



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

**Record Number:** 3036119-LU

**Applicant:** Blair Stone, Encore Architects

**Address of Proposal:** 8601 Fremont Avenue N.

**SUMMARY OF PROPOSAL**

Council Land Use Action to rezone a parcel of land from NR3 (Single Family) to LR2 (M) (Lowrise -2). Project includes 2, 3-story apartment buildings (53-units total). Parking for 11 vehicles proposed.

The following approval is required:

**I. Amendment to Official Land Use Map (Contract Rezone) (SMC Chapter 23.34)**

**SEPA DETERMINATION**

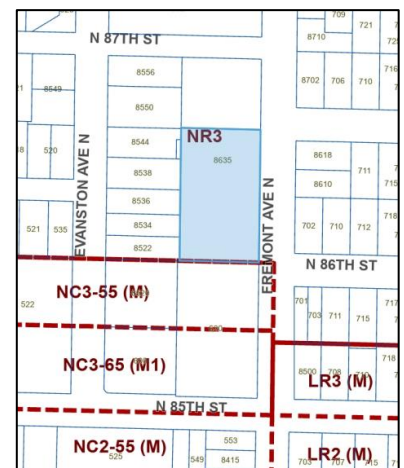
- ☐ Determination of Nonsignificance (DNS)
  - ☐ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
  - ☐ No mitigating conditions of approval are imposed.
- ☐ Determination of Significance (DS) – Environmental Impact Statement (EIS)
- ☐ Determination made under prior action.
- ☒ Exempt

**SITE AND VICINITY**

*Site Description:* The site is a relatively flat rectangular-shaped parcel located midblock on Fremont Avenue N. between N. 87<sup>th</sup> Street to the north and N. 85<sup>th</sup> Street to the south. The site is occupied by a recreational field associated with the Boys and Girls Club located on the adjacent parcel to the north.

*Site Zone:* Neighborhood Residential 3 (NR3)

*Zoning Pattern:* (North) NR3  
(South) Neighborhood Commercial 3-with a 55' height limit (M) [NC3-55 (M)]  
(East) NR3  
(West) NR3



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

The site is located a half-block to the north of N. 85<sup>th</sup> Street, which is a principal arterial street. Fremont Avenue N. is a local street. Generally, the higher intensity zones are located within proximity of that street within the surrounding area. Zones gradually transition to lower densities to the north and south of that street.

*Environmentally Critical Areas:* There are no mapped ECAs on the site

#### PUBLIC COMMENT

The public comment period ended on April 18, 2022. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to housing affordability, parking and the availability of park space.

### **I. ANALYSIS – CONTRACT REZONE**

#### **SMC 23.34.004 CONTRACT REZONES.**

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA should require that development of the rezoned property is in substantial conformance with the approved plans for Master Use Permit number 3036119-LU.

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

As noted above, in November 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The rezoned property is subject to Chapters 23.58B and 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004 and Director's Rule 14-2016.

A PUDA will be executed and recorded as a condition of the contract rezone and shall require that the rezoned property be subject to the requirements of *SMC 23.58B and 23.58C*. A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development [MHA-R] in contract rezones, DR 14-2016*) has been approved pursuant to *SMC 23.34.004.B*. The rule specifies how to determine the appropriate MHA suffix.

The Director's Rule provides a phased implementation calculation for proposals with complete Master Use Permit applications submitted before January 1, 2016. The subject application was submitted after this date (complete: February 23, 2022) so the phased implementation provisions do not apply. The application of the Director's Rule indicates that the proposed rezone from NR3 to LR2 would fall into tier *M1*, and therefore receive an (*M1*) suffix.

- C. *A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney and shall not be construed as a relinquishment by the City of its discretionary powers.*

A PUDA will be executed and recorded as a condition of the contract rezone from NR3 to LR3 (*M1*) with the condition that the development shall be in substantial conformance with the approved plans for Master Use Permit number 3036119-LU. The recorded condition will facilitate the use of an MHA suffix and any associated development standards identified in the Code for Lowrise 2 zones.

- D. *Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

At the time of SDCI recommendation, no waivers to requirements were requested.

#### **23.34.006 - Application of MHA suffixes in Type IV rezones**

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C to the rezoned area through use of a mandatory housing affordability suffix:*
1. *If the rezone is to another zone in the same MHA zone category according to Table A for 23.34.006, the new zone should have a (M) suffix.*
  2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.*
  3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The proposed LR2 zone is one category higher than the existing zone of NR3 according to Table A for 23.34.006. Based on this, the new zone should have an *M1* suffix.

B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*

1. *If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
  - a. *Have a (M1) suffix if it currently has an (M) suffix; or*
  - b. *Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

Chapters 23.58B and 23.58C have not been previously applied to this site. The site is currently zoned NR3 with no MHA suffix.

**SMC 23.34.007 Rezone Evaluation.**

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

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

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

This analysis evaluates a range of criteria as they apply to the subject rezone and as identified in Chapter 23.34 Amendments to Official Land Use Map (Rezones) and Seattle Municipal Code (listed at the beginning of this “Analysis” section) and subject to the requirements of SMC 23.58.B and 23.58.C. No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the property.

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

The proposed rezone is not a shoreline environment redesignation. The Comprehensive Plan Shoreline Policies were not used in this analysis.

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

The subject site is not located within an urban center or village. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are outside of urban villages.

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

The subject rezone is not a redesignation of a shoreline environment and therefore is not subject to Shoreline Area.

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

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

**SMC 23.34.008 General rezone criteria.**

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

- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

The site is not located within an urban center or urban village. This standard does not apply.

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

This proposed rezone includes a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required. Please see the functional and locational criteria analyses for the relevant zones in the sections below. Analyses of the Neighborhood Residential zones (NR1, NR2, and NR3), the Residential Small Lot zone (RSL), and the Lowrise zones (LR1, LR2, and LR3) are included.

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

Zoning History

The site was annexed into the City of Seattle in 1953 through Ordinance 82425. Available historic zoning maps show that the site has been consistently zoned to allow for detached single-family dwellings as primary land uses.

- **1961 Zoning Map:** The site is identified with RS 5000 zoning. The RS denotes single-family zoning.
- **1973 Zoning Map:** The site is identified with RS 5000 zoning. The RS denotes single-family zoning.
- **2022 Ordinance 126509:** This ordinance changed the names of Single Family zones to the comparable Neighborhood Residential zones. The previous Single Family 5000 (SF5000) zone became the Neighborhood Residential 3 (NR3) zone.

Potential Zoning Changes

The current draft of the One Seattle Comprehensive Plan and its related Growth Strategy and Zoning Update propose to change the zoning of the site and some of the area surrounding the site that is currently zoned NR3. The zoning update would extend the boundary of the Greenwood-Phinney Ridge Residential Urban Village to include the project site and would rezone the project site and the block it is located within to LR3. The zoning update is anticipated to occur in 2025.

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.*

The applicable Greenwood/Phinney Ridge Neighborhood Plan (adopted November 18, 1999, ordinance 119743) can be found in the City of Seattle Comprehensive Plan Neighborhood Plans, beginning on page 323.

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

The project site is located in the Greenwood/Phinney Ridge Neighborhood Plan area. The adopted Seattle 2035 Comprehensive Plan contains policies specific to the Greenwood/Phinney Ridge Neighborhood, which includes the project site. The adopted policies within this neighborhood plan do not include any policies that specifically refer to future rezones. The following goals and policies may apply to the proposed rezone:

***Land Use and Community Character Goals:***

***Goal G/PR-G5*** *A high-quality living environment with areas of higher densities concentrated where services are located.*

***Goal G/PR-G6*** *A neighborhood that grows in a manner that is compatible with existing scale and character.*

**Goal G/PR-G7** *A neighborhood where the scale and character of historical or existing neighborhood residential areas have been maintained.*

**Land Use and Community Character Policies**

**Policy G/PR-P4** *Encourage development in commercial and multifamily zones that is consistent and compatible with neighborhood scale and character.*

The proposed development associated with the contract rezone is consistent with this policy due to the project site's location on a block face that does not include single-family residential development, the site's separation from single-family development by Fremont Avenue N., which has an approximately 65 foot right-of-way width, and a change in the block orientation across that street, and design elements that are intended to provide compatibility with existing neighborhood scale. These design elements include:

1. The use of sloped roofs on the proposed buildings to provide a roof pattern that is generally consistent with that of single-family dwellings.
2. A modulated building massing appearance along the Fremont Avenue N. frontage to reduce the bulk of the buildings' appearance.
3. An overall height of 40 feet that is compatible with the maximum permitted height of 35 feet for single-family dwellings in the existing NR3 zone.

**Housing Goal**

**Goal G/PR-G10** *A neighborhood with a varied housing stock and a wide range of affordability that serves a diverse population.*

**Housing Policies**

**G/PR-P14** *Support the development of smaller affordable housing units.*

The development proposal associated with the rezone includes 53 low-income multi-family housing units.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

The adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not include any policies expressly adopted for the purpose of guiding future rezones.

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.*

The Council-adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not identify any specific areas for rezone.

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

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The site is currently zoned NR3 for single-family development and is located adjacent to an NC3-55 zone, which allows for multi-family development with a maximum height of 55 feet. The proposed LR2 zone would strengthen the gradual transition between zoning categories by introducing a zone between the NR3 and NC3-55 zones with a maximum height of 40 feet, which is in-between the maximum heights of the adjacent NR3 (35-foot height limit) and NC3-55 (55 foot height limit) zones.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
  - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
  - c. *Distinct change in street layout and block orientation;*
  - d. *Open space and greenspaces;*

A distinct change in street and block orientation occurs to the east of the project site along Fremont Avenue N. The project site is on a half-block without single-family dwellings where development is oriented to the east. The adjacent blocks to the east of the project site have an orientation where development, primarily single-family development, faces north and south except for one house directly across from the site on Fremont Avenue N. that faces west. This physical buffer in the form of a block orientation change will aid in the separation of the site and its multi-family uses from the surrounding development within the NR3 zone.

The project site also shares a zoning boundary with the NR3 zone along its west property line. Existing single-family development to the west is oriented to Evanston Avenue N. and generally faces away from the project site. Although it isn't platted, a shared driveway also separates the project site from development to the west.

3. *Zone Boundaries*
  - a. *In establishing boundaries the following elements shall be considered:*
    - (1) *Physical buffers as described in 23.34.008.E.2; and*
    - (2) *Platted lot lines.*

The boundaries of the proposed rezone follow the boundaries of an existing parcel generally following an established recreational field associated with the Boys and Girls Club, which is located on an adjacent parcel to the north of the site. The east boundary of the zone change abuts Fremont Avenue N., which separates the site from blocks that are primarily comprised of single-family development. The south boundary separates the site from existing multi-family development. The west boundary separates the site from existing parcels that are developed with single-family residential development with frontage on Evanston Avenue N. Although not all of these boundaries follow platted lot lines, they define distinct boundaries between the site and other uses, whether single-family, multi-family or community center. The proposed LR2 zone is a zone with height and scale characteristics that will provide an appropriate transition among these varied existing uses.

- b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The existing Boys and Girls Club on the adjacent parcel to the north of the project site is the only non-residential use immediately surrounding the project site. All other existing uses are residential and the existing and proposed zones are all residential zones. This proposed rezone will not affect the orientation of future commercial uses.

- 4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The proposed rezone to LR2 would permit building heights up to 40 feet.

- 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 proposal would benefit this potential impact by providing 53 units of low-income housing.

- b. Public services;*

Though demand for public services may increase with an increased population of residents, sufficient public services exist to serve the surrounding area with the addition of the proposed development. With respect to utility and sewer capacity, a Water Availability Certificate will be required. No issues of water or sewer capacity are anticipated given infrastructure upgrades implemented by Seattle Public Utilities (SPU).

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

As a multi-family residential proposal of 53 dwelling units, this development proposal is not expected to significantly contribute to environmental factors such as noise, air and water quality, terrestrial and aquatic flora and fauna, odor and energy conservation. There are no elements within the applicant's rezone proposal that are expected to create a significant amount of glare. Because the proposed building height is compatible with surrounding residential uses, significant amounts of shadows are not anticipated. The maximum proposed building height of 40 feet is 5 feet taller than the maximum height of 35 feet permitted within the adjacent NR3 zone. There are no existing trees on the site.

- d. Pedestrian safety*

Sidewalks exist along the project site's frontage on Fremont Avenue N. Construction of the development proposal will have minimal impact on existing sidewalks other than to introduce a driveway access and curb cut along the Fremont Avenue N. frontage.

e. *Manufacturing activity;*

The proposed rezone to LR2 is unlikely to impact current or future manufacturing activity within the project site and in the surrounding area. The surrounding area is primarily residential in nature with some commercial uses along NW 85<sup>th</sup> Street. Neither the existing nor proposed zones permit industrial uses.

f. *Employment activity;*

The proposed rezone is unlikely to impact employment activity. As described above, the site and surrounding neighborhood is primarily residential in nature. Neither the existing nor proposed zones permit significant commercial land uses.

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

There are no existing buildings on-site. There are no designated landmark buildings surrounding the site, nor any properties listed for potential landmark status.

h. *Shoreline view, public access and recreation.*

There are no shoreline views from the project site. Although the site currently appears to serve as a recreational field related to the adjacent Boys and Girls Club, it is not a public park.

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

- a. *Street access to the area;*
- b. *Street capacity in the area;*
- c. *Transit service;*
- d. *Parking capacity;*
- e. *Utility and sewer capacity;*
- f. *Shoreline navigation*

The applicant submitted a Transportation Assessment dated April 11, 2022, examining potential traffic and parking impacts. The assessment found that “The project would not adversely affect traffic operations at this location, and the relatively low number of estimated project trips are not anticipated to adversely affect traffic conditions in the site vicinity.”

The applicant submitted a memorandum entitled “Response to City Comments” dated July 9, 2024, which updated traffic information and examined parking impacts related to the development proposal. The memorandum continued to show that traffic conditions were not anticipated to be adversely affected by the proposed development. For vehicle trips, the memorandum estimated 14 AM peak hour trips and 17 PM peak hour trips. For parking, the memorandum estimated a parking demand of 27 parking spaces for the proposed development, which would create a need for 16 parking spaces that could not be provided by the 11 parking spaces with the proposed development.

The applicant subsequently submitted a Technical Memorandum for an “On-Street Parking Utilization Study” dated July 29, 2024, so show that sufficient on-street parking capacity exists in the surrounding blocks to accommodate these 16 spillover parking spaces. The memorandum “determined that parking utilization ranged from 58% to 67% on typical weekday evenings” in the surrounding streets and “the number of unused spaces ranged from 99 to 127 spaces.” The memorandum added “The study area for the on-street parking analysis included all roadways within an 800-foot walking distance from the project site”, which is the distance recommended for study according to the SDCI Tip #135 that provides direction for the preparation of parking utilization studies. Based on the results of these memorandums, the proposed development will not significantly impact street access to the area or street capacity of the area because of the relatively low number of anticipated vehicle trips. The results also show that sufficient on-street parking capacity exists in the surrounding blocks to accommodate the expected spillover parking need from the proposed development.

The site is located within an area of frequent transit service with a high-level of transit capacity.

With respect to utility and sewer capacity, a Water Availability Certificate will be required. No issues of water or sewer capacity are anticipated given infrastructure upgrades implemented by Seattle Public Utilities (SPU).

The project site is not located within or near any shoreline area and will therefore have no impacts to shoreline navigation.

- G. *Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.*

The site is located adjacent to the Greenwood-Phinney Ridge Residential Urban Village. The current draft of the One Seattle Comprehensive Plan 2040 proposes extending the Greenwood-Phinney Ridge Residential Urban Village to include the project site and a significant area around the project site. The Growth Strategy and Zoning Update related to the draft comprehensive plan proposes to change the zoning of the site and some of the area surrounding the site from NR3 to LR3, which is one zoning classification higher than the LR2 zone proposed within this application. At this time, the zoning update is anticipated to occur mid-2025.

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

The site is not in an overlay district but is located adjacent to the Greenwood-Phinney Ridge Urban Village. Residential urban villages are areas of residential development generally at lower densities than urban centers or hub urban villages. While they are also sources of goods and services for residents and surrounding communities for the most part they do not offer many employment opportunities.

- 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.*

There are no mapped critical areas identified on the site. This criterion is not applicable.

### **23.34.010 - Designation of NR1, NR2, and NR3 zones**

- A. *Except as provided in subsection 23.34.010.B, areas zoned NR1, NR2, or NR3 may be rezoned to zones more intense than NR3 only if the City Council determines that the area does not meet the locational criteria for NR1, NR2, or NR3 zones.*
- B. *Areas zoned NR1, NR2, or NR3 that meet the locational criteria contained in subsections 23.34.011.B.1 through 23.34.011.B.3 may only be rezoned to zones more intense than NR3 if they are located within the adopted boundaries of an urban village, and the rezone is to a zone that is subject to the provisions of [Chapter 23.58B](#) and [Chapter 23.58C](#).*

The site is currently zoned NR3. As described in the sections below that examine the site's applicability to the rezone criteria for various Neighborhood Residential zones, the site does not meet locational criteria located in 23.340.011.B.1 through 23.34.011.B.3 or the locational criteria of any of the NR zones.

### **23.34.011 - NR1, NR2, and NR3 zones, function, and locational criteria**

- A. *Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of neighborhood residential areas.*
- B. *Locational criteria. An NR1, NR2, or NR3 zone designation is most appropriate in areas that are outside of urban centers and villages and meet the following criteria:*

- 1. *Areas that consist of blocks with at least 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or*

The applicant's Rezone Evaluation dated August 12, 2024, shows on page 28 that the site and surrounding blocks do not consistently meet this 70% minimum standard for single-family residential land uses. Most adjacent blocks surrounding the site, using the definition of "block" in the Seattle Land Use Code, to the north, south, and west of the site do not have at least 70% of existing structures in single-family residential use. The block including the site does have at least 70% of existing structures within single-family residential use. However, this percentage is skewed by the fact that the site itself comprises approximately half of the block area but does not contain any existing structures. The applicant's analysis of surrounding blocks further examines the percentage of single-family uses based on the length of each block face and shows that blocks to the north, south, and west are comprised of less than 70% single-family uses based on the percentage of each block length. Only the blocks to the east of the project site are more than 70% single-family based on block length.

- 2. *Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or*

The adopted Greenwood/Phinney Ridge Neighborhood Plan, which is housed within the Seattle Comprehensive Plan, does not specifically designate the area containing the project site as appropriate for single-family residential uses. The adopted neighborhood plan contains policies related to scale, preservation, and affordability of existing residential structures, but does not specifically address the appropriateness of single-family residential uses.

3. *Areas that consist of blocks with less than 70 percent 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; for example:*
  - a. *The construction of single-family structures, not including detached accessory dwelling units, in the last five years has been increasing proportionately to the total number of constructions for new uses in the area, or*
  - b. *The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or*
  - c. *The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five years, or*
  - d. *The area's location is topographically and environmentally suitable for single-family residential developments.*

The applicant's Rezone Evaluation on page 29 demonstrates that there is not an increasing trend toward single-family residential uses in surrounding blocks comprised of less than 70% single-family residential. New single-family dwellings have not been constructed recently on these blocks within the last five years. The applicant's research shows only one remodel permit for an existing single-family dwelling in the last five years. However, the number of existing single-family structures has remained stable in the last five years.

The area's relatively flat topography is generally suitable for single-family development, these characteristics do not demonstrate an increasing trend toward single-family residential use. This is particularly true on the project site, which is currently vacant and without existing structures.

- C. *An area that meets at least one of the locational criteria in subsection 23.34.011.B should also satisfy the following size criteria in order to be designated as a NR1, NR2, or NR3 zone:*
  1. *The area proposed for rezone should comprise 15 contiguous acres or more, or should abut existing NR1, NR2, or NR3 zones.*
  2. *If the area proposed for rezone contains less than 15 contiguous acres, and does not abut existing NR1, NR2, or NR3 zones, then it should demonstrate strong or stable single-family residential use trends or potentials such as:*
    - a. *That the construction of single-family structures, not including detached accessory dwelling units, in the last five 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, not including detached accessory dwelling units, has been very stable or increasing in the last five 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, not including detached accessory dwelling units.*

The area surrounding the project site does not meet any of the criteria in subsection 23.34.011.C.

- D. *Half-blocks at the edges of NR1, NR2, or NR3 zones which have more than 50 percent 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.*

The half-block including the project site on the west side of Fremont Avenue N. does not have more than 50 percent single-family structures. So, the half-block containing the project site does not meet this criterion.

**23.34.011 Analysis Summary.** The characteristics of the site and surrounding area do not meet any of the locational criteria in SMC 23.34.011.B. Percentages of single-family structures on blocks adjacent to the site are below 70%. As measured by block frontage length, most of the surrounding blocks, including the block containing the site, are below 70% single-family residential. The adopted Greenwood/Phinney Ridge Neighborhood Plan does not specifically identify the site as appropriate for single-family residential uses. The area surrounding the site does not demonstrate an increasing trend toward single-family residential uses over the last five years.

**23.34.012 - Neighborhood Residential Small Lot (RSL) zone, function, and locational criteria**

- A. *Function. An area within an urban village that provides for the development of homes on small lots that may be more affordable compared to detached homes on larger lots and appropriate for households with children.*
- B. *Locational criteria. An RSL zone is most appropriate in areas generally characterized by the following:*
  - 1. *The area is similar in character to neighborhood residential zones;*

The site is located on a half block that is shared with a community center land use and multi-family residential land uses. The applicant has demonstrated in the submitted Rezone Evaluation that the area immediately surrounding the site is comprised of a significant percentage of land uses, primarily multi-family residential uses, that are not similar in character to neighborhood residential zones.

- 2. *The area is located inside an urban center, urban village, or Station Area Overlay District where it would provide opportunities for a diversity of housing types within these denser environments;*

The site is not located within an overlay.

- 3. *The area is characterized by, or appropriate for, a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as duplex, triplex, rowhouse, and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;*

The site is located at a transition between single-family and multi-family uses. However, existing multi-family uses along N. 85<sup>th</sup> Street were generally constructed as multi-family buildings in the form of townhouses and apartment buildings, not as single-family buildings that were converted to multi-family residential.

- 4. *The area is characterized by local access and circulation that can accommodate low density development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;*

The site is located a half block north of N. 85<sup>th</sup> Street, which is an arterial street that allows for connections beyond the local street network.

5. *The area is within a reasonable distance of frequency transit service but is not close enough to make higher density multifamily development more appropriate.*

The site is located within an area of frequent transit service due to its location in proximity to N. 85<sup>th</sup> Street. Its location within a frequent transit service area appears to conflict with the intent of this criterion to be a reasonable distance from these areas.

6. *The area would provide a gradual transition between neighborhood residential zoned areas and multifamily or neighborhood commercial zoned areas; and*

The project site is located at a transition point between areas zoned neighborhood residential and areas zoned for neighborhood commercial. However, this transition is rather abrupt, occurring within adjacent blocks, and may not provide the gradual transition envisioned by this criterion.

7. *The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.*

The site is located approximately a quarter mile to the east of the Greenwood Avenue and 85<sup>th</sup> Street intersection, which is the primary commercial intersection in the vicinity of the site. The area surrounding that intersection is well served by commercial businesses. A community center, The Boys and Girls Club, is located adjacent to the project site to the north. A public park is located on the adjacent block to the north of the site.

**23.34.012 Analysis Summary.** The RSL location criteria encourages significant separation from major arterial streets and frequent transit service areas implying that areas with these characteristics may be more suitable for multi-family development. The site's location within a frequent transit service area and within a half-block of a major arterial street is not consistent with the RSL location criteria, which prefer locations farther away from these characteristics.

#### **23.34.013 - Designation of multifamily zones**

*An area zoned neighborhood residential that meets the criteria of Section [23.34.011](#) for designation as NR1, NR2 or NR3 may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.*

Please see the discussion within this report under SMC 23.34.011 for more information about the relationship of the project site to the criteria in section 23.34.011.

#### **23.34.014 - Lowrise 1 (LR1) zone, function and locational criteria**

- A. *Function. The function of the LR1 zone is to provide opportunities for low-density multifamily housing, primarily rowhouse and townhouse developments, through infill development that is compatible with single-family dwelling units, or through the conversion of existing single-family dwelling units to duplexes or triplexes.*
- B. *Locational Criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:*
- 1. The area is similar in character to neighborhood residential zones;*
  - 2. The area is either:*

- a. *located outside of an urban center, urban village, or Station Area Overlay District;*
- b. *a limited area within an urban center, urban village, or Station Area Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or*
- c. *located on a collector or minor arterial;*
- d. *The area is characterized by a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as rowhouse and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;*
- e. *The area is characterized by local access and circulation that can accommodate low density multifamily development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;*
- f. *The area would provide a gradual transition between neighborhood residential zoned areas and multifamily or neighborhood commercial zoned areas; and*
- g. *The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.*

**23.34.014 Analysis.** The project site and surrounding area are consistent with many of the locational criteria listed above. The site, located just outside of an urban village, fronts upon a local street, is characterized by a mix of housing types including single-and-multi-family structures, and has proximity to existing community and retail services. Aside from being located a half-block north of a principal arterial street, the surrounding area is generally characterized by local access and circulation. However, there are a few inconsistencies with these LR1 location criteria or criteria that would be better met by the LR2 criteria:

1. The site and immediately surrounding area appear to be in an area that is transitioning away from single-family character. There are no single-family structures on the block face containing the project site. The same block face contains Neighborhood Commercial zoning to the south of the project site. There are single-family dwellings adjacent to the site to the east and west. However, the primarily single houses to the east have a different block orientation than the block containing the project site. The single-family dwellings to west face a different street than the project site (Evanston Avenue N).
2. Although the site and immediately surrounding area contain several local streets, it is also located in close proximity to a principal arterial street (N. 85<sup>th</sup> Street) instead of a collector or minor arterial envisioned by the criteria. The presence of this principal arterial makes this site more consistent with the LR2 criteria as discussed in the section below.
3. Although the project site is located outside of an urban village, it is adjacent to an urban village and shares many of the urban village's characteristics such as proximity to multi-family residential development, location along an arterial street, and proximity to neighborhood-serving commercial uses. Although its location technically meets the criterion to be outside of an urban village, it appears to better meet the criterion related to proximity to an urban village in the LR2 criteria as discussed in the section below.
4. The LR1 zone would provide a bulk and scale transition between the adjacent Neighborhood Residential and Neighborhood Commercial zones. However, the maximum height permitted in the LR1 zone is the same as the Neighborhood Residential zones. For the purposes of a transition in height, bulk and scale, the LR2 zone would provide a better transition between the single-family and multi-family uses.

**23.34.018 - Lowrise 2 (LR2) zone, function and locational criteria**

- A. *Functions. The dual functions of the LR2 zone are to:*
1. *Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and*
  2. *Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.*
- B. *Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:*
1. *The area is either:*
    - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or*
    - b. *located in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:*
      - 1) *small-scale structures generally no more than 35 feet in height that are compatible in scale with NR and LR1 zones;*
      - 2) *the area would provide a gradual transition between NR or LR1 zones and more intensive multifamily or neighborhood commercial zones; and*
  2. *The area is characterized by local access and circulation conditions that accommodate low density multifamily development;*
  3. *The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and*
  4. *The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

**23.34.018 Analysis.** Compared to the other analyzed zones within this report, the locational criteria of the LR2 zone best describe the project site and the surrounding area. The site is located adjacent to the Greenwood-Phinney Ridge Residential Urban Village. Surrounding structures within the urban village are generally comparable in height to the heights of nearby single-family dwellings. However, some of the multi-family structures have significantly larger footprints than single-family dwellings. With its building height and floor-area-ratio (FAR) maximums in-between those of the adjacent Neighborhood Residential and Neighborhood Commercial zones, the LR2 zone would allow for relatively gradual transitions in the height, bulk, and scale of development between the Neighborhood Residential and Neighborhood Commercial zones.

The site is characterized by local access and circulation, but is also only a half-block north of N. 85<sup>th</sup> Street, which is a principal arterial street. The proximity of this arterial street can accommodate anticipated vehicular circulation so that traffic is not required to use streets that pass through lower density residential zones.

The site is located approximately a quarter mile to the east of the Greenwood Avenue and 85<sup>th</sup> Street intersection, which is the primary commercial intersection in the vicinity of the site. The area surrounding that intersection is well served by commercial businesses. A community center, The Boys and Girls Club, is located adjacent to the project site to the north. A public park is located on the adjacent block to the north of the site. All of these surrounding land uses have good pedestrian access from the project site via sidewalks along street frontages.

**23.34.020 - Lowrise 3 (LR3) zone, function, and locational criteria**

- A. *Functions. The dual functions of the LR3 zone are to:*
1. *provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
  2. *accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*
- B. *Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*
1. *The area is either:*
    - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or*
    - b. *located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*
  2. *The area is near neighborhood commercial zones with comparable height and scale;*
  3. *The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*
  4. *The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*
  5. *The area is well served by public transit;*
  6. *The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*
  7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The project site appears to be well-suited for the LR3 zone. It is located adjacent to a neighborhood commercial zone (NC3-55) with comparable height and scale and would provide a transition in building height from the NR3 zone. Surrounding street widths are sufficient for two-way traffic with parking along at least one curb, and the site is located a half block from N. 85<sup>th</sup> Street, which is an arterial street. The site is also located within an area with frequent public transit. However, the site is not located within an urban center, urban village or Station Area Overlay District, nor is it located within an existing multifamily neighborhood. The site is located within a transition area between multi-family development and single-family development. If the adjacent Greenwood-Phinney Ridge Residential Urban Village were extended to include the project site, LR3 might be the best zone to apply to the site.

- C. *The LR3 zone is also appropriate in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency, a*

*property use and development agreement is executed subject to the provisions of [Chapter 23.76](#) as a condition to any rezone, and the development would serve a broad public purpose.*

The site is not located in the Delridge High Point Neighborhood Revitalization Area.

- D. Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*
- 1. was created by human activity, or*
  - 2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

There are no mapped environmentally critical areas located on the project site.

### **RECOMMENDATION – CONTRACT REZONE**

Based on the analysis of the rezone undertaken in this report through the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from Neighborhood Residential (NR3) to Lowrise 2 be approved.

The Director recommends conditions be included in the PUDA;

### **CONDITIONS – CONTRACT REZONE**

The Director recommends approval of the contract rezone from NR3 to LR2 subject to the following conditions, which should be contained in the PUDA:

#### **Prior to Issuance of a Master Use Permit**

1. The rezone includes a Mandatory Housing Affordability designation of M1.
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and or 23.58C.

#### **Prior to Issuance of a Building Permit**

3. Plans shall be in substantial conformance with the approved plans for Master Use Permit number 3036119-LU.

Greg Johnson, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: December 23, 2014

3036119-LU Recommendation RZ