

Director's Report and Recommendation

DRAFT

REZONE OF PROPERTY IN THE VICINITY OF NORTH NORTHGATE WAY AND NORTH 107TH STREET

October 2009

I. Introduction

The Department of Planning and Development (DPD) is proposing a legislative rezone of an area abutting N. Northgate Way between N. 107th Street and Burke Avenue N. from SF7200 to L3.

II. Background

The proposed amendments would rezone certain properties shown in Exhibit A from SF 7200 to L3. The properties included in this proposal include about 35,000 sq. ft. or about 0.8 acre of private property.

A. Zoning and development history.

On March 6, 1989, the City Council passed a conditioned contract rezone (Clerk File 309607) to rezone six lots, including the entirety of the proposed rezone area, from SF 7200 to L3. The proposed rezone area comprised 1718 and 1724 N. 107th St., and 1760, 1766, 1772 and 1780 N. Northgate Way. (As noted below, 1772 and 1780 N. Northgate Way have since been given new street addresses.) Map B depicts the boundary of this contract rezone as well as the 1989 parcel boundaries. On March 11, 1992, the Council voted to extend the contract until March 6, 1993 based on the request of the applicant because no Master Use Permit (MUP) applications had been submitted. Because MUP applications were not timely submitted for all of the lots within the proposed rezone area, the contract expired on March 6, 1993 and the official zoning for the entire proposed rezone area technically remained SF 7200.

Even though the proposed rezone area technically remained within a single-family zone designation in 1993, DPD eventually allowed most of the lots within that area to be developed as though they were subject to the requested multifamily zoning. This occurred for three reasons.

First, before the extended contract expired in 1993, a subdivision and MUP applications were submitted for the northernmost lot (formerly 1780 N. Northgate Way). DPD approved those applications and that lot was eventually developed, consistent with the

requested L3 zone, with townhouses under permits 672349 and 673788 (now 10719, 10721, 10725, and 10727 Burke Ave N.).

Second, the advisory GIS maps maintained by DPD incorrectly depicted the entire proposed rezone area within an L3 zone, even though the area technically never ceased being within an SF 7200 zone. Relying on that erroneous map designation, DPD approved multifamily development on two of the original lots in 2001: a duplex and two triplexes on 1766 N. Northgate Way (see permit 721200) and townhouses on 1772 N. Northgate Way (now 10717 Burke Ave N; see permit 721856). These lots were eventually developed consistent with those permits.

Finally, in June 2005, the owner of 1760 N. Northgate Way, apparently recognizing the actual zoning (SF 7200) despite the incorrect zoning map designation (L3), applied for a contract rezone to rezone the property from SF 7200 to L3. This application was approved with conditions on May 15, 2006. An application to construct a new duplex/townhouse on the property was submitted on October 5, 2006, and DPD issued the requested Permit (6110944) on February 26, 2008.

The error in the DPD GIS mapping was not brought to DPD's attention until 2008, at which time DPD researched the zoning and development history outlined above and corrected the online maps.

B. Relevant Comprehensive Plan designations.

Since the 1989 Council action on the original proposed contract rezone, two Comprehensive Plan designations were created that impact the consideration of rezone proposals in the subject area: (1) the Northgate Urban Center designation; and (2) Comprehensive Plan multifamily residential designations. All of the 1989 proposed rezone area was included in both of these designations, except the property at 1718 N. 107th St., which was excluded entirely from the Northgate Urban Center designation and was split between the single-family and multifamily designations.

C. Summary of the current situation and proposal.

The current status of the area covered by the 1989 proposed rezone can be divided into two categories, only the first of which is covered by DPD's current rezone proposal:

1. Existing zoning not compatible with development or the Comprehensive Plan. Three lots from the subject area make up DPD's current rezone proposal:
 - a. The northernmost lots (now 10719, 10721, 10725, 10727, and 10729 Burke Ave N. and 1766 N. Northgate Way) all feature existing multifamily development, which is consistent with the

Comprehensive Plan designations for those lots, but is not consistent with the existing SF 7200 zoning designation.

- b. The lot at 1724 N. 107th St.—on the southern boundary of the subject area—is subject to multifamily Comprehensive Plan designations and within the Northgate Urban Center, which is not consistent with the existing single-family development on the lot or the SF 7200 zoning designation applicable to the lot. The owner of that lot wants the City to change the designation to L3, which would be consistent with her prior understanding—only recently corrected—of the lot’s zoning based on the incorrect DPD advisory zoning maps.

2. Existing zoning compatible with development and the Comprehensive Plan. Two lots from the subject area are **not** part of DPD’s current rezone proposal:

- a. The lot at 1760 N. Northgate Way—in the middle of the eastern side of the subject area—is zoned L3. This zoning is consistent with applicable Comprehensive Plan designations, and DPD has permitted multifamily development to proceed on that lot.
- b. The lot at 1718 N. 107th St.—the southwest corner of the subject area—is zoned SF 7200. This zoning is mostly consistent with applicable Comprehensive Plan designations (it is outside the Northgate Urban Center and is split between single-family and multifamily designations), and the parcel has a single-family residence on it.

Map C depicts the current status of the proposed rezone area include parcel boundaries, land uses, and the Northgate Urban Center boundary.

III. Analysis

DPD’s rezone analysis of this proposal focuses on consideration of the general rezone criteria as well as a comparison of the function and locational criteria for the two zones: Single-family and Lowrise 3. The analysis is attached as appendix A. Overall, this comparison suggests that the property does not meet the locational criteria of single-family zones, but is consistent with the function and location criteria of the L3 zone. Additionally, the property is currently designated multifamily in the Comprehensive Plan and represents the only single-family-zoned parcels remaining within the Plan’s Northgate Urban Center. The proposed rezone would provide zoning consistent with rezone criteria, existing development pattern of the area, and the Comprehensive Plan.

IV. Recommendation

The proposed amendments will allow zoning that is compatible with the existing neighborhood and is more consistent the locational criteria of the Land Use Code and the Comprehensive Plan. DPD recommends approval of the proposed amendments.

Appendix A

General Rezone Criteria – SMC 23.34.008	
Criteria	Comments/Description
Growth Target	
	This proposal will not decrease potential density in an Urban Center.
Match Between Zone Criteria and Area Characteristics	
The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.	Lowrise 3 is the most appropriate zone for this area based on the single-family and L3 function and location criteria comparison below.
Zoning History and Precedential Effect	
Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.	The subject area has historically been designated for residential uses. The Council has already approved the rezoning of a lot in the middle of this site (1760 N. Northgate Way) to L3. Any future zoning changes around the subject area should be made consistent with the Comprehensive Plan, which is the case with the proposed rezone.
In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.	Both SF 7200 and L3 zones allow a 30-foot height limit plus a five-foot height bonus. These permitted height limits are compatible with existing development, which consists primarily of one- and two-story homes to the west and three- and four-story homes to the north and east. The majority of the proposed rezone area is already developed to three stories.

Neighborhood Plans	
	<p>This proposal is generally consistent with the Northgate Neighborhood Plan. The Plan calls for concentrating the most intense development in the “core” of the Plan area (NG-P1). The proposed rezone is consistent with this policy because it would allow moderate (L3) three in the subject area, which abuts but remains outside the core. The Plan calls for promoting additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas (NG-P6). The proposed rezone meets that policy. The only goal that specifically refers to the rezoning of single-family-zoned land is goal NG-P8 which calls for maintaining the “character and integrity of the existing single-family zoned areas by maintaining current single family-zoning on properties meeting the locational criteria for single-family zones.” The proposed rezone is consistent with this policy because the subject property does not meet the location criteria for single-family zones, as discussed below.</p>
Zoning Principles	
	<p>This proposal will maintain the gradual transition from lower-intensity single-family zones to the west and higher-intensity lowrise and midrise zones to the east.</p>
Impact Evaluation	
	<p>Impacts from this rezone will be minimal as this rezone represents a small area, most of which is already developed to L3 standards. The proposed zoning will reinforce the gradual transition of zoning intensities and will not result in additional height on the property.</p>
Changed Circumstances	
	<p>The northern portion of the proposed rezone area has already been developed to L3 standards. The proposed area has also been designated as multifamily in the Comprehensive Plan.</p>

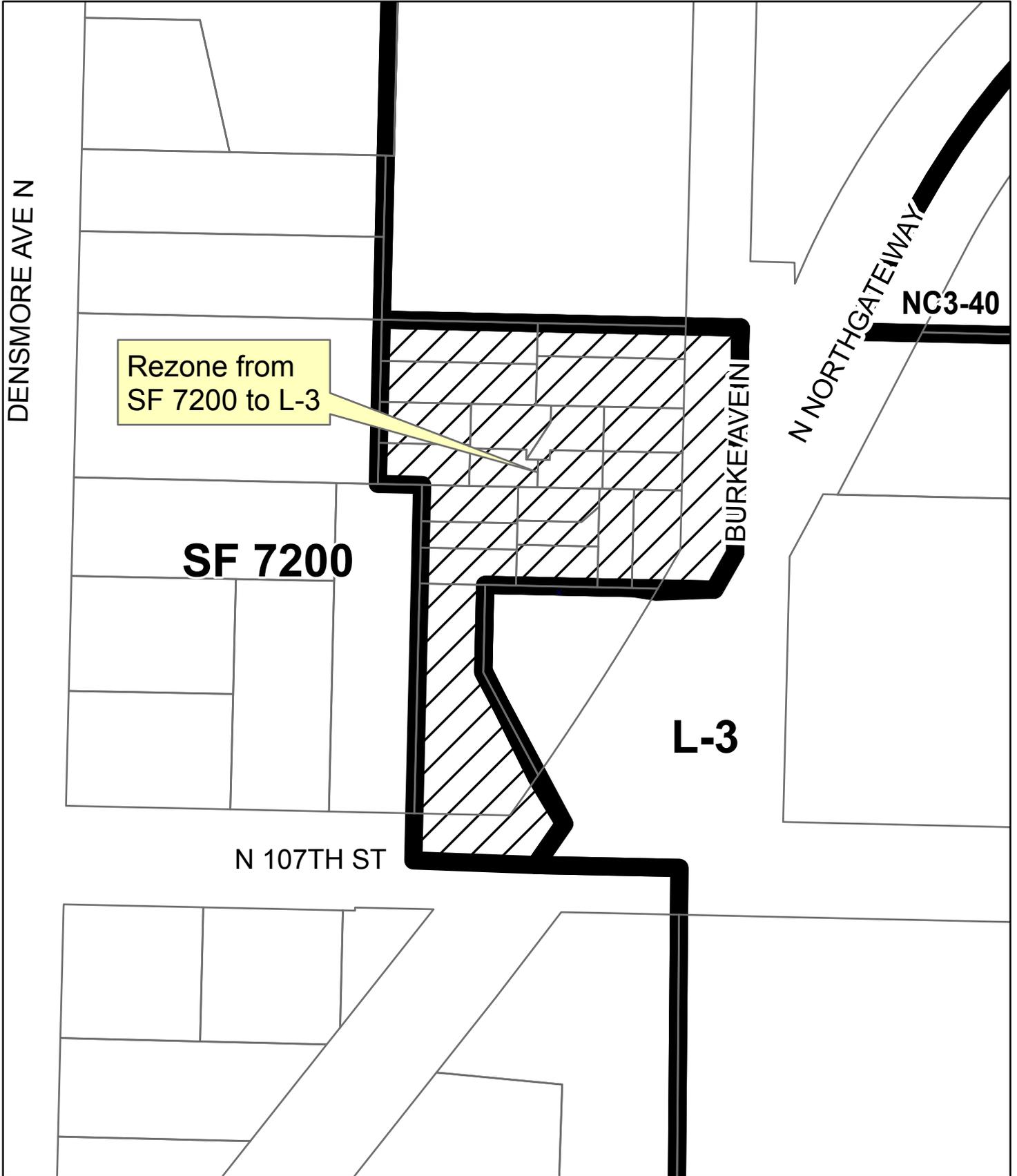
Overlay districts	
	<p>The proposed area is located within the Northgate Overlay District. The purpose of this district is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:</p> <ul style="list-style-type: none"> A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and B. To protect the residential character of residential neighborhoods; and C. Support the use of Northgate as a regional high-capacity transportation center. <p>This proposal is consistent with the goal of this district as L-3 zoning would generally encourage more pedestrian activity, use of commercial development and use of the transportation center and would not diminish the residential character of the existing neighborhood. The proposal also does not conflict with any of the regulations applicable to this district.</p>
Critical Areas	
	<p>There are no critical areas in the area of the proposed rezone.</p>

Single-family zones, function and locational criteria - 23.34.011	
Criteria	Comments/Description
Function of the zone:	
An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.	Most of the proposed area is currently developed to L3 standards. The existing pattern of the area is a transition between L3 and single-family zones.
Location Criteria	
<p>A single-family zone designation is most appropriate in areas meeting the following criteria:</p> <ol style="list-style-type: none"> 1. Areas that consist of blocks with at least 70% of the existing structures, not including detached accessory dwelling units, in single-family residential use; or 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 70% of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated. 	<p>Only 13 of the 29 structures (45%) on the block are in single-family residential use. The increasing trend in the block is toward multifamily development.</p> <p>The neighborhood plan does not specifically designate this area as being appropriate or inappropriate for single-family residential use. The Comprehensive Plan, however, designates this area as multifamily.</p>
Compatibility with surrounding area:	
Half-blocks at the edges of single-family zones which have more than 50% single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.	This area has less than 50% single-family structures.

Lowrise 3 (L3) zone, function and locational criteria - 23.34.020	
Criteria	Comments/Description
Function of the zone	
An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.	The proposed area appears to be appropriate for “moderate scale multifamily” because it contains substantial L3 development and is surrounded by areas of L3 and midrise development to the north and east.
Threshold Conditions	
Properties that may be considered for an L3 designation are limited to the following: a. Properties already zoned L3; b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established; c. Properties within an urban center or village, except in the specified areas; or d. Properties located in the Delridge Neighborhood Revitalization Area	The proposed area is within the Northgate Urban Center, contains substantial L3 development, and is surrounded by areas of L3 and midrise development to the north and east.
Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.	The proposed area does not contain environmentally critical areas.
Development Characteristics of the Area.	
(1) Either: (a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, (b) Areas that are within an urban center or urban village, except in the specified area; or (c) certain areas that are located within the Delridge Neighborhood Revitalization Area	The proposed area is within the Northgate Urban Center, contains substantial L3 development, and is surrounded by areas of L3 and midrise development to the north and east. The proposed area is located immediately off of N. Northgate Way, which serves as the major circulation pathway for the area. Although access to the sites is slightly limited by the configuration of N, Northgate Way, there is adequate street access on both N. 107 th Street and Burke Avenue N.
(2) Areas where the street pattern provides	

Lowrise 3 (L3) zone, function and locational criteria - 23.34.020	
Criteria	Comments/Description
for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two way traffic and parking along at least one curbside.	to allow development of all parcels. These streets have 60- and 36-foot rights-of-way respectively, which is sufficient for two-way traffic on both streets, even though it only allows curbside parking on N. 107 th Street.

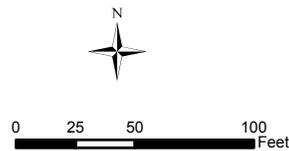
Exhibit A



N Northgate Way and Burke Ave N Area Rezone

Legend

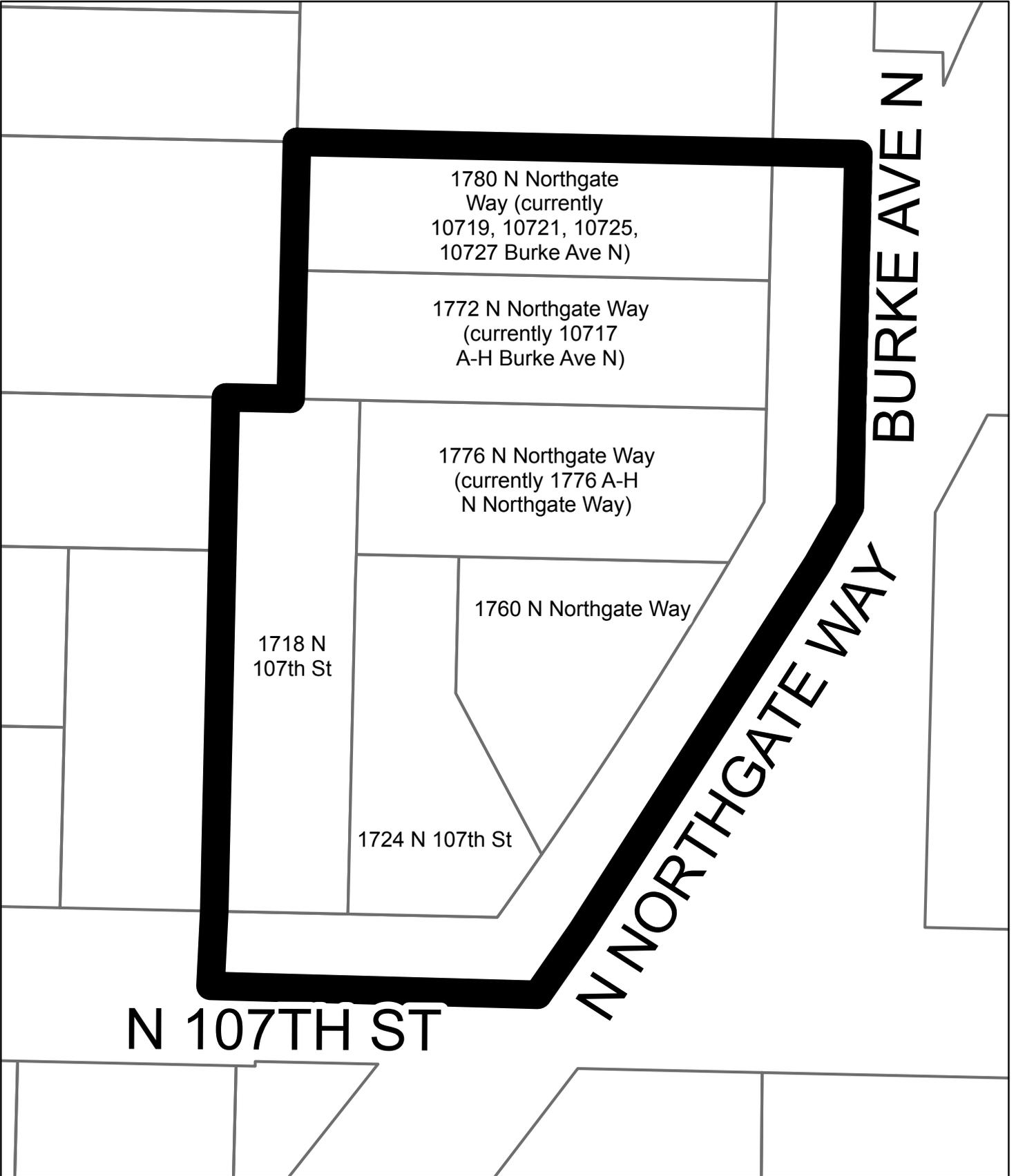
-  Rezone Area
-  King County parcel outlines
-  Zone boundaries



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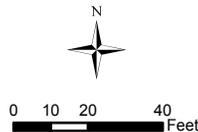
Map B



Boundary of 1989 Contract Rezone

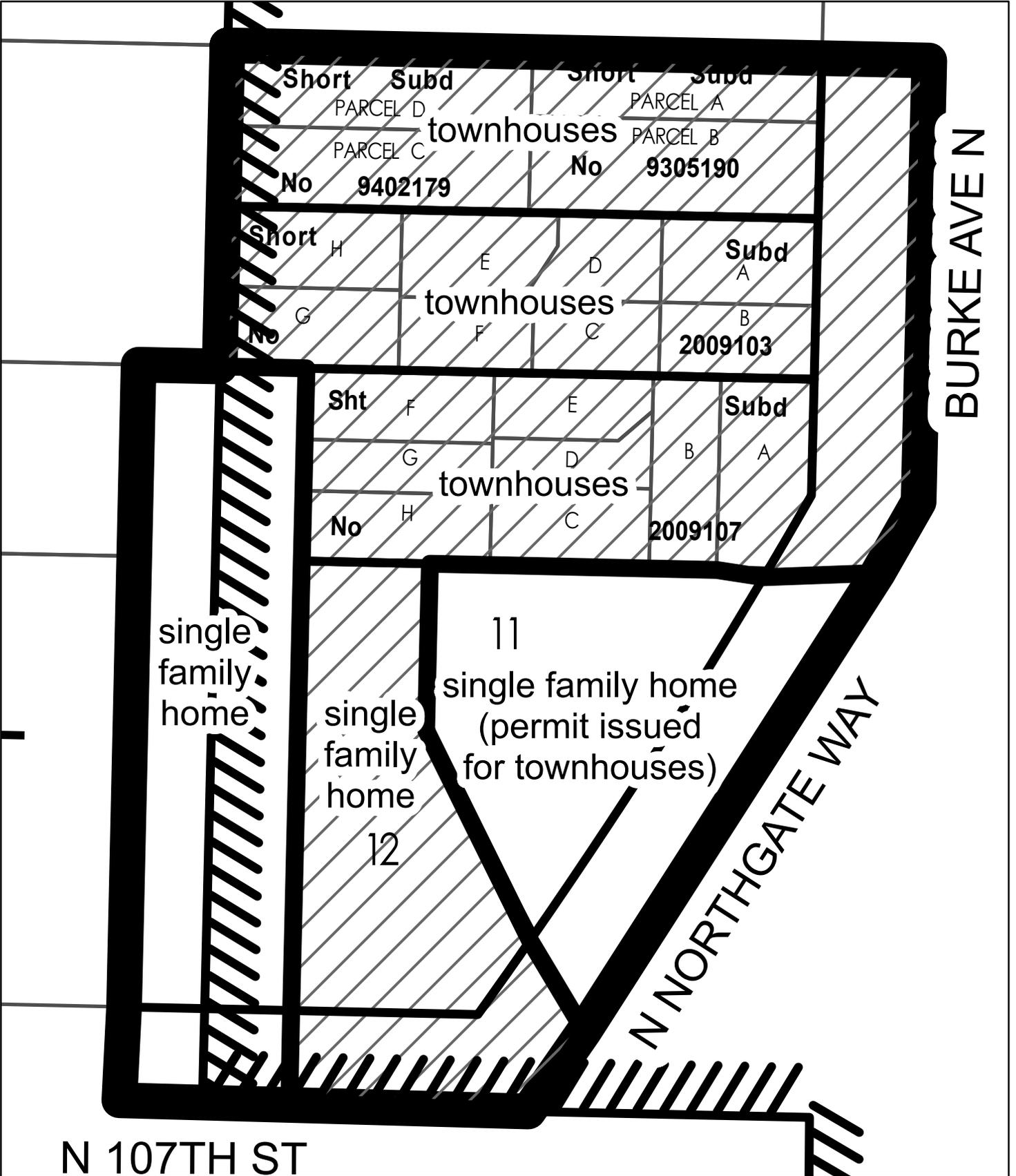
Legend

-  1989 parcel outlines
-  Boundary of 1989 contract rezone



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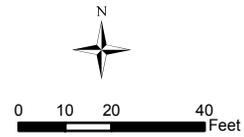
Map C



Current Status of Proposed Rezone Area

Legend

-  Proposed Rezone area
-  Northgate Urban Center
-  Boundary of 1989 contract rezzone
-  1989 parcel outlines
-  Current parcel outlines



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