



700 5th Ave Ste 2000, PO Box 34019  
Seattle, WA 98124-4019  
(206) 684-8600

Report Date 09/08/2015 01:22 PM

Submitted By

Page 2

Applicants/Contacts

Primary N Capacity OTHER Other FIN RESP Contact ID AC6043  Foreign  
 Effective Expire  
 Name **TYSON ALEXANDER**  
 Day Phone (206)650-4616 x Eve Phone Organization XANDER REAL HOLDINGS LLC  
 Pager PIN # Position  
 Fax Mobile Profession  
 E-Mail  
 Address 3241 30TH AVE W  
 SEATTLE, WA 98199  
 Comments No Comments  
 Special Inspections

Special Inspection Qualifications

Principal

SI Qualifications	Suspended	Susp End Dt	Expired	Comments
SI Category				

There are no items in this list

Primary N Capacity OWNER Contact ID AC255782  Foreign  
 Effective Expire  
 Name BROOKLYN 50 LLC  
 Day Phone (206)650-4616 x Eve Phone Organization  
 Pager PIN # Position  
 Fax Mobile Profession  
 E-Mail  
 Address 3241 30TH AVE W  
 SEATTLE, WA 98199  
 Comments No Comments  
 Special Inspections

Special Inspection Qualifications

Principal

SI Qualifications	Suspended	Susp End Dt	Expired	Comments
SI Category				

There are no items in this list

Primary **Y** Capacity APPL Contact ID AC61750  Foreign  
 Effective Expire  
 Name **LISA BAKER**  
 Day Phone (206)523-6150 Eve Phone Organization JOHNSTON ARCHITECTS  
 Pager PIN # Position  
 Fax (206)523-9382 Mobile Profession  
 E-Mail  
 Address 100 NE NORTHLAKE WAY, SUITE 200  
 SEATTLE, WA 98105  
 Comments No Comments

Report Date 09/08/2015 01:22 PM

Submitted By

Page 1

A/P # 3019997 DISCRETIONARY LAND USE ACTION

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	09/08/2015 12:08	DOWLENS	Temp COO		
Approved			COO Issued		
Final			Expires		

Associated Information

Type of Work	FULL C FULL REVIEW (COMPLEX)	# Plans	1
Dept of Commerce	MF MULTIFAMILY	# Plans	0
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group	

Valuation

Declared Valuation	2950000.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

Council Land Use action to rezone 5,008 sq. ft. from LR3 to NC3-65 and to allow a seven story building containing 60 residential units and 1,500 sq. ft. of retail space at ground level. Existing structure to be demolished.

Parent A/P #

Project #	3019997	Project/Phase Name		Phase #	
Size/Area	0.00	Size Description		Subdivision Code	
Proposed Start		Proposed Stop		% Completed	0.00
% Complete Formula					

Property/Site Information

Address 5001 BROOKLYN AVE NE  
SEATTLE WA

Location

Owner/Tenant

Contact ID	AC255782	Name	BROOKLYN 50 LLC	Organization	
Mailing Address	3241 30TH AVE W			State/Province	WA
City	SEATTLE			Country	<input type="checkbox"/> Foreign
ZIP/PC	98199			Evening Phone	
Day Phone	(206)650-4616 x			Mobile #	
Fax					

A/P Linked Addresses

No Addresses are linked to this Application

Linked Addresses

No Addresses are linked to this Application

A/P Addresses

No Other Addresses are associated to this Application

Linked Parcels

DV0006310

A/P Linked Parcels

DV0006310

**Rezone Application Submittal Information per TIP #228  
Project No. 3019997**

**1. Project number**

3019997

**2. Subject property address**

5001 Brooklyn Ave NE (northwest corner of NE 50<sup>th</sup> St and Brooklyn Ave NE)

**3. Existing and proposed zoning classification**

The site is currently zoned LR3; proposed zoning is NC3-65.

The proposed zoning matches the zoning changes proposed by the community and DPD, as reflected in the Director's Report on the Mayor's Recommended U District Amendments to the Comprehensive Plan – 2015 ("Director's Report"). All properties north of NE 50<sup>th</sup> St neighboring the subject property are also expected to be rezoned to NC3-65, while properties directly across the street to the south are expected to be rezoned to Mixed Use with a maximum allowable height of 125'. The proposed zoning changes are anticipated in 2016.

**4. Approximate size of property to be rezoned.**

5,008 sf

**5. Environmentally Critical Area (ECA) Information**

The site is not classified as an ECA.

**6. Applicant information**

Brooklyn 50 LLC

**7. Property legal description**

Assessor Parcel Nos. 8817400180

The South 10 feet of Lot(s) 9 and all of Lot 10, Block 11, ASSESSOR'S PLAT OF UNIVERSITY HEIGHTS, according to the plat thereof recorded in Volume 16 of Plats, page(s) 70, records of King County, Washington.

SITUATE in the County of King, State of Washington

**8. Present use of property**

Two-story triplex

**9. What structures will be demolished or removed?**

The existing triplex will be demolished.

**10. What are the planned uses for the property if a rezone is approved?**

A seven-story apartment building with street level commercial space along NE 50<sup>th</sup> Street.

**11. Does a specific development proposal accompany the rezone application?**

Yes, see Master Use Permit plans; this is a contract rezone.

**12. Reason for the requested zoning classification and/or new use.**

The rezone would implement the community's desire to increase density in this neighborhood, as expressed in the Director's Report and proposed map and text amendments to the Comprehensive Plan, specifically relating to the University Community Urban Center. The height increase would allow three additional floors, for an approximate additional 10,150 square feet, accommodating 30 more residents in the neighborhood.

The Director's Report states that, "Recent community input, the U District Urban Design Framework, and the EIS process all suggest a greater density and mix of uses in certain locations currently designated as 'multifamily residential.' 'Commercial/mixed use' would be required to align with parts of the zoning scenarios covered in the EIS – specifically, rezoning from residential to 'Neighborhood Commercial' and 'Seattle Mixed.' This includes frontage along NE 50<sup>th</sup> St."

**13. Anticipated benefits the proposal will provide.**

The rezone would contribute to the city's housing supply and help realize the benefits outlined in the Director's Report: a stable residential neighborhood that can accommodate projected growth; contribute to the vibrant commercial district serving and supporting the community, and would be more consistent with other commercial land uses along NE 50<sup>th</sup> St.

**14. Summary of potential negative impacts of the proposal on the surrounding area.**

An appropriate height, bulk and scale for the transitioning properties to the north has been a key design consideration. The applicant proposes a design with a nearly 30-foot setback along the easterly one-third of the north property line surrounding an exceptional Beech tree at the northeast corner of the subject property. This tree courtyard will serve to soften the transition to the north, also expected to be rezoned to NC3-65 in the near future. Further detail is provided in the response below to question 16.

**15. List other permits or approvals being requested in conjunction with the proposal:**

SEPA and Design Review.

**16. Written analysis of rezone criteria (code criteria are in italics):**

In order to obtain a rezone, the applicant must demonstrate that the rezone proposal will meet the applicable criteria of the Seattle Municipal Code, SMC 23.34.007. Compliance with that section includes analysis of the following code sections:

- SMC 23.34.008 General Rezone Criteria
- SMC 23.34.009 Height limits of the proposed rezone
- SMC 23.34.020 Lowrise 3 (LR3) zone, function and locational criteria
- SMC 23.34.024 Midrise (MR) zone, function and locational criteria
- SMC 23.34.070 Residential-Commercial (RC) zone, function and locational criteria
- SMC 23.34.072 Designation of Commercial Zones
- SMC 23.34.074 Neighborhood Commercial 1 (NC1) zones, function, and locational criteria
- SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function, and locational criteria
- SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function, and locational criteria

**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 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.*

The subject application is for a contract rezone; a PUDA will be developed as part of the City Council review.

*B. 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.*

The applicant does not seek a waiver from bulk or off-street parking and loading requirements. Departures from Code standards will be addressed through the Design Review process.

**SMC 23.34.007 Rezone evaluation.**

*A. The provisions of this chapter 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 those 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.*

*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.*

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.

**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 one hundred twenty-five percent (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 Urban Village Element of the Comprehensive Plan.*

The site is located in the University District Northwest Urban Center Village. The adopted growth target for this Urban Center Village in the current Comprehensive Plan is for 2,000 additional households, and the target density of 25 households per acre by 2024. The proposed rezone would slightly increase the zoned capacity of this Urban Center and this increase does not reduce capacity below 125% of the Comprehensive Plan growth targets. Instead the rezone aids the City's ability to meet the population growth targets and densities in the Plan.

*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 locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

The property is currently zoned LR3. The proposed change is to rezone the property to NC3-65 to match the neighborhood's and DPD's current zoning recommendation for the area. The NC3-65 zone is the best match for the property. Please see the functional and locational criteria analyses for the relevant zones below.

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

The Property has not recently been rezoned. Zoning history is as follows:

1923 to 1947 Business/ Commercial District

1947 to 1957 – Second Residence District

1957-1982 – RM (Multiple Residence)

1982-2011 – L3 (Residential, Multi-Family, Lowrise 3)

Ord123495 4/19/2011 changed it to LR3 (Residential, Multi-Family, Lowrise 3)

As stated above, DPD proposes to rezone the Property to the applicant-preferred designation, NC3-65 through the legislative rezone of the University District.

*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.*

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

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.*

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 University Community Urban Center (UCUC) neighborhood plan was adopted by the City Council in 1998. The UCUC plan is currently proposed to be amended along with DPD's legislative rezone efforts.

The current plan specifies zoning heights in specific areas. In the current plan the Property is in an areas designated as "low rise residential emphasizing ground related units" with a preferred height of 2-3 stories. However, the plan also states that "These goals and policies of the UCUC Neighborhood Plan are not intended to change the policy basis for consideration of rezones proposed after adoption of these goals and policies." There are no additional policies related to rezones or height and density in the current plan.

The proposed University District Neighborhood Plan would delete the map showing the area designated as "low rise residential" but would amend the FLUM to change the subject property from "multifamily" to "mixed use/commercial." Please see the proposed University District Neighborhood Plan at the following link:

[http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2307053.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2307053.pdf)

It must be noted that the University District Neighborhood Plan amendment and the amendment of the Future Land Use Map associated with the plan amendment is not necessary in order for the proposed contract rezone of a single parcel to move forward (see comprehensive plan Land Use Policy 2 that states that FLUM amendments are only required when significant changes to the intended function of a large area are proposed).

*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.*



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 green spaces.*

The property to the north, and all surrounding properties, are proposed to be rezoned by DPD to NC3-65 to match the proposed zoning designation. The property directly to the south across NE 50<sup>th</sup> St is proposed to be rezoned to Mixed Use-125. This will effectively eliminate any need for zoning transition boundaries to the north and west while the subject property will serve as a buffer between the more commercially-intense zoning to the south and residential zoning to the north.

Currently, the subject property is adjacent to LR3 zoning to the north, is across the alley from LR3 zoning to the west, is across Brooklyn Avenue NE from LR3-RC zoning to the east, and is across NE 50<sup>th</sup> Street from NC3-65 zoning to the south. NE 50<sup>th</sup> Street is classified as a Principal Arterial and Brooklyn Avenue NE is classified as a Collector Arterial.

Although a gradual transition between zoning and height categories is preferred by the rezone criteria, as are physical buffers or other buffering elements, the proposed rezone does not change the long-standing zoning pattern in the neighborhood of larger and more dense properties lining the principal arterials. That juxtaposition of zones and uses would not change with the rezone proposal.

The maximum height limitation of the LR3 is 40 feet for an apartment building. The change from 40 to 65 feet effective height limitation is not significant on a property that is on the corner of a very busy intersection. The Project that is being proposed with this contract rezone has also mitigated height, bulk and scale through a sensitive building design that achieves a transition through a series of elements that substantially exceed Code requirements.

In the case of development in an NC zone adjacent to a residential zone (what the case would be here should the rezone be approved), the Land Use Code requires a standard “wedding cake” building form. The first 13 feet of structure requires no setback; between 13 and 40 feet, a 15-foot setback is required; above 40 feet, an additional 2 feet of setback is required for every 10 feet above 40 feet (resulting in a 20-foot setback above 40 feet). SMC 23.47A.014.B.

Although the “wedding cake” approach can be a successful zone edge transition, it is not well suited to the particular circumstances of this rezone site. Given that the existing use to the north of the Property is a multifamily building and the Project site includes a significant tree, a more appropriate building design is proposed as zone edge transition:

- The property to the north is pulled back 24 feet from its property line, creating space between the properties.

- The project includes a ground level setback of 27.5 feet along one third of the north façade. The remaining portion of the façade has zero setback. This setback configuration allows for the retention of the significant European Beech tree that exists on the project site.

- The proposed building will have a height reduction from south to north. A clerestory will be situated along the north side of the building, but not on the south, creating a step-down in roof height to transition to the adjacent LR3 property, which is also anticipated and proposed by DPD to be rezoned to NC3-65.

- The proposed project will not have any windows facing the north property line which will protect the visual and acoustic privacy of the neighboring property.

- The proposed project will include an ornamental siding pattern on the north wall to provide visual interest for the adjacent property.

- Roof deck areas of the proposed project will either be oriented toward the alley or will be buffered from the northern property by landscaping

All of these features together create a transition that is appropriate to the particular characteristics of this rezone site and its neighbors to the north. The proposed design was unanimously recommended to move ahead to Master Use Permit application by the Northeast Design Review Board on June 29, 2015.

3. *Zone Boundaries.*

a. *In establishing boundaries the following elements shall be considered:*

(1) *Physical buffers as described in subsection E2 above;*

(2) *Platted lot lines.*

Zone boundaries would continue to follow platted lot lines; the zone boundary would also be Brooklyn Avenue NE on the east side of the property until the whole area north of NE 50<sup>th</sup> St is upzoned to NC3-65 and south of NE 50<sup>th</sup> St is upzoned to Mixed Use-125 as proposed by the City.

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 proposed commercial uses face across NE 50<sup>th</sup> Street toward NC3-65 zoning. Residential uses face across the alley, to the north, and to the east toward residentially-zoned properties.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) 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 site is within the University District Northwest Urban Center, where heights above 40 feet are considered appropriate.

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;*

No displacement of low-income housing is anticipated. The tenant relocation process related to this project is underway. Tenant relocation materials have been delivered with determinations of eligibility forthcoming. In addition to providing more market-rate housing to the community, the project has applied and been accepted into the Multi-Family Tax Exemption Program, and will provide 12 income-restricted units.

*b. Public services;*

Public services will be available to the project due to its location in a highly developed urban area. No appreciable impacts to public services are anticipated due to the additional housing made possible by the zone change.

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

The proposed rezone will allow three stories of additional height and will allow additional street-level retail/commercial uses allowed on the property. The proposed project would not create appreciable negative environmental impacts associated with allowing additional housing at this urban site. However, some additional shading of properties to the north would occur due to the height increase.

*d. Pedestrian safety;*

The area is currently developed with sidewalks, street lights and crosswalks.

*e. Manufacturing activity;*

Not applicable.

*f. Employment activity;*

New retail facilities will be developed to replace existing uses, which may provide additional employment opportunities.

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

A SEPA Appendix A report has been prepared for the building currently occupying the site. The Appendix A report will be reviewed by the Department of Neighborhoods. It is not expected that this building will be found to have architectural or historic value. The building was not determined to have any historic value by the EIS prepared for the University District rezone, which analyzed the environmental impacts of rezoning the property to NC3-65.

The University Heights school is directly across the street to the east and is a designated City landmark. The building would be reviewed through the SEPA process for any adjacency impacts, none of which are expected.

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

Not applicable.

*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.*

A traffic report will be prepared to address items a. through d.

With respect to utility and sewer capacity, a Water Availability Certificate has already been Approved with No Changes (reference number 20150812), and no issues of water or sewer capacity are anticipated. An application for permanent electrical service is currently being processed by Seattle City Light. The SCL area representative has indicated that the proposed building's electrical demand does not exceed service capabilities.

Item "F" on Shoreline Navigation is 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 circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.*

There are obvious changed circumstances in the area given that the City is proposing a legislative rezone for the area to the same zoning designation proposed by this proposal. According to the City, the impetus for the legislative rezone (which proposes the same rezone as the subject proposal) includes the need to use limited land resources more efficiently, greater concentration of density around light rail, a more diverse neighborhood character, increasing height and density to achieve other goals like affordable housing, and providing for consistency between the comprehensive plan and the land use code.

*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 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 is not located in or adjacent to a critical area.

J. *Incentive Provisions.* If the area is located in a zone with an incentive zoning suffix, a rezone shall be approved only if one of the following conditions are met:

The site and area are not located in a zone with an incentive zoning suffix.

The University District rezone proposes that if a legislative rezone of the area is adopted by the City Council, incentive zoning provisions should apply. The nature of those provisions, or whether they would apply to this contract rezone, are not known at the present time given the changes being made to incentive zoning by the HALA process.

**SMC 23.34.009 Height Limits of the Proposed Rezone.**

*Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply.*

Not applicable to the proposal.

***SMC 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.*

The property is located in the University District Northwest Urban Center and is located along Brooklyn Ave. NE., a collector arterial, and NE 50<sup>th</sup> Street, a principal arterial. Brooklyn Ave NE has a mix of smaller to moderate scale residential structures (and is zoned LR3), while NE 50<sup>th</sup> Street has larger scale structures. NE 50<sup>th</sup> Street is also a very busy street leading to I-5 and is not well suited to at-grade residential development which would be required under the LR3 zone.

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,*

*and the Lake City Hub Urban Village, the Bitter Lake Hub Urban Village, and the Admiral Residential Hub Urban Village; or*

The property does not meet this criterion. It is located in an Urban Center, but the existing context is already a multifamily neighborhood, and greater density in the neighborhood exists and is needed.

- 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;*

The property may meet this criterion. It is located in an existing multifamily neighborhood and is in an Urban Center. The neighborhood is characterized by high, mid, and lowrise residential and mixed use development, although the existing character is more commercial than LR3 zoning would allow.

- 2. The area is near neighborhood commercial zones with comparable height and scale;*

Across the street from the property is zoned NC3-65, which is a higher height and scale than the current LR3 zoning. The other surrounding zones are LR3 or LR3-RC.

- 3. The area would provide a transition in scale between LR1 and LR2 zones and more intensive multifamily and/or commercial zones;*

The property does not meet this standard. It is on the zone boundary between LR3 and NC3-65 and does not provide a transition in scale between lower density residential and higher density/commercial zones.

- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

Yes, although both NE 50<sup>th</sup> Street and Brooklyn Avenue NE have street widths that are wider than this and accommodate much more through traffic than a typical LR3 zoned neighborhood.

- 5. The area is well served by public transit;*

The property is well served by public transit along both NE 50<sup>th</sup> Street and Brooklyn Ave NE. Sound Transit's U District Station, approximately one quarter-mile south, will provide light rail service south to Sea-Tac airport and north to Northgate Station beginning in 2021.

- 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;*

The property has direct access to NE 50<sup>th</sup> Street via an alley and is also adjacent to Brooklyn Ave NE, both arterial streets that accommodate vehicles such that cut through traffic does not need to use residential streets.

- 7. 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;*

The area is well supported by commercial businesses along NE 50<sup>th</sup> Street, Brooklyn Ave NE to the south, and University Avenue NE a block to the east. The University Heights community center is directly across the street, and a park/tennis courts are a few blocks away to the west. The University District branch of the Seattle Public Library is a few blocks away. There is existing pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point neighborhood revitalization area.*

This is not applicable to the project.

- 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.*

This is not applicable to the project.

***SMC 23.34.074 Neighborhood Commercial 1(NC1) zones, function and locational criteria.***

- A. *Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*

1. *A variety of small neighborhood-serving businesses;*

The commercial retail along NE 50<sup>th</sup> Street, while serving the University District neighborhood, may also provide shopping opportunities for the large Seattle community since 50<sup>th</sup> is a busy thoroughfare.

2. *Continuous storefronts built to the front lot line;*

The proposed project will provide continuous storefronts built generally to the lot line along NE 50<sup>th</sup> Street. This condition exists along NE 50<sup>th</sup>, although the north/south Avenues are more conducive to streetscape-related, lowrise commercial development.

3. *An atmosphere attractive to pedestrians;*

The proposed project will provide an attractive environment for pedestrians. Currently the NE 50<sup>th</sup> Street corridor can be a bit brutal with a high volume of traffic.

4. *Shoppers walk from store to store.*

The area does include shoppers that walk from store to store, although the University District tends to allow for more car-oriented commercial uses at times (auto lots, large surface parking lots, large grocery stores). University Way tends to include more of a walking shopping atmosphere.

- B. *Locational Criteria. A neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*

The project site is in the middle of the University Urban Center, and is in the middle of a mid-density residential zone. It is not included in the primary business district that exists in the University District, but it is neither isolated nor on the periphery, as the business district stretches throughout the area.

2. *Located on streets with limited capacity, such as collector arterials;*

Brooklyn Avenue NE is a collector arterial. NE 50<sup>th</sup> Street, however, is a principal arterial. Brooklyn Avenue NE does not have limited capacity. It includes trolley buses, single lanes traveling both ways, and street parking on both sides of the street. The street functions quite well.

3. *No physical edges to buffer the residential areas;*

The project site is adjacent to LR3 zoning to the west across the alley, adjacent to LR3 to the north, and across the street from LR3-RC zoning to the east. It is across NE 50<sup>th</sup> Street from NC3-65 zoned property. The only non-physically buffered parcel from the property would be the parcel directly adjacent and to the north.

4. *Small parcel sizes;*

The site seeking the rezone is approximately 5,000 s.f. Although there are some smaller structures along Brooklyn Avenue NE the district is not primarily comprised of small structures on small parcels.

5. *Limited transit service.*

The site has excellent transit service along NE 50<sup>th</sup> Street, and Brooklyn Avenue NE. NE 50<sup>th</sup> Street is designated a minor transit street along this stretch, while Brooklyn Avenue NE is designated a Major Transit Street along this stretch. It is within five blocks of the new light rail station and is labeled a "frequent transit area" by DPD.

### ***SMC 23.34.070 Residential-Commercial (RC) zone, function and locational criteria***

#### ***A. Function.***

1. *Purposes. Areas that serve as the following:*

- a. *As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*

The area is not characterized by commercial strip centers; does not meet criterion.

- b. *As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*



It would not be appropriate to downzone this site. The site is located along NE 50<sup>th</sup> Street and the City is proposing to upzone the entire area. The existing areas are well-developed with commercial and multifamily uses. The site would be more appropriately zoned NC3-65 as a continuation of the 50<sup>th</sup> Street and Brooklyn Avenue commercial corridors.

- c. *To provide opportunities for needed parking in areas where spillover parking is a major problem;*

Spillover parking is not a major problem in this area. In addition, the project is not providing parking, so the project would not meet this criterion.

- d. *As a means of supporting an existing commercial node.*

Downzoning is not appropriate for this site. The site is located along NE 50<sup>th</sup> Street and the City is proposing to upzone the entire area. The existing areas are well-developed with commercial and multifamily uses. The site would be more appropriately zoned NC3-65 as a continuation of the 50<sup>th</sup> Street and Brooklyn Avenue commercial corridors.

2. *Desired Characteristics. Areas that provide the following:*

- a. *Physical appearance resembling the appearance of adjacent residential areas;*
- b. *Mixed use with small commercial uses at street level.*

The established character and development of NE 50<sup>th</sup> Street and Brooklyn Ave NE is larger in scale than that of the residential areas it supports to the north and west. The Brooklyn Avenue NE corridor is largely comprised of commercial development in a variety of small to medium-sized scales. The NE 50<sup>th</sup> Street corridor is a high speed, high traffic corridor. The rezoning of this property will provide additional residential density in support of the commercial district to both the north and south and to the west and will bridge the gap with new vibrant commercial storefronts linking these two commercial nodes.

B. *Locational Criteria.*

- 1. *Requirement. A residential-commercial designation shall be combined only with a multifamily designation.*

The RC designation is currently combined with the LR3 designation across the street. We do not feel that the RC designation is appropriate in this location..

- 2. *Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:*

- a. *Existing Character.*

- (1) *Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or*

- (2) *Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/ or where accessory parking would help relieve spillover parking in residential areas.*

The corridor along NE 50<sup>th</sup> Street and Brooklyn Ave NE to the south is primarily commercial in character, not residential. The site is located in the middle of vibrant commercial activity and is not an appropriate area for accessory parking lots.

*b. Physical Factors Favoring RC Designation.*

- (1) *Lack of edged or buffer between residential and commercial uses;*
- (2) *Lack of buffer between major arterial and residential uses;*
- (3) *Streets with adequate access and circulation;*
- (4) *Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.*

The site is located in the middle of a vibrant commercial corridor and is not appropriate as a buffer; zoning principles normally include commercial zoning along arterials such as NE 50<sup>th</sup> Street and Brooklyn Avenue NE. Both streets have adequate access and circulation. There is not an existing parking spillover problem in residential areas and use of the project site to accommodate spillover parking would not be appropriate due to its location along the commercial corridor and lack of parking provided by the project.

***SMC 23.34.072 Designation of commercial zones***

- A. The encroachment of commercial development into residential areas shall be discouraged.*

The site is located along a corridor of commercial development and does not encroach into a predominantly residential area.

- B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

The site is currently zoned LR3. This criterion does not apply.

- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Section 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The site is contiguous with the existing commercial zones along Brooklyn Avenue NE to the south. Commercial zoning in this location provides a buffer between busy NE 50<sup>th</sup> and Brooklyn Streets. It does not conflict with preferred configurations and edge protections of residential zones.

- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

The site is located along the well-established commercial corridor of Brooklyn Avenue NE and NE 50<sup>th</sup> Street and a block away from the retail activity located on University Way NE. The result of the proposed rezone is a concentration of commercial activity along two of the main commercial corridors in the neighborhood.

***SMC 23.34.024 Midrise (MR) zone, function and locational criteria.***

- A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.*

The property is located in an urban center with convenient access to the new light rail station. However, the character of the neighborhood along NE 50<sup>th</sup> Street and Brooklyn Ave NE to the south is more commercial and would appear to be more consistent with Neighborhood Commercial locational criteria as NC zoning is the predominant zoning along this commercial corridor. The property does allow for people to live within walking distance of employment.

- B. Locational Criteria. The MR zone is most appropriate in areas generally characterized by the following conditions:*

- 1. Threshold Conditions. Subject to subsection 23.34.024.B.2 of this section, properties that may be considered for a Midrise designation are limited to the following:*

- a. Properties already zoned Midrise;*

The property does not meet this criterion. It is currently zoned LR3.

- b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*

The property does not likely meet this criterion. The predominant zoning along Brooklyn to the north of the site is LR3 while the predominant zoning to the south is NC6-35; to both the east and west stretching north of the site along arterials (Roosevelt and University) is zoned NC2. There is no MR zoning east of the I-5 corridor within the University District neighborhood, it is all zoned either NC or LR.

- c. Properties with an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.*

The property does not meet this criterion, as the adopted neighborhood plan states that the zoning should be lowrise. The proposed comprehensive plan/neighborhood plan states that the zoning should be NC3-65. The adopted University Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones.

- 2. Environmentally Critical Areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise 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, or flood prone area, or abandoned landfill.*

The property is not within a designated Environmentally Critical Area.

3. *Other Criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*

a. *Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The MR zone would allow building up to 60 feet with 15 additional feet possible through incentives. Predominant heights within the district vary from two story structures to no highrise structures.

b. *Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development.*

The site is excellently served by transit, is within walking distance of the transit station and is on two transit streets.

c. *Properties in areas that are in close proximity to major employment centers;*

The property is in close proximity to a major employer (UW) as well as other major employers that depend on the UW nearby.

d. *Properties in areas that are in close proximity to open space and recreational facilities;*

The project is close to the UW campus and the University Heights park and community center.

e. *Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*

The site is along two arterials and is on a downhill slope which permits somewhat of a transition in scale with surroundings.

f. *Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*

Brooklyn Avenue is flat with somewhat of a slope up to the north. The prevailing structure height is about 40 feet to the north, but much higher to the south.

g. *Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*

The site and surrounding neighborhood slopes up to the west and up to the east a few blocks away; the project is in a bit of a valley. The only view opportunities are to the south of Mount Rainier.

- h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone;*

The site and surrounding neighborhood slopes up to the west and up to the east a few blocks away; the project is in a bit of a valley. The only view opportunities are to the south of Mount Rainier.

- i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

Not applicable; slopes are not so severe as to allow burying the building within a slope.

***SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria***

*A. Function. To support or encourage a pedestrian oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*

- 1. A variety of small to medium-sized neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot line;*
- 3. An atmosphere attractive to pedestrians;*
- 4. Shoppers can drive to the area, but walk from store to store.*

The surrounding area includes a variety of small- and medium-sized neighborhood businesses such as Walgreens, Safeway, banks, bars, and numerous neighborhood businesses supported by pedestrians walking from business to business. The character of the area includes storefronts built to the front lot line, multifamily mixed use buildings, single family residences, as well as older commercial buildings that include surface parking lots. The area is pedestrian friendly and attractive, particularly following the addition of recent neighborhood businesses. The new businesses have added vibrancy to the area.

Following the contract rezone, these attributes will not change. The project will increase the vibrancy of the area by adding additional apartment units and will bring new residents to support current and new business in the district. The project will add a small amount of commercial spaces consistent with the scale of small- and medium-sized neighborhood businesses. The project will be built to the front and side lot line. The retail will be continuous along NE 50<sup>th</sup> Street and turn the corner extending south along Brooklyn Ave NE. The street-level activity will improve safety in the pedestrian realm.

*B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*

The property does not meet this criterion as it is located in an urban center.

2. *Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

The property does not meet this criteria. NE 50<sup>th</sup> Street is a principal arterial that connects the University District to I-5. It is considered a major transportation corridor and includes high speeds.

3. *Lack of strong edges to buffer the residential areas;*

The area lacks strong edges, such as street breaks or topographical breaks, to residential areas. The project site itself is adjacent to NC365 and LR3 zoning.

4. *A mix of small and medium sized parcels;*

Parcel sizes in the area are mixed. The subject property for the rezone is 5,000 SF while other parcels in the area are larger or smaller.

5. *Limited or moderate transit service.*

The property does not meet this criterion. The site has excellent transit service and is located in a "frequent transit area."

***SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria***

***C. Function. To support or encourage a pedestrian oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:***

1. *A variety of sizes and types of retail and other commercial businesses at street level;*
2. *Continuous storefronts or residences built to the front lot line;*
3. *Intense pedestrian activity;*
4. *Shoppers can drive to the area, but walk from store to store.*
5. *Transit is an important means of access.*

The surrounding area includes a variety of small, medium, and large-sized neighborhood businesses such as Walgreens, Safeway, banks, bars, and numerous neighborhood businesses supported by pedestrians walking from business to business. The character of the area includes storefronts built to the front lot line, multifamily mixed use buildings, single family

residences, as well as older commercial buildings that include surface parking lots. The area is pedestrian friendly and attractive, particularly following the addition of recent neighborhood businesses. The new businesses have added vibrancy to the area.

Following the contract rezone, these attributes will not change. The project will increase the vibrancy of the area by adding additional apartment units and will bring new residents to support current and new business in the district. The project will add a small amount of commercial spaces consistent with the scale of small- and medium-sized neighborhood businesses. The project will be built to the front and side lot line. The retail will be continuous along NE 50<sup>th</sup> Street and turn the corner extending south along Brooklyn Ave NE. The street-level activity will improve safety in the pedestrian realm. In addition, transit is an extremely important means of access in the neighborhood, which is the major distinguishing factor between NC 2 and NC2 designations (NC2 does not rely as heavily on transit).

*D. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:*

- 1. The primary business district is an urban center or hub urban village;*

The property meets this criterion, as it is located in an urban center.

- 2. Served by principal arterial.*

The property meets this criterion. It is located on NE 50<sup>th</sup> Street, a Principal Arterial.

- 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The property is not necessarily adjacent to low-density residential areas as the residential character in the University District tends to be middle to high density. The property is at the corner of Brooklyn and NE 50<sup>th</sup>, which makes it well suited to NC3-65 zoning.

- 4. Excellent transit service.*

The area includes excellent transit service.

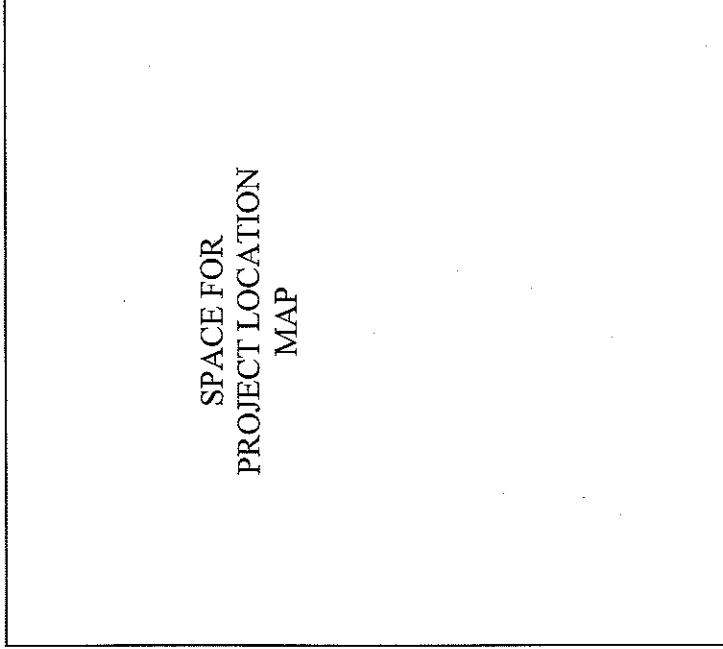
# NOTICE OF PROPOSED LAND USE ACTION

Master Use Project # 3019997  
Address: 5001 Brooklyn Avenue N  
Applicant Contact: Lisa Baker Phone: (206) 523-6150

DPD IS CONDUCTING AN ENVIRONMENTAL REVIEW OF THE FOLLOWING PROJECT:

COUNCIL LAND USE ACTION TO REZONE 5,008 SQ. FT. FROM LRS TO NC3-65. PROJECT INCLUDES CONSTRUCTION OF A SEVEN STORY BUILDING CONTAINING 60 RESIDENTIAL UNITS WITH 1,500 SQ. FT. OF RETAIL SPACE AT GROUND LEVEL. EXISTING STRUCTURE TO BE DEMOLISHED.

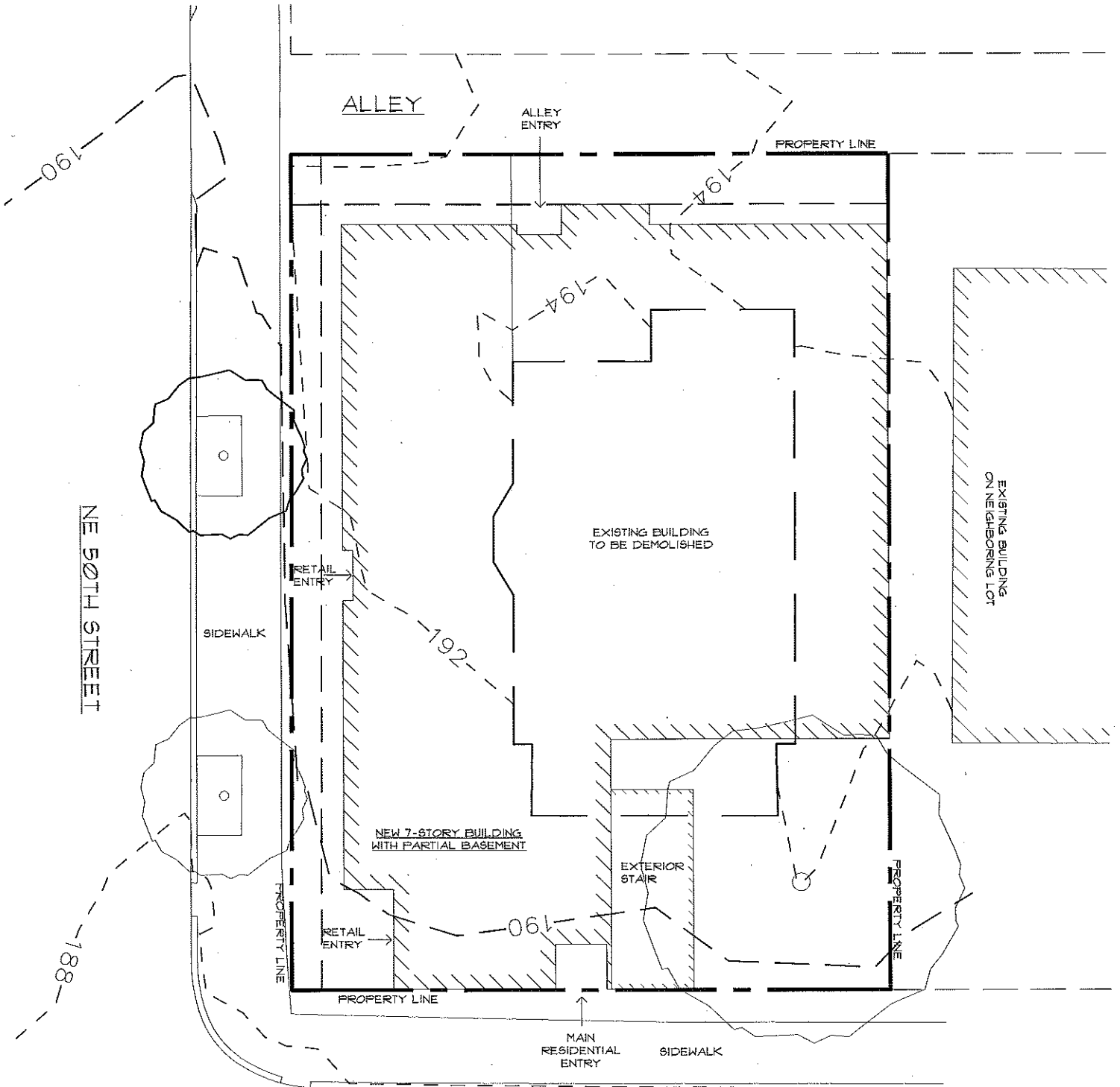
ADDITIONAL APPROVALS REQUIRED:  
COUNCIL APPROVAL, DESIGN REVIEW



The comment period ends \_\_\_\_\_ but may be extended to \_\_\_\_\_ by written request. All comment letters will be posted to the DPD web site. To submit written comments or to obtain additional information, contact Seattle's Department of Planning and Development (DPD), 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124 -4019. Contact by phone (206) 684-8467 or email [PRC@seattle.gov](mailto:PRC@seattle.gov). Be sure to refer to Master Use Project # 3019997.

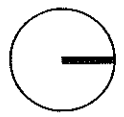






BROOKLYN AVE NE

5001 BROOKLYN AVE NE





# PROJ #301997-SEPA/DSGN/REZ

5001 BROOKLYN AVE N  
MAP #60

