, the *South Park Residential Urban Village Plan*, in 1998 and presented it to the City Council that year (Exhibit C). In January 1999, Council adopted portions of the 1998 South Park Residential Urban Village Plan into the City Comprehensive Plan, *Toward a Sustainable Seattle*. (Exhibit D)

Adopted neighborhood plans are those plans, either in whole or in part, that were a product of the City wide neighborhood planning process and were also adopted by the City and then integrated into the

City Comprehensive Plan. The adopted portions of the South Park Neighborhood Plan do not speak to the appropriateness of single-family residential use for any particular area. No mention of the Catholic Hill area was made. Certain goals and policies in the adopted plan speak to the maintenance of residential character, preservation of residential land for residential uses, the development and preservation of affordable low income single-family housing, and the direction to work with other jurisdictions in addressing low-income housing needs (Exhibit D, SP-G6, SP-P5, SP-G8, and SP-P9).

The South Park Neighborhood Plan, however, has as a goal and long term objective to maintain the current zoning of SF 5000 where it occurs (G6 and Objective 21. Objective 21 directs any rezones to not create lot sizes larger than the existing 5,000 square foot designation). Additionally, Objective 35 states: "Provide new low-income housing, within South Park, through market-rate housing production and assisted housing programs". (Exhibit E)

While the above goal and objectives speak directly to the request at hand, only a variation of Objective 35 was adopted into the City Comprehensive Plan as SP-G8, which is supportive of the creation of affordable detached single-family housing. (Exhibit D)

Locational Criterion 3 of SMC 23.34.011.B.

Because more than 70 percent of the existing structures are in single-family residential use and the trend in the neighborhood is their maintenance and use, this criterion is not applicable.

Additional Criteria under SMC 23.34.011.

Section C of SMC 23.34.011 states that: an area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone.

1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.
2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as
  - a. That the construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
  - b. That the number of existing single-family structures has been very stable or increasing in the last five (5) years, or
  - c. That the area's location is topographically and environmentally suitable for single-family structures, or
  - d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures.

The project area clearly meets Criterion 1 of subsection B by having blocks with at least and more than 70 percent of their structures in single-family residential use.

The purpose of Subsection C is to assess an area, as in proposal site, that is currently not single-family but that is proposed or considered for that designation. As such, this section does not apply to sites that

are currently single-family and are proposed for a different zoning designation, and therefore does not apply to this proposal.

Section D of SMC 23.34.011. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, or portions of blocks on an arterial which have a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

This is also a criterion whose purpose is for the assessment of sites, or areas, that are currently not zoned single-family but are being proposed or considered for that designation. As such, it is not applicable to this proposal.

Additional Evaluation pursuant to the “weighing and balancing” provisions of SMC 23.34.007.

The requirement under this evaluation is to determine which zone “best meets” the provisions of this chapter, hence it is appropriate to analyze this proposal against the proposed Lowrise Duplex Triplex (LDT) criteria.

#### LDT Zone, Function and Locations Criteria of 23.34.014

A. Function. An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments.

B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:

##### 1. Development Characteristics of the Area.

a. Areas where structures of small bulk and low heights, generally less than thirty (30) feet, establish the pattern of development; and

b. Areas with a mix of single-family structures, small multifamily structures, and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.

##### 2. Relationship to the Surrounding Area.

a. Areas that do not meet single-family criteria, but are otherwise similar in character and adjoin areas zoned Single-Family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;

b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;

c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.

C. Areas zoned single family meeting the locational criteria for a single-family designation may be rezoned to LDT only when the provisions of Section 23.34.010.B are met.

Analysis: LDT Zone, Function and Locations Criteria SMC 23.34.014

A: Function

The 2.17 acre proposal site offers an opportunity for limited infill housing development of new construction.

The accompanying subdivision proposal site plan (Exhibit E) shows thirteen small lots (about 3,100 sq. ft. each) ringing the 10<sup>th</sup> Avenue South and South Trenton Street boundaries of the site. On the interior of the site, and partially facing South Henderson Street, nine duplex/triplex structures are proposed. At the southwest corner of the site and facing only South Henderson Street is a proposed community meeting hall.

The applicant also submitted a generalized alternative site plan showing a twenty-three lot subdivision that they assert would meet the area requirement of the current SF 5000 zone (Exhibit F) but result in the construction of “skinny houses”. The applicant also submitted information from neighborhood meetings held by the applicant with the community indicating that “skinny houses” were generally considered objectionable and not a good fit with the existing development pattern of the neighborhood (Exhibit G).

No detailed analysis of this generalized alternative site plan has been conducted by DPD to determine if the 23 lot / skinny house configuration meets the provisions of the subdivision Code. However, based on the neighborhood input and preliminary analysis by DPD in this document, the applicant’s proposed approximately 55-foot wide street facing lots would create a better urban design streetscape for the neighborhood.

**B1: Locational Criteria /Development Characteristics of the Area.**

The surrounding development pattern is one of typical older single-family structures with small to moderate bulk and heights under thirty feet, with the exception of the Semar facility. However, this is not an area with a mix of single-family structures, small multi-family structures, and single-family structures legally converted into multiple units. The predominate structure form and use is single-family.

**B2: Locational Criteria / Relationship to the Surrounding Area.**

a) The proposal site and surrounding area do meet the single-family criteria as discussed previously; hence this subsection does not apply.

b) Existing right of way (ROW) widths exceed the forty (40) foot requirement for existing streets in single-family zones, and fifty-two (52) feet for SF 5000 / L3 split zoned lots along the frontages with the SEMAR facility (SMC 23.53.015 Chart A).

There is no evidence of parking congestion of the surrounding streets. Many neighboring properties park in the ROW, either by choice, or necessity due to their front yards, or substantial portions of them, functionally being the same as the ROW (Exhibit H). However, there is no indication that this current on-street parking has caused a parking capacity problem.

There is no evidence of local traffic congestion other than peak hour usage on 14<sup>th</sup> Avenue South. Most of this traffic is “through” traffic and not from the residential area surrounding the proposal site.

The surrounding street pattern is typical for much of Seattle. There is an orthogonal grid of streets with most blocks having alleys. The streets to the north and west of the proposal site do not continue due to topographical or man-made (SR 99) breaks, respectively. South Trenton Street behind the Semar facility is not completed between 10<sup>th</sup> and 12<sup>th</sup> Avenues South. These discontinuities, however, are not atypical for many similar areas of the City with topographical or man-made breaks.

In summary, while vehicle access and circulation is restricted to South Henderson and Director Streets for access to 14<sup>th</sup> Avenue South and the surrounding area, pedestrian access is available across SR 99 by a pedestrian bridge over this highway and through public stairs in the 10<sup>th</sup> and 12<sup>th</sup> Avenues South ROW. Given the current and proposed density found in the vicinity of South Henderson Street and 10<sup>th</sup> Avenue South, these conditions are not considered inadequate.

c) Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.

The proposal site is one and one-half blocks from Seattle Public School’s Concord Elementary School. A pedestrian overpass in the South Henderson Street alignment and crossing SR 99 begins at 10<sup>th</sup> Avenue South and South Henderson Street is across the street from the site.

The project proposes a community room on site for the residents of the proposed multi-family structures.

The SEMAR Community Health Center offers a range of social and health services to all ages, including children, as well as daily child care.

C. Areas zoned single-family meeting the locational criteria for a single-family designation may be rezoned to LDT only when the provisions of Section 23.34.010.B are met.

The proposed rezone site meets the locational criteria for single-family designation, as outlined in the analysis above, and does not meet all of the conditions of 23.34.010.B, specifically 23.34.010.B.1, which requires a neighborhood plan adopted or amended by the City Council and designating the area as appropriate for the proposed zone designation.

Summary.

By weighing and balancing (23.34.007.A), the project meets the SF criteria more than the LDT. Additionally, per 23.34.007.B, the criterion of subsection “C” constitutes a requirement, which this proposal does not meet, i.e., there is no adopted (or not-adopted) neighborhood plan that designates this area as appropriate for a zone designation different than SF 5000.

**SMC 23.34.010.B Designation of Single-Family Zones**

“Areas zoned single-family or RSL which meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than Single-Family 5000 only when all of the following conditions are met.”

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;
2. The rezone is:
  - a. To a Residential Small Lot (RSL)...Lowrise Duplex/Triplex... or
  - b. (Not applicable) Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan....: and
3. If a property located within the North Beacon Residential Urban Village...(Not applicable).

The analysis for SMC 23.34.011 (pages 5 through 8 above) concluded that the proposal site meets the criteria for designation as a single-family zone. The proposal site and surrounding area are within the South Park Residential Urban Village. (Exhibit I) The proposed rezone must therefore meet all of the conditions of this section, as applicable.

Condition 1. *A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable.*

As discussed in Locational Criterion 2 of SMC 23.34.011.B above, the adopted neighborhood plan for South Park is those portions of the 1998 *South Park Residential Urban Village Plan* that were incorporated into the City’s Comprehensive Plan, *Toward a Sustainable Seattle* (hereafter the Neighborhood Plan). The Neighborhood Plan does not designate the proposal site as appropriate for the proposed zone designation of LDT, or any other zone designation. The un-adopted portions of the *South Park Residential Urban Village Plan* do have as a goal and long term objective the maintenance of the current zoning of SF 5000 where it occurs (G6 and Objective 21, Exhibit C). This

goal and objective were not, however, adopted into the City's Comprehensive Plan. Consequently, the proposal site does not meet this condition.

Condition 2. *The rezone is:*

- a. *To a Residential Small Lot (RSL)...Lowrise Duplex/Triplex... or*
- b. *(Not applicable) Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan....*

This rezone request is to up-zone to Lowrise Duplex/Triplex, and therefore meets this condition.

Condition 3. Not applicable.

Summary of Section B of SMC 23.34.010. The proposed re-zone does not meet Condition 1, which requires an adopted neighborhood plan to designate the subject area as appropriate for the proposed zone designation. The proposed re-zone does meet Condition 2a.

**SMC 23.34.008 (Continued from bottom of page 4) Standards C – I**

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

Documents in the DPD micro-film library contain information about rezones of this property since 1982. The documents give a view of the zoning and neighborhood planning picture up to the 1990 rezone, PUDA, and development of the SEMAR facility, although the information is limited.

Historically, this site was known as Catholic Hill and contained a church and seminary. Prior to the 1982 City-wide conversion of zoning designations as a part of the change from Title 24 to Title 23 for the Land Use Code, the site was zoned RS 5000; after that it became SF 5000.

Exhibit J is two pages entitled "Study Area H: Catholic Hill" and appears to be part of a South Park Neighborhood Plan that makes recommendations about a possible rezone of the entire one square block site (Policy and Recommendations Discussion, page 34 of this exhibit). This exhibit accompanied a letter from the South Park Area Redevelopment Committee, Inc (SPARC), dated May, 1991 supporting a later 1991 SEMAR rezone discussed below (Exhibit K).

The section "Major Impacts", page 35 of Exhibit J, discusses an early 1983 rezone proposal to a higher zone than the current SF 5000 and notes that the "SPNP" (the South Park Neighborhood Plan), recommended retaining existing zoning in 1981. However, "Study Area H: Catholic Hill" goes on to say that the neighborhood later supported this 1984 rezone proposal based on a compromise, developed by the Land Use Committee of the City Council, between the initial proposal for a rezone to a higher density and the desire of the nearby neighbors to retain the single-family zoning. This compromise allowed multi-family development internal to the site not to exceed Lowrise 2 development standards and require single-family development along street fronts. Thus, the current SEMAR proposal is very similar to this previously approved proposal.

Likewise, the Findings and Recommendations of the Hearing Examiner for the SEMAR Facility Rezone, DCLU MUP 9003162, page 6 item 6 and page 7 item 9, (Exhibit M) cites the 1984 South Park Neighborhood Plan as recognizing the site as suitable for multi-family zoning. Item 10, page 7, of this same exhibit, notes that the SPNP was adopted in December 1984.

This rezone along with a Property Use and Development Agreement (PUDA) was approved in 1984, but, failing to be developed, reverted to SF 5000 (Exhibit M, Hearing Examiner, page 2).

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.*

Information in *Zoning History and Precedential Effect* above show a history of shifting intentions for the site. In 1981 the neighborhood plan opposed any change from single-family zoning. In 1984 a new or updated neighborhood plan supported multi-family zoning (Both Exhibit J, page 35). In 1998, the South Park community authored the *South Park Residential Urban Village Plan* as a part of the City Wide Neighborhood Planning process. Select portions of that plan were adopted by the City and are in the City of Seattle Comprehensive Plan, *Toward a Sustainable Seattle* (Exhibit N). Relevant plan goals include: “Maintain and enhance South Park’s residential character” (SP-G6), “Seek to maintain residential land for residential uses” (SP-P5), and “The development of new...single-family detached housing affordable to low-income households.” (SP-G8).

The proposed development responds to these City Comprehensive Plan goals. However, the adopted portions of the plan do not give direction on a proposal that includes a rezone to meet these goals.

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

The adopted portions of the South Park Neighborhood Plan do not provide direction on the rezoning of this site. They do speak to rezoning of multi-family and split zoned lots adjacent to commercial zoning along 14<sup>th</sup> Avenue South as being eligible for rezones to commercial designations (Exhibit N above, item “SP-P5”).

In general, SP-G6 states “Maintain and enhance South Park’s residential character”, and gives support to “the development of new...single-family detached housing affordable to low income households” (SP-G8). This development, proposes new detached single-family housing, in addition to duplex and triplex units, that will be restricted to a variety of below market rate owners and tenants. Additionally, the proposed building designs are of a high quality that should

maintain and enhance the areas residential character. Both of these goals can be assured thought the PUDA requirements.

The un-adopted portions of the South Park Neighborhood Plan similarly give direction that supports this general development proposal for affordable single family housing for the low-income population. “Specific Goals and Policies, page 4, Goal 10(G 10) state: “Encourage new, and the preservation of existing, single-family detached housing, affordable to low-income households”. Also, on page 84 Long Term Objective 35 states: “Provide new low-income housing within South Park through market-rate housing production and assisted housing programs.” (Both Exhibit C)

The un-adopted portions of the plan speak to re-zoning in two areas, G 6: “Maintain the current zoning of SF 5000” and Long Term Objective 21: “Maintain the current zoning of SF 5000 where it occurs. (Minimum lot sizes larger than zoning of this size are out of character within the majority of the South Park RUV.) (Exhibit C). But it appears from the last sentence of LT Objective 21 that the concern is to prevent large lot sizes that are out of scale with the area’s historically smaller residential lots, not to prevent smaller lots that may allow development compatible with existing character.

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 there rezone policies of such neighborhood plan.*

The South Park Neighborhood Plan was completed in 1998. Subsequent to that only select portions were adopted by the City Council (Exhibit D). The adopted portions of the neighborhood plan only provides guidance for rezoning of certain zoned lots along 14<sup>th</sup> Avenue South.

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.*

No particular sites or areas were identified for a rezone in the South Park Neighborhood Plan and consequently none identified in the adopted neighborhood plan.

E. Zoning Principles. *The following zoning principles shall be considered:*

1. *The impact of more intensive zones on less intensive 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 proposed LDT zoning would be a transition between the L-3 zoning of the SEMAR facility site and the existing single family area to the west. More importantly, the proposed site plan, which borders the

west and north site boundary with single-family structures on lots larger than possibly proposed “skinny” lots, would create a neighborhood sensitive transition between the proposed duplex and triplex structures on the site’s eastern boundary. The design of the single structure community building and side of one duplex structure along South Henderson Street would, for all purposes, appear like and serve as an appropriate transition to the single family area to the south. Again, this is similar to the recommendation is the “Study Area H: Catholic Hill” (Exhibit J) and discussed in *Zoning History and Precedential Effects* above.

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;*  
Not applicable.
- b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*  
N/A
- c. *Distinct change in street layout and block orientation;*  
N/A
- d. *Open spaces and green spaces.*  
N/A

3. *Zone Boundaries.*

- a. *In establishing boundaries the following elements shall be considered:*
  - (1) *Physical buffers as described in subsection E2 above;*  
N/A
  - (2) *Platted lot lines.*  
N/A
- 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.*  
N/A

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.* The proposed development of 13 ownership homes for households at varying income levels below 80 percent of area median and 25 rental units for tenants below 50 percent of median income (owned and managed by SEMAR) would directly respond to the goals of developing affordable housing in the South Park Neighborhood Plan and its adopted portions in the City Comprehensive Plan

- b. *Public services.* The City Comprehensive Plan anticipates and encourages increased density in the South Park neighborhood. The addition of 38 new households will not have negative impacts on these services.
  - c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation.* The City Comprehensive Plan anticipates and encourages increased density in this already urbanized area. The addition of 38 new households will not have negative impacts on these factors
  - d. *Pedestrian safety.* The rezone and associated subdivision will require full street improvements on the three block faces of the proposal. These improvements will improve the current condition of no sidewalks on 10<sup>th</sup> Avenue South and South Trenton Street and inadequate road surface and lack of curb and gutter on all three streets adjacent to the property.
  - e. *Manufacturing activity.* Not Applicable.
  - f. *Employment activity.* The positive impacts of this rezone would be similar to those if the zoning did not change. The increased housing will, of course, create short term construction and related professional jobs, but also provide housing for potential employees of local businesses.
  - g. *Character of areas recognized for architectural or historic value.* Not Applicable.
  - h. *Shoreline view, public access and recreation.* Not Applicable.
2. *Service Capacities. Development which can reasonable be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonable be anticipated in the area, including:*
- a. *Street access to the area.* This will remain the same. Access to the site and all properties to the west and north will continue to be primarily from 10<sup>th</sup> Avenue South and South Henderson Street, but also is provided through South Director Street. Street pedestrian access is available through the above listed streets as well as the undeveloped and developed portions of the South Trenton Street ROW and the stairways in the 10<sup>th</sup> and 12<sup>th</sup> Avenue rights of way north of South Trenton Street.
  - b. *Street capacity in the area.* The addition of the vehicles for 38 new households can be accommodated by the current street system following the SDOT required half-street improvements adjacent to the site. See in-depth analysis under *Transportation Concurrency*, page 37, and *SEPA Transportation and Traffic*, page 33, below. **(VERIFY)**
  - c. *Transit service.* There will be no negative impact on transit service.
  - d. *Parking capacity.* Currently on-street parking demand and use is minimal on the streets adjacent to the site. Any development on this site will bring cars that must be parked. The thirteen single-family structures will provide parking in attached or detached garages per Code. The twenty-five duplex and triplex development will provide approximately forty-one surface spaces on site, while twenty-eight are

required. The required street paving will provide a more organized street edge that in conjunction with minimizing curb cuts (more discussion of this in the subdivision analysis below) will provide ample off-site parking for guests.

- e. *Utility and sewer capacity.* DPD drainage review approves the project provided a Public Storm Sewer (PSS) is built adjacent to the site. Seattle Public Utilities (for water) would approve this project provided an eight-inch water main is constructed as directed and water meters are installed. On site improvements will also be required. City Light can provide electrical service to the site subject to a standard access easement and the requirement for its location underground.
- f. *Shoreline navigation.* Not applicable.

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 circumstance shall be limited to elements or conditions included in the criteria for the relevant zone and / or overlay designations in this chapter.*

Since the issuing of the South Park Neighborhood Plan in 1998 and the subsequent adoption of select portions into the City Comprehensive Plan, DPD is not aware of any changed circumstances relevant to criteria elements or conditions.

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

The parcel is not located within an overlay district.

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 contains mapped steep slopes; a small area at the southwest corner and a larger area along the east property line. A *Limited Exemption* was granted (MUP 2500147) due to their limited size and not being part of a larger steep slope system. This exemption states: “the Geotechnical Report by Geotech Consultants, Inc, dated October 4, 2004, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites”.

## **RECOMMENDATION – REZONE**

The proposal site and its surroundings, which are currently zoned Single-Family 5000, meet the locational and functional criteria for Single-Family zoning in SMC 23.34.011. The Code will allow the rezone of a site meeting the locational and functional criteria for Single-Family zoning provided it is also within the adopted boundaries of an urban village and meets three additional criteria. In addition, a rezone proposal must also meet the general criteria of 23.34.008.

This site and surrounding neighborhood are within the adopted boundaries of the South Park Residential Urban Village, and it meets one of the two applicable criteria of 23.34.011.B. The proposed rezone also meets the general rezone criteria, where applicable. Regarding the neighborhood plan criteria of 23.34.008.D, the adopted neighborhood plan unfortunately gives little specific direction on this rezone question.

The portions of the neighborhood plan adopted into the City Comprehensive Plan contain policies and goals to create affordable housing. The broader Comprehensive Plan has as policies and goals the creation of affordable housing, both single-family and multi-family, that will create additional housing units within designated urban villages and enhance the character of its prospective neighborhood. The submitted subdivision plat, site plan and proposed housing types and designs respond to these policies and goals.

The rezone proposal, and accompanying subdivision proposal, will create single-family residences along the site's street frontages that will be compatible with the existing neighborhood context, and preferable to other approvable configurations under the current Single-Family zoning. The PUDA that will accompany this approval will insure the development maintains the proposed and favorable character. The Director recommends **APPROVAL** of this rezone request.

*Recommended Conditions of Approval Prior to Issuance of a Permit to Establish Use for Future Construction / Property Use and Development Agreement:*

The recommendations of approval of the subdivision shall apply to the rezone.

**DIRECTOR'S ANALYSIS - SUBDIVISION**

The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendations to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public inspection for at least thirty (30) days prior to the Hearing Examiner's public hearing.

**SMC 23.76.027. #1. Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application**

The following represent a summary of the comments received from the City Agencies indicated. Information and documentation from each review agency is available in the DPD project file. Review by the Seattle Department of Transportation and seven other departments are required per SMC 23.22.024, following the distribution of plans and supporting information to each department.

Seattle Department of Transportation

The SDOT reviewer, Project Analyst Tammy Fredricks, indicated that SDOT can not recommend approval of the preliminary subdivision until numerous items have been resolved or mitigated (Exhibit O).

DPD Planner Remarks: The items / issues raised by SDOT are largely requests for technical information or technical requirements that should not have a major affect on the subdivision as proposed. One exception is the preservation of the eighteen-inch Native Dogwood tree (*Cornus Nutallii*). The preservation of this tree is required as it exceeds the six-inch minimum threshold diameter for trees that should sometimes be designated as *exceptional* (see DPD Director's Rule 6-2001 for designation criteria and further discussion under criterion *Maximize the Retention of Trees*, page 25 this document). The location of the tree is in the proposed north driveway access. No further information on the health condition of this tree or the possibility of moving it or diverting the driveway around the tree has been submitted.

Street improvements per the Land Use Code (SMC 23.54.015) are required for a full subdivision. Please see additional details under discussion of SMC 23.22.052 below.

The applicant has notified DPD that, at this time, they will make the changes required by the SDOT review and comment letter following the rezone approval for the following reason: As a non-profit social service agency with limited financial resources they do not want to devote these limited resources to a subdivision proposal that would not be approved if the site retains its SF 5000 zoning designation. This choice, the applicant stresses, does not reflect their commitment to the merits of this project and the rezone, and their willingness to resolve and mitigate any City concerns.

Conditions prior to *preliminary or final* plat approval:

1. Respond to, resolve and / or mitigate all current or possible future SDOT correction items in consultation with the DPD land use planner.

Other Departments

A. Director of Public Health:

Public Health – Seattle and King County has the following comment for subdivision reviews; “Unless there is a drinking water well, no sewer availability or an existing on-site septic system, this office does not review subdivisions”. (Exhibit P)

None of these conditions exist on, or for, this site, hence there was no review by this department.

B. Superintendent of City Light:

City Light recommends the development electrical system be placed underground.

City Light will require an overhead / underground easement on the sidewalk, access road, and parking area which is proposed to run north to south through the project site. The easement area is shown on Sheet C5.1 of the project drawings (drawings with City Light). At this time, there is not enough information provided by the preliminary plat to describe the easement area, however, an easement outline has been provided (Exhibit Q). The exact boundaries of the easement area can be determined prior to the final plat, or based on “as-builts” following site work, in consultation with City Light.

C. Director (Office) of Housing:

The Office of Housing has no comments on the proposal. (Exhibit R)

D. Superintendent of Parks and Recreation:

No comments were made on the proposal. (Exhibit S)

E. Director of Seattle Public Utilities Department (SPU):

Water Availability Certificate Number 20050037, dated January 13, 2005, stated approval of this proposal is dependent upon the following: “Design and Installation of approximately 625 feet of 8-inch diameter DIP water main in 10<sup>th</sup> Avenue South extending from South Trenton Street to South Henderson Street to cross the full frontage of the legal parcel(s) described above, including “0” standard fire hydrant(s)” (Exhibit T).

F. Chief of the Fire Department:

The Fire Department approved the subdivision plans on January 1, 2005. (Exhibit U)

G. Metropolitan Services Department (King County Metro):

Metro review indicates there are no comments due to the site location “hundreds” of feet from the nearest bus route and stop on 14<sup>th</sup> Avenue South, with no new routes planned closer to the site (Exhibit V).

### **23.76.027 #2. Responses to Comments of Interested Citizens**

A synopsis of public comments received was presented in *Public Comment* on page 3 above. Most of those comment letters spoke to the rezone proposal, although one letter expressed opposition to the subdivision, and one letter and a petition with numerous signatories expressed support of the subdivision.

In opposition to the subdivision, a neighbor residing on South Trenton Street to the north of the site wrote against: the multi-family driveway entrance/exit onto this street (no specifics), the widening of the driving surface of this street (the contention is that because some existing houses are located close to the ROW due to the steep slopes to their north, what has functioned as front yard, although it is City property, will be lost as well as on-street parking. Also, there is a concern about excavation from road construction may cause a steep grade change between the ROW and some houses and thereby create a situation where cars may go off the road into a house), and parking impacts i.e. two to three parking spaces should be provided per unit. Short term construction impacts were also listed, such as erosion and sediment flow on to the street and adjacent properties and access for emergency vehicles.

#### **DPD Response**

The final location of the driveway’s north entry has not been established due to the requirement to preserve the Native Dogwood tree. Otherwise, traffic and pedestrian safety will be primary considerations in determining the final driveway entry location.

The existing ROW width for this section of South Trenton Street is 60 feet, while only 40 feet is required. The existing pavement width is approximately 11 feet; 25 foot width will be required for development as either a Single Family zone or an LDT zone. If the center of the new pavement surface was positioned along the ROW centerline, as is typical, there would still be approximately 16 to 17 feet of distance between the road surface and the front of the house. Depending on the circumstances and following consultation with SDOT, off-set of the roadway pavement centerline to the south may be preferable. Final roadway location has not been determined. Whatever the roadway centerline location, and hence the roadway edge location, access will not be denied to an existing lot.

Comments in favor of the subdivision were that the subdivision proposed to accompany the rezone would result in a better development than if the lot were subdivided into individual “skinny” lots, the PUDA (Public Use and Development Agreement) accompanying the rezone would give the community and City better control over the quality of future development, which includes the subdivision, and that the proposal would create reasonably high density but with significant open space for outdoor play and enjoyment.

DPD Response

DPD agrees that the proposed subdivision lay out and preliminary structure design would create a development that would be an asset to the neighborhood and that a PUDA gives the City greater control in assuring this.

It should be clarified that high density would not be created by this project. LDT zoning allows one dwelling unit per 2,000 square feet of lot area and is the lowest density of all multi-family zones. This proposal would result in 14 dwelling units per acre, in contrast to Single-Family 5000 zoning, which results in 8.7 dwelling units per acre, and LDT zoning, which results in 22 dwelling units per acre.

**SMC 23.76.027 #3. Evaluation of the Proposal Pursuant to the Standards and Criteria for Subdivisions Contained in SMC Chapter 23.22, Subchapter II, Sections 23.22.052 -.060.**

The preliminary plat process is detailed in SMC 23.22, Subchapter II, Preliminary Plat Considerations, which provides criteria to evaluate proposed subdivisions. These criteria include evaluation of proposed improvements, the public use and interest of the proposal and an evaluation of barriers to a proposed subdivision, including the location of any environmentally critical areas. The following sections are a discussion of certain issues posed by the development, including issues raised through the public review process.

**SMC 23.22.052:**

- A. *Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.*

Drainage review by DPD indicates that dedication of drainage ways is not required, but that a public storm drain (PSD) is required to be constructed parallel to the public side sewer in South Henderson Street.

No dedication is required for street right of way. Full street improvements (increased width, paving, curb, gutter, planting strip, sidewalk, and street trees) are required per SMC 23.53.015.

Easements for all utilities will be provided as outlined in *Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application* above.

No parks or public open spaces are proposed or required or are impacts anticipated to existing parks facilities by this proposal. On site open space for occupants of each dwelling unit will be provided per the Code for LDT zoned areas. A common open space and gathering hall for the twenty-five multi-family units are proposed on the Parcel N.

**23.22.054 Public use and interest**

This subsection directs the Hearing Examiner to determine if the subdivision will serve the public interest and provide certain elements, such as: public health, safety and general welfare, open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school-grounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and is designed to maximize the retention of existing trees. By extension, the Director of DPD should provide the Hearing Examiner with information regarding the subdivision and these elements.

The elements of this subdivision relevant to the public use and interest are: open spaces, drainage ways, streets, alleys, other public ways, potable water supplies, sanitary wastes, fire protection access, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and maximizing the retention of existing trees.

The provision of some of the above elements have been addressed directly under the criteria of 23.22.52 above and elsewhere in this document. Exceptions are street design, as it relates to curb-cuts for vehicle access, “other public ways” / sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and maximizing the retention of existing trees, therefore these must be given further analysis.

#### Street Design / Curb Cuts / Parking Access.

Code required on-site parking is proposed in attached garages on the front, or street-facing, facades all thirteen single-family structures. Thirteen curb-cuts are proposed to provide street access.

Parking and access for the project’s twenty-five multi-family units are on a twenty-two foot wide north to south easement driveway. This easement road will run along the rear property boundaries of seven of the nine single-family lots along 10<sup>th</sup> Avenue South, and along the west side of one of the four single-family lots facing South Trenton Street and provide ROW connection with both South Trenton and South Henderson Streets.

The proposed number of curb-cuts for vehicular access will have negative impacts on the street-scape, on-street parking availability, and pedestrian safety. Curb-cuts interrupt street landscaping and constrain the location of street trees, reduce on-street parking capacity, and increase opportunities for vehicle / pedestrian conflicts along the sidewalk. In conjunction with the location of required parking at the street facing façade, which allows otherwise prohibited front yard parking if it is on the access driveway, curb-cuts and front yard parking decreases the open space capability of front yards and increases the physical and visual impacts of automobiles on the neighborhood streetscape.

The site’s street frontage along 10<sup>th</sup> Avenue South is approximately 560 feet. The site’s street frontage along South Trenton Street is approximately 300 feet. Without the proposed curbcuts and subtracting for required “clear areas” (no parking by corners, fire hydrants, etc) the 10<sup>th</sup> Avenue South frontage can provide 26 parking spaces. With the proposed nine curbcuts, and subtracting for required “clear areas” including those from driveways, this street frontage would provide only 16 parking spaces. Along South

Trenton Street, with three of the four proposed curbcuts (the project, as designed, requires three curb cuts for these three parcels because there is no access road behind them) and the proposed twenty-two foot access driveway, this street frontage can provide 10 parking spaces. With four proposed curbcuts, access driveway, and “clear areas”, 8 parking spaces are possible.

Comprehensive Plan Policies and the Land Use Code emphasize the streetscape impacts of street access and front yard parking (L 85 and 86, Exhibit XX). To mitigate such impacts, the Code allows street access only when there is no non-street access possible from an improved alley (or easement) or existing topography prohibits such non-street access (SMC 23.44.016A). However, access from an alley or easement can be required as a condition of subdivision approval. When only street access is available, subdivision approval can be conditioned to provide single curb-cuts for more than one driveway or a shared driveway with one curbcut.

The above calculated loss of on-street parking, and the related urban design / streetscape impacts, would be removed or reduced by either providing all parking access from the internal access driveway, combining curb-cuts through the use of shared driveways, or a combination of both.

DPD and the applicant have discussed this recommendation. The applicant has responded that the grade change between the eastern boundary of most of the South Henderson Street facing lots and the access driveway make this access difficult and that the garages of these structures have been designed to minimize their visual appearance by being partially below grade and set-back from the house structure’s front façade.

DPD responses that in some places the elevation change as proposed between the lots and the driveway are such to allow rear access (zero feet and four feet in two locations). Importantly, the site contours are the result of the grading choices made by the applicant, within the constraints of the site, and thus may possibly be changed within the site constraints and aims of City Code and Policies.

### Recommendation

Reduce the number of curb cuts along 10<sup>th</sup> Avenue South by providing access from the north to south access driveway, and if access can not be feasibly provided for all eight lots following change to the proposed grade difference in this area, use one curb-cut for each two structures. On South Trenton Street rear or side of lot access should be provided for the structure adjacent to the driveway and the use of one curb-cut / shared driveway should be provided for two of the three remaining structures.

### “Public Ways”, Sidewalks, and Public Features that Assure Safe Walking Conditions for Students who Walk to and from School.

Concord Elementary School is located approximately two-tenths of a mile to the west of the site and across SR 99, which is a limited access highway in this area. However, convenient pedestrian access is available by a pedestrian overpass in the line of the South Henderson Street ROW. The development goals for this project are to make the units and structures affordable for families earning less than the

median income. Many of these families can be expected to have school age children and would likely attend Concord Elementary.

As discussed above in this document, street improvements, including sidewalks will be required along all three street ROW's. The project also proposes a continuous internal sidewalk system to serve the multi-family units and the common building and connect to both adjacent streets on the north and south of the site. The southern sidewalk and access driveway connections, because of the proposed common building location and the presence of a steep elevation change, are approximately 110 feet further to the east of where the logical location of a path with the intersection with the street would be, if the driveway extended in a direct line to the south as it does to the north. The practical result of this more easterly location is that it will require pedestrians who will use the South Henderson Street overpass to travel approximately an extra 220 feet in the opposite direction to reach the street on their way to the overpass. Not only is this an impediment to reducing walking distances and therefore encouraging walking, but it would likely result in the creation of "desire lines" (informal paths) across the slope area to create the more logical straight-line distance between two destinations.

To address this, the applicant has agreed to include a pedestrian walkway/stair/or ramp extending south or southwest ward from the common building and connecting to South Henderson Street.

#### Recommendation

Include a pedestrian walkway/stair/or ramp extending south or southwest ward from the common building and connecting to South Henderson Street.

#### Maximizing the Retention of Trees.

A subdivision proposal shall be examined to determine if it has made provision for the retention of existing trees.

The submitted plans and tree report indicate there area number of trees (twenty one and twenty trees respectively) on and adjacent to the site. This discrepancy could be due to the counting of a "twin" twelve-inch fruit tree on proposed Parcel F as one. Also, the tree report catalog of trees is not reflected on the site plans, that is, trees in the report are numbered and identified by their scientific names while those on the plans are not numbered and are named generally, e.g. "fruit" or "deciduous". Again, due to the applicant's limited budget and uncertainty about the associated rezone request, the applicant chooses to make these corrections after a determination of the re-zone issue. According to the plans, eight of these trees are off site and in the ROW. The tree report recommends the retention of six trees, if possible. The project proposes the removal of all trees.

Review comments by Seattle Department of Transportation (SDOT) require the project to preserve one tree in the ROW, an 18-inch Native Dogwood (*Cornus nuttalli*). This species is classified as one that should "sometimes be designated" as an exceptional tree (see DPD Director's Rule [DR] 6-2001, Clarification of SEPA Plants and Animals Policy Concerning Outstanding Trees, and Designation of exceptional Trees under the Tree Protection Chapter (25.11) of the Seattle Municipal Code). This tree

surpasses the threshold diameter of six-inches; it is eighteen-inches in diameter. Following the procedure in the Director's Rule, trees with a diameter equal or greater to the threshold diameter for this species shall be examined by a tree professional to determine if it should be saved. The SDOT arborist has examined the tree and made this determination. The retention of the Dogwood will require the shifting, or relocation, of the proposed north driveway easement curb-cut.

The location of the other six or seven trees (one is listed as "twin") in the ROW conflict with required ROW improvements.

DPD review of the proposed plat identified nine trees on-site that could be retained. These are all of the trees located on proposed Parcels A, D, F, G, and I and one of the two trees on proposed Parcel C. The majority of these trees are outside of the footprints of the proposed structures, their driveways, or structures such as retaining walls (Parcels A, D and I). The site designs and location of structures on Parcels F and G appear to be have the ability to be adjusted to allow tree retention. One of the two trees on Parcel C is located in the center of the proposed structure footprint and in the center of the parcel itself.

#### Recommendation

Based on the information provided with this application and the review comments cited above, this proposal has not shown that it maximizes the retention of existing trees. Consequently, the Director recommends that the applicant demonstrate how the above listed trees will be retained.

#### **23.22.058 Environmentally Critical Areas**

The proposal site contains two small areas of *steep slopes*; along the central portion of the eastern property boundary, and at the southwest corner by the intersection of 10<sup>th</sup> Avenue South and South Henderson Street.

According to the submitted Geotechnical Engineering Study by Geotech Consultants Inc, dated October 4, 2004, both slopes appear to have been made by previous human activity. The eastern slope by leveling the Semar site to construct its parking area, and the southwestern slope through cutting and filling for the construction of street improvements. Consequently, a *Steep Slope Exemption* was applied for in January, 2005 and, following review by the DPD geo-technical engineer, granted January 10, 2005 (Exemption # 2500147). The exemption waives compliance with SMC 25.09.240, Short Subdivisions and Subdivisions in Environmentally Critical Areas, but still requires ECA review as a part of construction permit approval.

This proposal therefore meets this criterion.

#### **23.22.060 Transportation Concurrency Level of Service Standards**

Proposed subdivisions must meet the transportation concurrency level-of-service (LOS) standards of SMC 23.52. This section states that a proposed use or development must demonstrate that the

forecasted traffic to be generated by the use or development will not cause the LOS at an applicable screenline, and measured as the volume-to-capacity ratio (v/c), to exceed the LOS standard for that screenline.

Per consultation with the DPD Transportation Planner, the applicable screenline for the project area is Screenline 4.13, which applies to the south city limit between SR 99 and Airport Way South. The most recent (1998) LOS data at this screen-line for northbound (NB) and southbound (SB) traffic is: Capacity NB and SB: 8,400 vehicles, the traffic counts were NB: 3,150 vehicles and SB 4,040 vehicles, the resultant vehicle to capacity (v/c) ratios are NB: 0.38 and SB: 0.48, and the established LOS standard is 1.00 (Information from Director’s Rule 4-99, Transportation Concurrency Project Review System).

The ITE (Institute of Traffic Engineers) Manual was used to estimate the number of expected *daily trips* and *PM peak trips* from the proposed project. The ITE information does not, however, make adjustment for urban versus suburban locations, the income levels of the subject households, or the availability and proximity of alternative transportation (e.g. buses or trains), all of which will result in lower estimates of *daily* and *PM peak* trips.

According to the DPD Transportation Planner, actual estimated *daily* and *PM peak trips* for each unit type will be significantly lower based on this urban location with proximity to frequent public transit (bus) service on both South Cloverdale Street to the north and 14<sup>th</sup> Avenue South to the east (both less than one-quarter mile) and for households at or below 80 percent of median income (for the single-family structures) and 50 percent of median income (for the multi-family structures). The ITE numbers will nevertheless be used as they are the closest approximations available.

Based on the proposed number of duplex/triplex and single-family units (26 and 12 respectively) the ITE (Institute of Traffic Engineers) Manual traffic generation estimates are in the table below.

ITE Estimate of Daily and PM Peak Trips for Proposed Semar Subdivision		
Unit Type and Number	Estimated Daily Trips	Estimated PM Peak Trips
Duplex-Triplex: 26	171	15
Single-Family: 12	124	13
Totals: 38	295	28

Adding the above estimated *daily trips*, which includes the estimated *PM peak trips*, to the LOS traffic counts (NB: 3,150 vehicles and SB 4,040 vehicles) and dividing by the LOS capacity of 8,400 for each direction gives v/c ratios of 0.41 NB and 0.52 SB ( $3,150 + 295 = 3,445 / 8,400$  and  $4,040 + 295 = 4,335 / 8,400$ ).

The LOS of service standard for Sreenline 4.13 is 1.00. To reach that level the traffic counts would be 8,400 vehicles. The proposed project, even when using estimated trip counts that are inflated for the

specifics of the project and its location, will not substantially alter the currently low v/c ratios for this screenline. This proposal meets this criterion.

### **Continuation of Section 23.76.023 Criteria**

#### **SMC 23.76.023 #4. All environmental documentation, including any checklist, EIS or DNS**

A SEPA checklist, dated January 4, 2005 was submitted with this application and reviewed by DPD. This document disclosed the environmental impacts associated with the project. Please see the SEPA section below for an analysis of these impacts.

#### **SMC 23.76.023 #5. The Director's recommendations to approve, approve with conditions, or deny the application**

As represented in the submitted plans, dated January 4, 2005, the Director of DPD **conditionally** recommends approval of the Preliminary Plat under SMC 23.22.028, subject to the following conditions:

### **RECOMMENDED CONDITIONS - SUBDIVISION**

#### **Recommended Conditions of Final Plat Approval**

1. SDOT: Respond to and resolve all current and possible future SDOT correction items in consultation with the DPD land use planner.
2. Seattle City Light: Locate project electrical service and supply lines underground.
3. Seattle Public Utilities: Design and Install approximately 625 feet of 8-inch diameter DIP water main in 10<sup>th</sup> Avenue South extending from South Trenton Street to South Henderson Street to cross the full frontage of the legal parcel(s) described in Water Availability Certificate Number 20050037, dated January 13, 2005.
4. Reconfigure the parking accesses for proposed Parcels D through M from the street frontage to the interior access driveway, subject to the following: For sites where topographic constraints not caused by the applicants design choices prevent this, provide street access by shared curbcuts and driveways. Work with the project planner to determine final configuration. For proposed Parcels A through C one curb-cut / shared driveway should be provided for two of the three remaining structures.
5. Include a pedestrian walkway/stair/or ramp extending south or southwest ward from the south side of the community hall and connecting to South Henderson Street.

6. Reconcile the submitted tree report with the submitted site plan sheets showing existing trees. Submit an arborist report indicating the intended steps to preserve the Native Dogwood required for retention. Provide information indicating if the trees on proposed Parcels A, D, F, G, and I, and the tree on proposed Parcel C that is not in the building footprint, are those that the tree report designated to be retained "if possible". Revise the site plan to show the retention of these trees or provide an arborist report explaining why their retention is not possible and the alternatives proposed.

Recommended Conditions of Approval Prior to Recording of the **Final** Subdivision Plat:

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

7. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.

Recommended Conditions of Approval Prior to Final Approval of Building Permits:

8. Seattle City Light: Provide "as-built" locations of SCL utility lines and equipment. Record required easements.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from these proposals was made in the environmental checklist submitted by the applicant, dated January 4, 2005, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar proposals 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**

The following impacts are expected from the proposed construction of 13 single-family and 25 multi-family dwelling units: temporary and construction-related; soil erosion; increased noise from construction

operations and equipment; increased traffic and parking demand from construction personnel; and tracking of mud onto adjacent streets by construction vehicles associated with grading and excavation. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances or other regulatory authorities apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation); 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction); and 3) Noise Control Ordinance for construction noise. However, some potential impacts require mitigation as discussed below.

### Streets and Parking

The three streets adjacent to the proposal site all have less than the currently required pavement width of 25 feet. Only South Henderson Street has sidewalks. Both 10<sup>th</sup> Avenue South and South Trenton Streets are not through streets beyond the intersection of 10<sup>th</sup> Avenue South with South Henderson Street, consequently the nine residences that are on these two streets north of this intersection only have vehicle ingress and egress to the surrounding street system via South Henderson Street. The structures on both 10<sup>th</sup> Avenue South and South Trenton Street across from the site are located very close, and some on, their front property line with the ROW.

Construction vehicle blockage of these streets could therefore create adverse impacts for vehicle access to neighboring parcels. Additionally, construction personal parking beyond the capacity of the immediate areas existing capacity could also create adverse impacts for vehicle access and parking. The Street Use Ordinance (SMC Title 15, Street and Sidewalk Use) regulates obstruction and use of the ROW during construction and sets up procedures for the issuance of obtaining a Street Use permit for temporary blockage of the ROW, when unavoidable. This ordinance provides some mitigation for any anticipated ROW impacts from construction related vehicle access.

The SEPA checklist did not provide information on the anticipated number of vehicles for workers during excavation and construction. The three adjacent street fronts will likely not be available for construction personal parking due to construction for required street improvements and construction access to the site itself. Parking on adjacent streets across from the site will not likely provide adequate parking area for construction personal vehicles due to the limited width of the improved ROW on these streets and because in some cases the ROW is at or near the front facades of various residential structures. Because of this additional mitigation is warranted.

### Condition

Prior to the issuance of excavation and construction permits, the owner and/or developer shall submit a construction parking plan to the DPD project planner for review and approval. This plan shall indicate

the anticipated number of construction personal and vehicles during the above mentioned construction phases and provide information on the location of parking for these vehicles.

### Construction Noise

There will be grading to prepare the project site, as well as other noise generating construction activities. Noise associated with the construction of all structures could adversely affect the residential areas in the vicinity of the proposal site, particularly those directly across adjacent streets. Due to the proximity of residentially zoned areas in relation to the proposal site, the limitations of the Noise Ordinance appear to be inadequate to protect the residential neighborhood. To minimize construction noise impacts to residential neighborhoods, DPD has conditioned projects of a similar scale to limit hours of construction to 7:30 A.M. to 6:00 P.M. on weekdays. This condition has been successfully applied in the past and will be imposed here.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or that could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this restriction on construction hours. Such waivers must be approved by the Project Planner on a case-by-case basis well in advance to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time, such as, but not limited to: site security, surveillance, monitoring for weather protection, checking tarps, surveying, landscaping without motorized equipment, painting, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

In addition, after the buildings are fully enclosed, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

### Condition

All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and approval of a noise mitigation plan that would then be posted on site for public view). In addition, only low noise impact work shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m. by prior arrangement with the DPD project planner.

### Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased light and glare from exterior lighting, increased demand on public services; increased traffic on adjacent streets; and increased on-street parking. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

### Light and Glare

Vehicle lights from the proposed north to south vehicle access driveway could cause glare to intrude on adjacent properties and structures. SMC 23.45.017, Light and Glare Standards in Lowrise Zones, seeks to prevent on-site vehicle lights from affecting adjacent properties. Final placement of the access driveway location at both South Trenton and South Henderson Streets, when determined through the preliminary subdivision lay-out, shall consider headlight glare impacts on residential structures across both streets. Because of the proposed grade change behind the 10<sup>th</sup> Avenue South facing parcels, there is likely to be vehicle headlight glare from the parking area on the north to south access driveway toward the street facing parcels and, possibly to the existing lots and structures to the west across 10<sup>th</sup> Avenue South. Code required solid fence or hedge screening may be required along this property boundary. However, no SEPA conditioning is required.

### Parking

On site parking for the twenty-five proposed multi-family units is required at a ratio of 1.1 spaces per residential unit, or twenty-eight spaces; forty-one spaces are proposed. One on- site parking space for each proposed single-family structures is required, or thirteen spaces; thirteen spaces are proposed.

Without the proposed project, all street fronts are capable of providing some on-street parking. For example, with the exception of the south side of South Henderson Street, the street fronts of the other two streets have some undeveloped lots and/or wider lots that can accommodate more than one parked car along the street (As opposed to narrow lots where only one car could park, i.e., the more narrow structures: the less parking per structure.) Following the required street improvements to the three adjacent streets and the relocation of many of the driveway curbcuts proposed for 10<sup>th</sup> Avenue South to the internal access driveway, there will be substantially the same quantity of on-street parking spaces.

A consideration in estimating the future parking demand from the proposed project is the income level of the prospective residents. The targeted income group for the multi-family portion of the proposal is 50 percent of median income or below. Because of obvious income restraints, many households in this median income range will have only one, or possibly no vehicles. A similar reduction in vehicle ownership can also be associated with the 80 percent or below income threshold for the proposed single-family structures.

Reduced vehicle ownership is feasible at this location due to the availability of frequent public transportation service. King County / Metro buses run along South Cloverdale Street and 14<sup>th</sup> Avenue South, one-quarter mile to the north along 10<sup>th</sup> Avenue South and one-quarter mile to the east along South Henderson Street, respectively.

Based on the Code required parking, availability of on-street parking, likely lower levels of vehicle ownership, and proximity to public transportation routes, no SEPA conditioning for parking impacts is warranted.

Traffic and Transportation

Access to the site and parcels to the west and north will continue to be primarily from 10<sup>th</sup> Avenue South and South Henderson Street, but also is provided through South Director Street. Street pedestrian access is available through the above listed streets as well as the undeveloped and developed portions of the South Trenton Street ROW and the stairways in the 10<sup>th</sup> and 12<sup>th</sup> Avenue rights of way north of South Trenton Street.

The submitted SEPA Checklist states that the proposed project will generate 38 vehicular trips daily. Experience with similar projects indicates that this number is unrealistically low.

As discussed in SMC 23.22.060 *Transportation Concurrency Level of Service Standards* above, the ITE Manual, 7<sup>th</sup> Addition, was used to estimate the amount of traffic the proposed 38 units will generate. In summary, the two uses (single-family and duplex / triplex residences) are estimated to generate total 295 *daily* trips and 28 *PM peak* trips (*PM peak* trips are included in total *daily* trips). As discussed above with these figures, these are considered over-estimations of the actual expected number of total trips because the ITE Manual does not make adjustment for urban versus suburban locations, the income levels of the subject households, or the availability and proximity of alternative transportation (e.g. buses or trains).

Consultation with the DPD transportation planner indicates that the surrounding local street system, and the connecting arterial street system, both have adequate capacity for the estimated additional vehicle trips even before the required downward adjustment to accurately reflect the proposal and surrounding conditions. Based on this finding, no mitigation for traffic impacts is warranted.

**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 with Conditions. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030.C.2.c...

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030.C.2.c.

**CONDITIONS - SEPA**

Prior to issuance of any Grading or Construction Permits

1. The owner(s) and/or responsible party(s) shall submit and receive approval from the project land use planner for a construction phase parking plan. The plan shall show that a loss of on-street parking for existing residences will not occur and shall address the following:
  - Estimated number of construction personal during the site work and building construction phases, the estimated number of personal vehicles during each phase, and the location of the parking for these vehicles.

Construction Conditions

1. The construction phase parking plan with the location of and the requirement to use only designated parking areas shall be posted at the construction site for the duration of construction activity. Parking for construction workers shall be made available on-site as soon possible.
2. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and approval of a noise mitigation plan that would then be posted on site for public view). In addition, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:
  - Surveying and layout;
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each buildings floor is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

Any conditions to be enforced during construction shall be posted at each street abutting 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. The conditions shall 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 construction.

### **REZONE RECOMMENDATION and CONDITIONS**

The Director recommends **APPROVAL** of this request for a rezone from SF 5000 to LDT, subject to the conditions of the PUDA approved by City Council and the recommendations of approval for the subdivision.

### **SUBDIVISION RECOMMENDATION**

The Director recommends **APPROVAL** of the subdivision request.

### **RECOMMENDED CONDITIONS - SUBDIVISION**

#### *Recommended Conditions of Final Plat Approval*

1. SDOT: Respond to and resolve all current and possible future SDOT correction items in consultation with the DPD land use planner.
2. Seattle City Light: Locate project electrical service and supply lines underground.
3. Seattle Public Utilities: Design and Install approximately 625 feet of 8-inch diameter DIP water main in 10<sup>th</sup> Avenue South extending from South Trenton Street to South Henderson Street to cross the full frontage of the legal parcel(s) described in Water Availability Certificate Number 20050037, dated January 13, 2005.
4. Reconfigure the parking accesses for proposed Parcels D through M from the street frontage to the interior access driveway, subject to the following: For sites where topographic constraints not caused by the applicants design choices prevent this, provide street access by shared curbcuts and driveways. Work with the project planner to determine final configuration. For proposed Parcels A through C one curb-cut / shared driveway should be provided for two of the three remaining structures.
5. Include a pedestrian walkway/stair/or ramp extending south or southwest ward from the south side of the community hall and connecting to South Henderson Street.
6. Reconcile the submitted tree report with the submitted site plan sheets showing existing trees. Submit an arborist report indicating the intended steps to preserve the Native Dogwood required for retention. Provide information indicating if the trees on proposed Parcels A, D, F, G, and I, and the tree on proposed Parcel C that is not in the building footprint, are those that the tree report designated to be retained “if possible”. Revise the site plan to show the retention of these trees or provide an

arborist report explaining why their retention is not possible and the alternatives proposed.

Recommended Conditions of Approval Prior to Recording of the Final Subdivision Plat:

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

7. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.

Recommended Conditions of Approval Prior to Final Approval of Building Permits:

8. Seattle City Light: Provide "as-built" locations of SCL utility lines and equipment. Record required easements.

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

Art Pederson  
Land Use Planner

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