



3016369 DesRevSEPA

743 N 35TH ST
MAP 75



Feet

0 145



Report Date 09/15/2014 04:57 PM Submitted By Page

A/P # 3016369 DISCRETIONARY LAND USE ACTION

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	09/15/2014 16:10	STALLWM	Temp COO		
Approved			COO Issued		
Final			Expires		

Associated Information

Type of Work	FULL C FULL REVIEW (COMPLEX)	# Plans	1	Declared Valuation	3500000.00
Dept of Commerce	CMRCL COMMERCIAL	# Plans	0	Calculated Valuation	0.00
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group		Actual Valuation	0.00

Description of Work

Council Land Use Action to contract rezone 9,314 sq.ft. of land from NC3-40 to NC3-65 and to allow a five-story structure containing 56 residential units above 1,881 sq. ft. of retail in an environmentally critical area. Parking for 10 vehicles to be provided below grade. Existing structure to be demolished.

Parent A/P #		Project/Phase Name		Phase #	
Project #	3016369	Size Description		Subdivision Code	
Size/Area	0.00	Proposed Start		% Completed	0.00
Proposed Stop					
% Complete Formula					

Property/Site Information

Address 743 N 35TH ST
 SEATTLE WA

Location

Owner/Tenant

Contact ID	AC212942	Name	ROBERT HARDY	Organization	
Mailing Address	1108 10TH AVE E	State/Province	WA	Country	<input type="checkbox"/> Foreign
City	SEATTLE	Evening Phone		Mobile #	
ZIP/PC	98102				
Day Phone					
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

DV0023281

A/P Linked Parcels

DV0023281

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

Report Date 09/15/2014 04:57 PM

Submitted By

Page 2

Applicants/Contacts

Primary N Capacity OWNER Contact ID AC212942 Foreign
 Effective Expire
 Name ROBERT HARDY
 Day Phone Eve Phone Organization
 Pager PIN # Position
 Fax Mobile Profession
 E-Mail
 Address 1108 10TH AVE E
 SEATTLE, WA 98102
 Comments No Comments
 Special Inspections

Special Inspection Qualifications

Principal

SI Qualifications SI Category	Suspended	Susp End Dt	Expired	Comments
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There are no items in this list

Primary N Capacity OTHER Other FIN RESP Contact ID AC223936 Foreign
 Effective Expire
 Name FREMONT APARTMENT LLC
 Day Phone (425)774-2200 x Eve Phone Organization
 Pager PIN # Position
 Fax Mobile Profession
 E-Mail
 Address 4200 196TH ST, SUITE 210
 LYNWOOD, WA 98036
 Comments No Comments
 Special Inspections

Special Inspection Qualifications

Principal

SI Qualifications SI Category	Suspended	Susp End Dt	Expired	Comments
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There are no items in this list

Primary Y Capacity APPL Contact ID AC40919 Foreign
 Effective Expire
 Name BRADLEY KHOURI
 Day Phone (206)297-1284 Eve Phone Organization B9 ARCHITECTS
 Pager PIN # Position
 Fax (206)284-7572 Mobile Profession
 E-Mail
 Address 210 S JACKSON STREET
 SEATTLE, WA 98104
 Comments No Comments

Report Date 09/15/2014 04:57 PM

Submitted By

Page 3

Special Inspections

Special Inspection Qualifications

Principal

SI Qualifications SI Category	Suspended	Susp End Dt	Expired	Comments
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There are no items in this list

Contractors

No Contractors

Land Use

Decision Type ^{IV} Land Use Components
 Building ID Information

Project Includes Use Y Ground Disturbance Y
 TRAO Applies N EDG Required
 Design Review Y Development In ROW
 Incentive Plan
 PASV Req'd This Permit Y Done Under Permit Remarks
 Fee Ordinance Exception NONE (*1)

Special Flags
 Priority Green N

Building ID Information
 Building ID

There are no items in this list

Land Use Components LU Component Comments Added By	Component Detail	Outcome	Component Add Date
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COUNCIL	CNCL REZONE CNT		09/15/2014
STALLWM DSGN RVW 1	DR NO DEP REQST		10/16/2013
PAYNEM SEPA	SEPA DNS		09/11/2014
STALLWM			

DPD

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

LAND USE Application

Report Date 09/15/2014 04:57 PM

Submitted By

Page 4

Land Use Components LU Component Comments Added By	Component Detail	Outcome	Component Add Date
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Template Type	A/P #	A/P Type	Status	Stage
BLDG	6387693	CONSTRUCTN		Pre-Processed

Employee Employee ID	Last	First	MI	Comments
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No Employee Entries

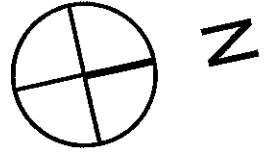
Log Action Comments	Description	Entered By	Start	Stop	Hours
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No Log Entries

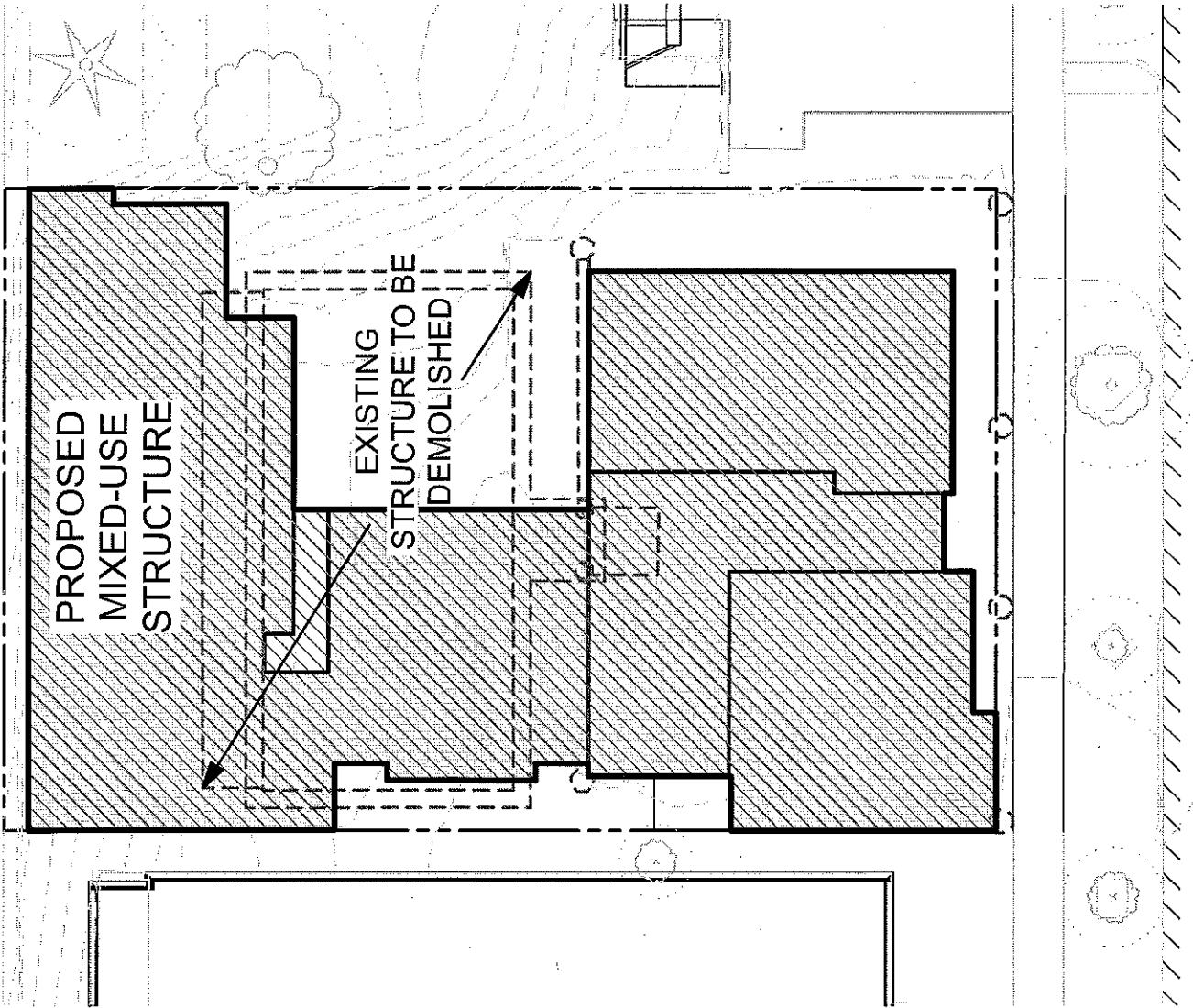
ALLEY

PROPOSED
MIXED-USE
STRUCTURE

EXISTING
STRUCTURE TO BE
DEMOLISHED



N 35TH ST



Rezone Application Submittal Information

Please provide the following information with your rezoning application at the time of your appointment:

1. Project number.
2. Subject property address(es).
3. Existing zoning classification(s) and proposed change(s).
4. Approximate size of property/area to be rezoned.
5. If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and Tip 103B, *Environmentally Critical Area Site Plan Requirements*.
6. Applicant information:
 - a. Property owner or owner's representative or
 - b. Other? (Explain)
7. Legal description of property(s) to be rezoned (also include on plans – see #16, below).
8. Present use(s) of property.
9. What structures, if any, will be demolished or removed?
10. What are the planned uses for the property if a rezoning is approved?
11. Does a specific development proposal accompany the rezoning application? If yes, please provide plans.
12. Reason for the requested change in zoning classification and/or new use.
13. Anticipated benefits the proposal will provide.
14. Summary of potential negative impacts of the proposal on the surrounding area.
15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).
16. Submit a written analysis of rezoning criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.
17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans cover sheet.

1. 3016369
2. 743 N 35th Street
3. Existing zoning of the subject parcel is NC3-40. The proposal is to rezone the subject parcel to NC3-65.
4. 9,314 sf. The proposal is currently in the process of dedicating 2' of the lot to meet current right-of-way requirements for alleys.
5. A steep slope is located on the site. An ECA exemption was applied for and approved under DPD project number 6387693. It was determined that the steep slope was created through previous legal grading associated with site development.
6. Bradley Khouri (applicant), b9 architects, 610 2nd Ave, Seattle WA 98104.
7. Parcel B, City of Seattle Short Plat number 80-119, recorded under recording number 8112280216, in King County, Washington.
8. (1) story commercial
9. The existing structure will be demolished.
10. The proposed project is for a 56-unit mixed-use apartment building with (2) commercial units at N 35th Street and parking for 10 vehicles below grade.
11. Yes, plans have been submitted under DPD project number 3016369.
12. A contract rezone will allow a feasible project to be constructed at this prominent location. The project is oriented around a large central courtyard that directly relates to the adjacent historical library. This courtyard, along with significant setbacks to neighboring structures, is made possible because of the extra height allowed under a 65 foot height limit.
13. The rezone will allow the redevelopment of the existing under-developed parcel while providing an appropriate response to the adjacent historic Fremont Branch Library and improving the street front along N 35th Street.
14. We have reduced the height of the street-facing facade from 65' to 53'. It could still be deemed by some that this extra 9' of height at the street (above the currently allowed 44') is too much.
15. The proposed project is being reviewed by the City of Seattle's Design Review process and Master Use Permit drawings have been submitted to DPD.
16. The rezone criteria analysis is attached to this application.
17. Drawings have been submitted under DPD project number 3016369.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated in the Seattle Municipal Code, sections 23.34.007, 23.34.008, 23.34.009, 23.34.072, and 23.34.078.

Applicable portions of the rezone criteria are shown in italicized typeface, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezones

- A. Property Use and Development Agreement (PUDA). 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 proposed rezone is a contract rezone and the applicant has submitted a proposed project under DPD project number 3016369.

- 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.***

No waivers are being requested as part of the proposed rezone.

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.***

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 evaluated the full range of criteria called for and outlined in Chapter 23.34, "Amendments to Official Land Use Map (Rezoning)" as they apply to the subject rezone.

- 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 Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.***

The proposed rezone is not a shoreline environment redesignation and so the Comprehensive Plan Shoreline Area Objectives 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 proposed rezone is within the Fremont Hub Urban Village as established in the Comprehensive Plan.

- E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.***

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

- 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 proposed rezone is not a correction of a mapping error and therefore 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 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.**

In response to (1) and (2), the proposed rezone is located within the Fremont Hub Urban Village Overlay, as described in the response to SMC 23.34.007.D.

The growth target listed for this Hub Urban Village in Urban Village Appendix A of the Comprehensive Plan is for 500 additional dwelling units between the year 2005 and the year 2024.

The established density target for this Hub Urban Village in Urban Village Appendix A of the Comprehensive Plan is a density of 12 dwelling units per acre by the year 2024. In 2004, the density in this Urban Village was listed at 10 dwelling units per acre.

From 2005 through the second quarter of 2014, five hundred and twenty-five (525) new units were built in the Fremont Hub Urban Village (an average of 52.5 units per year). The growth target has currently been exceeded by 5%.

The proposed rezone will not reduce the zoned capacity for the Fremont Hub Urban Village. In fact, the proposed rezone will increase zoned capacity and zoned density by allowing for additional building height, gross floor area, and residential units on the subject parcel. This increases the opportunity for additional housing opportunities while maintaining the existing commercial opportunity.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125 percent of the Comprehensive Plan growth target.

This rezone is also consistent with SMC 23.34.008A.2 because the proposed change would not result in less density for this zone than the density established in the Hub Urban Village Element of the Comprehensive 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 proposed rezone does not intend to change the zone designation.

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

The following is a chronological list of historical zoning for the subject parcel:

- 1923 to 1947 : Second Residence District with a 65 foot height limit.
- 1947 to 1957 : Business District with a 65 foot height limit

- 1957 to 1959 : Multiple Residence Low-Density (RM) with a 35 foot height limit
- 1959 to 1988: General Commercial (CG) with a 60 foot height limit
- 1988 to Present: Neighborhood Commercial 3 with a 40 foot height limit

The project site became a part of the City of Seattle with the annexation of 1891 which included the neighborhoods of Fremont, Green Lake, Eastlake, and north Queen Anne among others. In 1923, the City of Seattle adopted Ordinance 45382 which established regulations on the height and size of buildings. The project site was designated a Second Residence District, essentially a multi-family zone which also allowed hotels, clubs or fraternal societies, and hospitals. According to the height map, the subject parcel had a height limit of 65 feet.

The subject parcel was involved in a previous rezone. Ordinance 88466, passed in 1959, established the subject parcel as well as several adjacent parcels (including the Fremont Public Library) as "General Commercial" (CG). The parcels had previously been designated Multiple Residence Low-Density (RM). The owners of the Fremont Tabernacle petitioned the City Council in April of 1959 for the rezone (see Comptroller File 237082) and the ordinance was approved in August of the same year. Under the provisions of Ordinance 86300, which governed issues of land-use after it's passing in 1957, a General Commercial designation limited the height of construction to 60 feet (see Section 18.61, Ordinance 86300). The height limit for RM zones was 35 feet (see Section 12.51).

With the passage of Ordinance 110381, the City of Seattle established Title 23 in the Seattle Municipal Code. Starting with Residential Zones, the City began to adopt in phases a new Land Use Code. The zoning designation of the project parcel, initially "Mixed Use Area" in 1981, was developed as a part of the business and commercial zone phase of the policy development. By the time the 1988 zoning map is published, the project had been designated as Neighborhood Commercial 3 with a 40 foot height limit. This is the current zoning designation.

Other land-use related events that occurred near the subject parcel include:

- **Fremont Public Library** : In 1920, the City of Seattle Library Board purchased Lots 9, 10, 11, 12 and the west half of Lot 13 in Block 34 for Library purposes at a cost of \$3,000 (see Ordinance 40822). The Fremont Public Library was completed in 1921.
- **Alley** : In September of 1920, 5 months after the purchase of the land for the Library, the City Council passed Ordinance 41403 which established a public alley between N 34th street and N 35th Street.
- **Aurora Avenue** : The east portion of the block was condemned by the state in 1930 in order to widen the public street for the construction of Aurora Avenue (see Ordinance 59719).
- **Short Plat Subdivision** : On October 30, 1980, King County recorded a short plat (recording no. 8010300856) that generated what is now the current site – Parcel B, City of Seattle Short Plat Number 80-119.
- **A.B. Ernst Park** : The City of Seattle, under the 1993 Regional Conservation Futures Acquisition Program, purchased Lots 7 and 8, Block 34, Denny and Hoyt's Addition in order to create A. B. Ernst Park (see Ordinance 119117). This area was expanded to the west to include the east 6 feet of Lot 5 and all of Lot 6. This acquisition occurred as a result of the 2008 Parks and Green Spaces Levy (see Ordinance 123414).

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 Fremont Neighborhood Plan was adopted by City Council October 4, 1999. The adopted portions can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section.

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

The subject property falls within the Fremont Neighborhood Planning area and is covered by the adopted portions of the Fremont Neighborhood Plan.

The proposed rezone is consistent with the goals in and around the Fremont neighborhood and Urban Village core and will facilitate future development that will best accomplish the City's planning objectives.

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 Fremont Neighborhood Plan do not establish policies dedicated to the purpose of guiding future rezones.

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 proposed rezone is bounded to the east and west by NC3-40 parcels and to the south by NC3-65. Across N 35th Street to the northwest the zoning is NC3-40, to the north and northeast is Lowrise 2. Due to sloping topography the existing structures across N 35th St located on the Lowrise parcels site 10 feet above the right-of-way. The proposed project tied to the rezone is designed to provide an appropriate zone transition to all neighboring parcels with specific attention paid to the historic Fremont Branch Library to the west and the Lowrise to the north. The proposed rezone would be consistent with the adjacent zoning to its south.

At N 35th Street, the proposed project is 4-stories in height at the street wall and sets back before it steps up to a fifth floor. This sensitive approach minimizes the effect of the increased height requested through the rezone. The increased 65-foot height limit is being requested due to two major factors. The first is that the subject parcel slopes dramatically from north to south, dropping almost 26 feet. This significantly impacts the height of the structure given its current 40-foot zoned height limit. The proposed project will use the current height measurement techniques outlined in SMC 23.86.006.A.2 to measure the project (see diagram) to step down the hill.

The second is that, in order to provide a generous zone transition to the historic library, the proposed project removes a significant amount of mass facing the library, creating a large west-facing courtyard that is open to the sky. The top floor of the proposed project is also setback from the north, west, and south property line. This setback provides a structure that feels much like a 4-story building from the street.

Through the methods described above the site-specific design solution combined with the requested increased height the proposal seeks less than half the additional Floor Area Ratio (FAR) available at the 65-foot height limit.

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.**

The subject parcel is currently zoned as NC3-40 and is located across the street from 5 lots zoned LR2. These LR2 lots are located well above N 35th Street on a hill. This natural buffer places these one and two story structures approximately eight (8) to ten (10) feet above street-level.

The Aurora Bridge is located one parcel to the west providing a large buffer to the LR3 zones located east of this bridge.

The proposed project incorporates a large 1,300 square-foot open courtyard in the center of the site open to the west towards the historic Fremont Branch Library. Residents and patrons of the ground floor commercial unit will share this semi-public space.

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.**

In response to (1) and (2), the proposed rezone would replace the existing zoning within the existing platted lot lines, an extension of the zoning immediately south of the parcel.

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.

See the response to subsection E.2 above. A proposed rezone from NC3-40 to NC3-65 is not anticipated to significantly impact the development potential of these LR2 lots.

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.

As described in response to SMC 23.34.007.D above, the subject parcel is located within the Fremont Hub Urban Village within the first block of Fremont Avenue.

The proposed sixty-five (65) foot height limit is consistent with the site's location within the Fremont Hub Urban Village. Though the subject parcel is abutted to the east and the west by a forty (40) foot height limit, the predominant surrounding height limit to the south and west is sixty-five (65) feet.

The subject parcel slopes down approximately twenty-six (26) feet from N 35th Street to the alley. Due to the slope of the subject parcel and the height measurement techniques outlined in SMC 23.86.006.A.2, the proposed project will be only five stories at N 35th Street. The height, bulk, and scale impacts of one additional

story are not expected to block air and/or light or adversely impact the existing or future uses on either side of this portion of N 35th Street.

Overall, the proposal would appear to satisfy these criteria for the subject parcel.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The proposed project will have a positive impact on the supply of housing on the site and its surroundings. The proposed rezone will add housing capacity to the neighborhood, locate additional housing in the Residential Urban Village, and take pressure off adding housing to the nearby low rise and single family zoned neighborhoods. None of the proposed residential units are designated "low-income" as defined by the Land Use Code or Seattle Office of Housing.

b. Public services;

As noted in the response to 23.34.008.F.2.e, the proposed project is anticipated to add 11 additional residential units to a maximum build-out in the current 40-foot height zone. The demand for public services will see a negligible increase with this additional 11 units while the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. The increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact, especially given its adjacency to the Fremont Branch Library, and may be seen as mitigating the increased demand. Additionally, the proposed rezone provides additional residents who can support the Fremont Branch Library and make its grounds more secure and safe for visitors.

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

Noise – No noticeable change in impacts are anticipated from the change in zone.

Air quality – No noticeable change in impacts will result from a change in zoning to allow an additional twenty-five feet in height. The proposed project will be designed to meet Built Green standards.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water collection and management will be in conformance with City of Seattle standards. The proposed rezone would not create the potential for any more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable impacts as the change in zoning would not reduce the vegetation requirements of the proposed project.

Glare – No noticeable change in impacts will result from a change in zoning.

Odor – No noticeable change in impacts will result from a change in zoning.

Shadows – The proposed development will create additional shadows on its north, east and west sides, depending on season and time of day. Shadow studies have been created for this project and have been submitted with the Master Use Permit drawings. The additional shadows are minimized to the north, east and west through the site-specific design strategy. Modulation along these edges is described above in E.1.

Energy – No noticeable change in impacts will result from a change in zoning. The proposed project will be required to comply with the current Seattle Energy Code.

Views – The SR-99 bridge is visible from many parts of the site, including public rights of way and private properties, as currently developed (one-story office building). A full build-out of the subject parcel under existing NC3-40 zoning would block most, if not all private/public views from adjacent properties. There would be no appreciable difference to private views between NC3-40 zoning and NC3-65 zoning. The proposed project is approximately 53 feet above N 35th Street.

d. Pedestrian safety;

No noticeable change in negative impacts will result from a change in zoning. The proposed project will remove an existing curb cut to the site and does not propose any new curb cuts from N 35th Street. This will improve pedestrian safety along the sidewalk at N 35th Street. All boundaries will be provided with appropriate compliant lighting for pedestrian safety. The proposed additional 11 apartments will contribute to an increased sense of pedestrian safety, with additional benefit carrying over to the library property.

e. Manufacturing activity;

Not applicable.

f. Employment activity;

As the existing zone supports commercial development, no noticeable change in impacts will result from a change in zoning.

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

The proposed project is located directly east of the historic Fremont Branch of the Seattle Public Library. The design of the proposed structure responds to the historical significance of the library by pulling away from its edges and creating a large courtyard that opens onto the library's reading room. A large goal of attaining the contact rezone is to respond appropriately to this historic structure while still making the project feasible. The specific design of the proposed development employs design strategies to reduce the overall sense of scale of the structure. The position and orientation of the reading room and its windows have been carefully considered with no significant impact on this interior space resulting from the rezone.

h. Shoreline view, public access and recreation.

No noticeable change in impacts will result from a change in zoning. No adverse impacts to nearby parks are anticipated. There are no appreciable private/public views of the shoreline as currently developed, therefore it is anticipated that the shoreline view would not be impacted by the proposed rezone.

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;

The subject parcel is served by N 35th Street, which is designated as both a Collector Arterial and Minor

Transit Street.

In response to (a) through (d), the street access, street capacity, transit service and parking are discussed in the traffic analysis.

e. Utility and sewer capacity;

The subject parcel is zoned NC3-40 and is located within 1/2 block of Fremont Ave N and the center of the Urban Village. It is anticipated, given the existing zone and the proximity to the Urban Village center, that the existing infrastructure is capable of handling the maximum development potential of the subject parcel as currently zoned. The proposed rezone is not anticipated to add undue load to the existing system.

To establish a baseline unit size, the following assumptions have been made. These assumptions are based on the proposed project that is associated with the contract rezone. It is also assumed that the size of the commercial use and parking area charged to FAR would not change based on the rezone.

PROPOSED PROJECT

Site Area: 9,314 sf.

FAR for a Mixed-Use Development with a 65-foot Height Limit: 4.75

$9,314 \text{ sf} \times 4.75 = 44,241 \text{ sf}$ allowable area

36,466 sf Proposed

Parking Use charged to FAR (per SMC 23.47A.013D): 690 sf

Commercial Use charged to FAR: 1,878 sf

Residential Use charged to FAR: 33,898 sf

NET AREA OF PROPOSED RESIDENTIAL USE

Total Area for Residential Use: 33,898 sf

Total Units in Proposed Project: 56

$33,898 \text{ sf} / 56 \text{ units} = 605 \text{ sf}$ average per unit

EXISTING PARCEL ZONED AS NC3-40

Site Area: 9,314 sf.

FAR for a Mixed-Use Development with a 40-foot Height Limit: 3.25

$9,314 \text{ sf} \times 3.25 = 30,270 \text{ sf}$ allowable area

AVAILABLE AREA DEDICATED TO RESIDENTIAL USE

$29,712 \text{ sf} - 1,878 \text{ sf}$ (commercial use) - 690 sf (parking use) = 27,144 sf available for residential use

$27,144 \text{ sf} / 605 \text{ sf}$ average per unit = 45 units

If the contract rezone is granted, it can be assumed that the proposed project would only add 11 dwelling units to the maximum development potential of the parcel as currently zoned.

f. Shoreline navigation.

The area of the rezone is not located within a shoreline environment so shoreline navigation is not applicable

to this rezone.

No significant impacts are anticipated as a result of this rezone.

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.

As noted above in section SMC 23.34.008.C, the subject site has changed zoning and height limits many times in its recent history. The zoning from 1923 to 1957 included a 65-foot height limit, from 1957 to 1959 a 35-foot height limit, from 1959 to 1988 a 60-foot height limit and from 1988 to Present a 40-foot height limit. A study of the current prevalent zoning immediately adjacent to the development site reveals that much of the adjacent lots are still zoned at the 65-foot height limit while others are as low as 30 feet. It is clear that changed circumstances directly impacted the zoning of this parcel and others north and east of it and appear inconsistent from adjacent lots to the south and west. This is a lost opportunity to further activate the Fremont Hub Urban Village and to meet the goals of the Comprehensive Plan and the Growth Management Act due to the zoning and height changes made in 1988.

In response to this, the rezone encourages redevelopment of the property, currently the site of a small commercial building built in 1952 by the Fremont Pentecostal Tabernacle church for their use. Through a short plat recorded in 1980, the church sold the property as 743 N 35th Street after previously being addressed with the adjacent church. Since then it has been used as office space and is called the Lakeview Building today. A surface parking lot for approximately ten automobiles is located between the building and the street. Although several businesses occupied the office building since then, there has been no new development on the site. This is significant given that the site is located just a half block east of the center of the Fremont Hub Urban Village and adjacent to one of Seattle's Branch Libraries.

The position of the Lakeview Building so far set back from the street makes it difficult to see from the street. This is a suburban strategy and contradicts the intended goals of the Neighborhood Commercial zoning, the Fremont Neighborhood Plan and the Urban Village strategy in general. With the creation of the Fremont Hub Urban Village in 1999 the city determined it as an area to concentrate growth, defined as part of the Comprehensive Plan. The large surface parking lot abutting the sidewalk effectively terminates the pedestrian experience. The rezone enables this project to contribute to the vitality of the neighborhood and provide a strong connection at ground level with new retail spaces. It will stitch the iconic Troll to the Fremont Branch Library and the "Center of the Universe" and the compact, concentrated commercial area at Fremont Avenue N. Further it is anticipated that Link Light Rail will connect to Ballard from downtown in the future with Fremont as one of the two destinations along the route, necessitating a further look at the zoning and potential for growth to meet the needs of investments in transit infrastructure. There are significant opportunities for market rate and affordable rental housing, especially given the proximity to downtown and transit service when much of the growth in the area has been for sale ground related housing.

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

This site is located in the Fremont Hub Urban Village overlay, a half block directly east of the commercial center. One of the strategies of the neighborhood plan is to encourage the development of housing in commercial areas. The proposed rezone helps make housing feasible on the subject parcel.

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 subject parcel has a mapped steep-slope critical area. A request for ECA exemption was submitted to and approved by the Department of Planning and Development. It was determined that the steep slope had been

created through previous legal grading associated with site development.

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:

- 1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or**
- 2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned.**

The proposed rezone is not located in a zone with an incentive-zoning suffix.

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:

- A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.**

This rezone only seeks to increase the proposed height limit of an NC3 parcel from 40 to 65 feet. This is intended to accommodate increased housing density and to provide an appropriate response to the adjacent historic structure (Fremont Branch Library) as well as other adjacent zones.

The requested height limit for this rezone is sixty-five (65) feet. This would allow for the same multifamily residential uses that are currently allowed in the zone, so there is no potential to displace preferred uses.

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.**

N 35th Street, which runs east and west, slopes up approximately twenty-two (22) feet from Fremont Ave N to Troll Ave N. The LR2 zoned parcels directly across N 35th St from the subject parcel are elevated approximately eight (8) to ten (10) feet above N 35th Street due to a change in the natural topography. The proposed project will be 5-stories at N 35th Street. Due to the dramatic grade change on the subject parcel (approximately 25 feet from north to south), project height will be measured using the height measurement technique outlined in SMC 23.86.006.A.2. This will result in a true 5-story building at N 35th Street and a 6-story building at the alley where one of the stories is below street-level.

Taking into account the existing topography, any existing views would be blocked by the currently permitted forty (40) foot building height limits on the subject parcel.

- C. Height and Scale of the Area.**

- 1. The height limits established by current zoning in the area shall be given consideration.**
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.**

In response to (1) and (2), the current height limit is forty (40) feet. The current height limit on commercial properties to the west and east is forty (40) feet. The current height limit on commercial properties to the south is sixty-five (65) feet. In the surrounding forty (40) and sixty-five (65) foot zoned areas few parcels have been developed in the last 20 years. This indicates that the area's overall development potential is high. The two most recent developments of a similar scale are in the C1-65 and IB U/65 zones at 620 N 34th Street (the PCC building) and 3417 Evanston Avenue N (the Saturn building).

- D. Compatibility with Surrounding Area.**

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.**

- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.**

The subject properties are not in or near a Major Institution.

As described above in Subsection 23.34.009.C.2, the surrounding commercial parcels range in height limits from forty (40) feet to sixty-five (65) feet. Changing the height limit for the subject parcel to sixty-five (65) feet (with a proposed project of approximately 53 feet above street-level) would not be out of character with the existing and potential development limits.

As described above in Subsection 23.34.009.B, the topography of this site slopes down from north to south, with a more pronounced drop in near the south property line. This means that the existing topography of the site provides a natural reduction in height when using the measurement techniques outlined in SMC 23.86.006.A.2.

E. Neighborhood Plans.

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.***
- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008***

In response to (1) and (2), as described in response to SMC 23.34.008.D above, portions of the Fremont Neighborhood Plan were adopted by City Council and are included in the Seattle Comprehensive Plan. There are no adopted goals or policies that specifically address height in the Fremont Neighborhood Plan.

SMC 23.34.072 Designation of Commercial Zones

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

Commercial development is already allowed in the existing NC3-40 zone, therefore the proposed NC3-65 rezone would not cause further encroachment into residential areas.

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 subject parcel is currently configured as a neighborhood commercial zone, therefore this section 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 Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

The subject parcel is currently configured as a neighborhood commercial zone. The change in designation from NC3-40 to NC3-65 would not change the configuration and the edge protection of the single-family residential zones as established in Sections 23.34.010 or 23.34.011 of the Seattle Municipal Code.

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

The change in the designation of the site from NC3-40 to NC3-65 would not diminish the compact and concentrated character of the existing commercial area along N 35th Street. The proposed rezone would not enable diffusion or sprawl of the existing commercial area. The change in designation would help to create a more compact and concentrated commercial area by providing 11 additional apartments as part of the proposal.

Commercial development is located along both sides of N 35th Street as you head west from the subject parcel towards Fremont Ave N. The existing pattern of commercial development along N 35th Street and Fremont Ave N would not be characterized as sprawling, but rather as a concentrated commercial corridor along both sides of these arterials.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The proposed rezone would not result in an expansion of the existing commercial area occupied by the existing commercial uses. No new business districts would be created by the proposal.

SMC 23.34.078 Neighborhood Commercial 3 (NC3) Zones, Function and Locational Criteria

A. 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;

A variety of sizes and types of retail and other commercial businesses exist at street level in the rezone area.

Existing ground floor uses within one block of the proposed rezone lot include:

Dance Studio
Small Local Restaurants
Small Clothing Retail
Clothing Alterations
Used and Vintage Shops
Music Shop and School
Medical/Dental/Specialty Health Offices
Attorney's Office
2 Apartment Buildings

A full range of goods and services is available in the immediate vicinity of the subject property:

Seattle Public Library (neighbor)
Fremont Dental (0.2 miles)
PCC Natural Markets (0.2 miles)
Fremont Sunday Market (0.2 miles)
Fremont Baptist Church (0.2 miles)
Three Banks (within 2 blocks)
B.F. Day Elementary (0.4 miles)
Gas Works Park (0.7 miles)
Seattle Pacific University (0.8 miles)
David Rodgers Park with Tennis Courts and Play Area (0.8 miles)
Woodland Park with Tennis Courts, Softball and Soccer fields (1.0 miles)

2. Continuous storefronts or residences built to the front lot line;

The proposed rezone would not change the desired functional character of the Neighborhood Commercial Zone. The proposal includes commercial space at street-level and will directly relate to the sidewalk.

3. Intense pedestrian activity;

The current pedestrian activity along N 35th Street is moderate and attractive to pedestrians in terms of sidewalks and street trees. A.B. Ernst Park and the Fremont Branch of the Seattle Public Library create a discontinuity in the NC-zone along the south side of N 35th Street. The project proposes to continue the commercial zone to its intended eastern termination of Troll Ave N. The proposed project will add interest and a sense of safety to the neighborhood while adding ground floor retail making it attractive to pedestrians.

4. Shoppers can drive to the area, but walk around from store to store;

The area of the proposed rezone meets this criterion because shoppers can drive to the area, park on Fremont Ave N, N 34th Street, or N 35th Street and walk from store to store. The proposed structure is located a half

block east of Fremont Avenue N, the center of the Frémont Hub Urban Village.

5. Transit is an important means of access.

King County Metro currently provides service to N 35th Street via routes 26, 31 and 32. These routes serve, Wallingford, the U-District, Greenlake, Crown Hill, Queen Anne, Magnolia, Westlake, and Downtown. Within 1/4 mile are routes 40, 5, 16, and 82 extending services north to Shoreline and Northgate.

B. 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 in an urban center or hub urban village;

The subject parcel is currently zoned NC3 and is located in the Fremont Hub Urban Village, therefore no noticeable change will result from a rezone from NC3-40 to NC3-65.

2. Served by principal arterial;

The subject parcel is served by N 35th Street, which is designated as both a Collector Arterial and Minor Transit Street.

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

The subject parcel is located across the street from 5 lots zoned LR2. The proposed project responds to this adjacency by proposing a reduction in height at N 35th Street from the requested 65 feet to approximately 53 feet and only five stories. The first four stories at the street hold the sidewalk while the fifth floor steps back five feet. A change in material highlights this change and reduces the presence of the upper floor. This approach creates a massing that closely resembles the feeling of a building that could be built given the current zoning limitations at the street.

4. Excellent transit service.

As noted in the response to SMC 23.34.078.A.5, this zone is served by excellent transit service that ties the neighborhood to the rest of the city.