

Rezone Application Submittal Information

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

1. Project number.
3027312
2. Subject property address(es).
4801 24th Avenue NE,
4809 24th Avenue NE,
2310 NE 48th Street,
2312 NE 48th Street,
2314 NE 48th Street,
2316 NE 48th Street,
2318 NE 48th Street,
4717 24th Avenue NE,
4725 24th Avenue NE,
2309 NE 48th Street,
4701 24th Avenue NE,
4703 24th Avenue NE,
4705 24th Avenue NE,
4707 24th Avenue NE
3. Existing zoning classification(s) and proposed change(s).
Existing Zoning = LR3
Proposed = NC2-85 (height self-limited to 75 feet)
4. Approximate size of property/area to be rezoned.
The property includes 3 parcels at 101,234 SF. The project is proposing a street vacation and if the street vacation is approved, there will be an additional 9,735 SF of area incorporated into the development for a total of 110,969 SF.
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*.
The north parcel contains a small area of steep slope that was noted on the PAR and is shown on the GIS. However, this happens to be an incorrect classification. See attached letter from the geotechnical consultant regarding a steep slope exemption.

All 3 parcels are also within a liquefaction zone and the southernmost parcel is peat settlement prone. Per SMC 25.09.330, additional site plan information is only required for landslide-prone areas, flood-prone areas, riparian corridors, wetlands and wetland buffer, and steep slope erosion hazard areas and buffers. No additional information is required.

Topographic surveys are included with the MUP documents but are not required for the ECA areas that exist on the site per SMC 25.09.330. As noted above, the steep slope designation should not apply or trigger additional information required.
6. Applicant information:
 - a. Property owner or owner's representative or
Property Owner:
Trinity Trailside LLC

Owner of Improvements (Ground Lessee):

PPC Land Ventures, Inc.

Responsible Party / Owner's Representative for Ground Lease:

J. Blake Pogue / Preston Hart
Phoenix Property Company
5950 Sherry Lane, Suite 320, Dallas, TX 75225
214-880-0350

Primary SDCI Applicant:

Jodi Patterson-O'Hare
Permit Consultants Northwest
17479 7th Avenue SW, Normandy Park, WA 98166
425-681-4718

- b. Other? (Explain)
NA

6. Legal description of property(s) to be rezoned (also include on plans – see #16, below).
Below are the legal descriptions, also shown on sheet A1.00 of the attached MUP documents.

Legal Description:

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE FORMER NORTHERN PACIFIC RAILWAY COMPANY RIGHT-OF-WAY,

TOGETHER WITH THAT PORTION OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 LYING EASTERLY OF RAVENNA AVENUE NORTHEAST, AS CONDEMNED BY THE CITY OF SEATTLE IN KING COUNTY SUPERIOR COURT CAUSE NO. 56814, AS PROVIDED BY ORDINANCE NO. 15642 OF THE CITY OF SEATTLE, AND LYING WESTERLY OF THE FORMER NORTHERN PACIFIC RAILWAY COMPANY RIGHT-OF-WAY; EXCEPT THAT PORTION LYING WITHIN THAT CERTAIN PIPELINE RIGHT-OF-WAY CONDEMNED BY THE CITY OF SEATTLE IN KING COUNTY SUPERIOR COURT CAUSE NO. 223326, AS PROVIDED BY ORDINANCE NO. 56125 OF THE CITY OF SEATTLE; AND EXCEPT THE EAST 188 FEET THEREOF AND THE NORTH 150 FEET THEREOF; ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF SEATTLE FOR STREET PURPOSES BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 4967657.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Street Vacation Legal Description:

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERN MOST CORNER OF THAT STRIP OF LAND CONVEYED TO THE CITY OF SEATTLE BY DOCUMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 4967657, SAID CORNER BEING ON THE WEST MARGIN OF THE 25TH AVENUE RIGHT OF WAY AND ALSO ON THE SOUTH MARGIN OF THE NE 47TH STREET RIGHT OF WAY, THENCE NORTH 88 DEGREES 47'27" WEST ALONG SAID SOUTH MARGIN, 188.05 FEET TO THE WEST MARGIN OF THE 24TH AVENUE NE RIGHT OF WAY;

THENCE NORTH 00 DEGREES 59'01" EAST ALONG LAST SAID WESTERN MARGIN, 327.72 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO LYING ON THE SOUTH MARGIN OF THE NE 48TH STREET RIGHT OF WAY;

THENCE NORTH 88 DEGREES 47'06" WEST ALONG THE LAST SAID SOUTH MARGIN, 243.84 FEET TO THE EAST MARGIN OF THE BURKE GILMAN TRAIL (FORMERLY NORTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY);

THENCE NORTHERLY ALONG SAID EAST MARGIN 40 FEET MORE OR LESS TO THE NORTH MARGIN OF SAID NE 48TH STREET RIGHT OF WAY;

THENCE SOUTH 88 DEGREES 47'06" EAST ALONG SAID NORTH MARGIN, 242.89 FEET TO SAID WEST MARGIN OF THE NE 24TH AVENUE NE RIGHT OF WAY;

THENCE SOUTH 00 DEGREES 59'01" WEST 40.00 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

8. Present use(s) of property.
The property has 8 multi-story apartment buildings, 7 of which include the Trailside Apartments. The one remaining building is leased for use as an annex to the nearby Travelodge hotel. There are 105 apartment units (excluding the hotel annex) and the apartments are a max of 3-stories.
9. What structures, if any, will be demolished or removed?
All structures on the site will be demolished.
10. What are the planned uses for the property if a rezone is approved?
The proposed project is a multi-family residential project, targeted as student housing for UW students. The project will include associated residential amenities (fitness, lounges, study spaces, etc.), 1 level of below grade parking for residential use, and approximately 2,400 SF of retail use at ground level.
11. Does a specific development proposal accompany the rezone application? If yes, please provide plans.
Please see the attached MUP plans.
12. Reason for the requested change in zoning classification and/or new use.
The rezone would implement the affordability levels of the City's Mandatory Housing Affordability ("MHA") proposal by upzoning the property and participating in all MHA requirements as currently described in the Draft Environmental Impact Statement ("DEIS") for MHA. The rezone also implements the current Comprehensive Plan, which calls for the greatest density in Urban Villages and Centers.

Currently the site is zoned LR3. However, the DEIS for the MHA rezone is considering rezoning this site from LR3 to NC2-75(M1). The project is pursuing the contract rezone to NC2-85, and is self-limiting the height to 75 feet. If MHA get adopted during the course of the project, the rezone application will be withdrawn.

The change in zoning will allow for the development of a project that provides more density, housing, and retail that supports the adjacent NC/C zoning and the UW campus. The site is 1 block west of a very active commercial core, but the existing zoning does not allow for increased density or zoning that aligns with the neighboring properties.

13. Anticipated benefits the proposal will provide.
The project will provide much needed student housing at the NE edge of the UW campus. The UW is continually reaching housing capacity and aside from the current development plans that are underway, the UW does not intend to build any more on-campus housing and is relying on private development to bridge the housing gap.

The rezone would also contribute to the City's housing supply and would create a pedestrian- and bicycle-oriented project. In general this benefits the City by allowing more people to live in the City, closer to their school along existing transit, bike, and pedestrian infrastructure within the designated Urban Centers. The proposal will also implement the currently proposed MHA requirements.

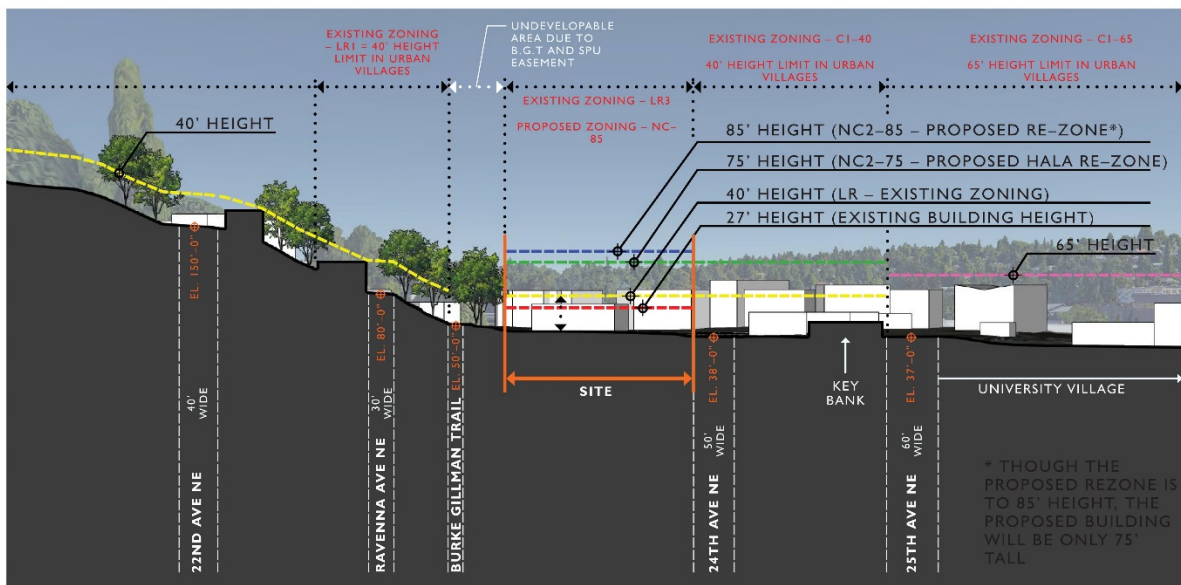
The project will also help to revitalize the existing block and surrounding streets/sidewalks. Currently, there is limited pedestrian activity along 24th Avenue NE and the adjacent properties. The existing apartment buildings turn their back on 24th Avenue NE and have little relationship with the Burke Gilman Trail. This project will engage the trail and street frontage, which is more in line with the current University District Design Guidelines and neighborhood planning goals. The existing sidewalks will also be improved to meet current SDOT standards for design and landscaping requirements.

This project is also proposing a street vacation for NE 48th Street. The street vacation will add

substantial public and private benefit, including connections from the Burke Gilman trail to the street grid beyond and a curb-less street that is intended to slow traffic and enhance the pedestrian experience. Additional public benefits are being proposed and will be outlined further as the project progresses.

14. Summary of potential negative impacts of the proposal on the surrounding area. The project would increase height compared to the surrounding parcels, but the surrounding parcels to the north and east are anticipated to be rezoned under MHA to NC2-75(M1) as well. The parcel to the east is anticipated to be developed soon after the applicant's proposed project. The parcel to the south is anticipated to be zoned to 65 feet as part of the UW Campus Masterplan. [The MHA DEIS shows that this parcel will be rezoned to NC2-75 as well; however, the Masterplan will control]. Because these parcels are anticipated to be upzoned, and are anticipated to be developed in the future, there are no potential negative impacts to the surrounding area.

The area to the west of the project site is buffered by both the Burke Gilman Trail and a 12 foot increase in elevation. The additional height associated with this rezone will not negatively impact the LR1 zoned area at the top of the hill. See attached exhibit below for an illustration. In addition, the project has been designed to limit building mass along the trail as much as possible. The buildings are also primarily oriented in the east/west direction, creating several large courtyards and porosity across the site.



We have conducted a traffic and parking analysis with a transportation planner and the full traffic report is being provided with the SEPA and MUP documents. Impacts from our project to overall vehicular traffic volume will be minimal based on the project's anticipated population and travel patterns. The development is anticipated to generate 295 weekday daily vehicle trips with approximately 26 occurring during weekday AM peak hour and 38 trips during the PM peak hour. Accordingly, there will be no significant adverse traffic or parking impacts.

15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).

The project is requesting a street vacation for NE 48th Street. The first draft of the street vacation was submitted on 9/19/17 and the street vacation process is currently underway.

The project is also going through Design Review and the Master Use Permit Process. The Early Design Guidance meeting was on 8/7/17 and the Design Review Board recommended the project move forward to MUP submittal. Please see the attached MUP plans, which also include the approved EDG minutes. A SEPA determination and zoning approval will also be

required.

16. Submit a written analysis of rezone 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.

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 23.34.020 Lowrise 3 (LR3) zone, function and locational criteria
- SMC 23.34.076 Neighborhood Commercial 2 (NC2) 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 Ravenna Urban Center Village. The increase due to the proposed rezone 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 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 property is currently zoned LR3 within an urban center village with targeted upzone under proposed HALA legislation to NC2-75(M1). The project proposal is to rezone the property to NC2-85 with a self-limit to 75'. Please see the functional and locational criteria analyses below.

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

We are unaware of any previous zoning history for the site and surrounding areas. However, the University Village is currently pursuing a MUP for multiple buildings with increased height directly east of the project site.

The forthcoming MHA DEIS rezones currently analyzes a proposed increase from LR3 to NC2-75(M1) on this Property and NC2-75(M1) for neighboring properties. Please see the draft maps here:

<https://seattlecitygis.maps.arcgis.com/apps/MapSeries/index.html?appid=d3425fef5b884c29a710761c163b347a> (Please see Alternative 2 Zoning Map). OCPD staff has stated that the MHA rezones will be transmitted to the City Council for consideration in fall 2017.

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 plan is a part of the Comprehensive Plan. It does not include specific guidance for rezones in the Urban Center. Specifically, the proposal furthers the following goals and policies of the Neighborhood Plan (see emphasized text and comments below):

UC-G1: Stable residential neighborhoods that can accommodate projected growth and foster desirable living conditions.

UC-G4: A community in which the housing needs and affordability levels of major demographic groups, including students, young adults, families with children, empty nesters, and seniors, are met and which balances homeownership opportunities with rental unit supply.

UC-G7: An urban center that is home to the University of Washington, the region's foremost educational institution, which is expanding to meet new challenges while enhancing the surrounding community.

UC-G11: A community where people are and feel safe.

UC-G12: A community where the historic resources, natural elements, and other elements that add to the community's sense of history and unique character are conserved.

UC-P5: Support the University Village Shopping Center's activities in a way that furthers economic and housing goals

UC-P26: Work to connect and integrate the campus and the community visually, physically, socially, and functionally.

UC-P36: Encourage legitimate uses and a sense of ownership in parks and public spaces.

UC-P37: Support public safety through urban design, while requiring mitigation of significant and cumulative impacts according to SEPA.

UC-P6: Encourage the development of retail businesses that serve local needs on 25th Avenue NE, and encourage the redevelopment of a diverse mix of housing and compatible retail, where appropriate, in adjacent areas.

UC-P8: In pursuit of Comprehensive Plan Policies Transportation Policies, emphasize comfortable, safe, attractive pedestrian and bicycle access throughout the center, especially those routes identified in citywide modal plans.

UC-P14: Employ a variety of strategies to bring housing development to the affordability levels identified in the Housing element of the Comprehensive Plan, including development partnerships, zoning modifications, and subsidies.

UC-P22: In the Ravenna Urban Village, seek to protect and enhance natural areas and features.

UC-P23: Seek to preserve and enhance the following design characteristics within the community: pedestrian orientation and visual interest to the pedestrian, high-quality, human-scaled design details in larger buildings, streetscape continuity on commercial corridors, integration between the UW campus and the surrounding community, buildings with attractive open space and low-rise multifamily development that fits with the design character of adjacent single-family houses.

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

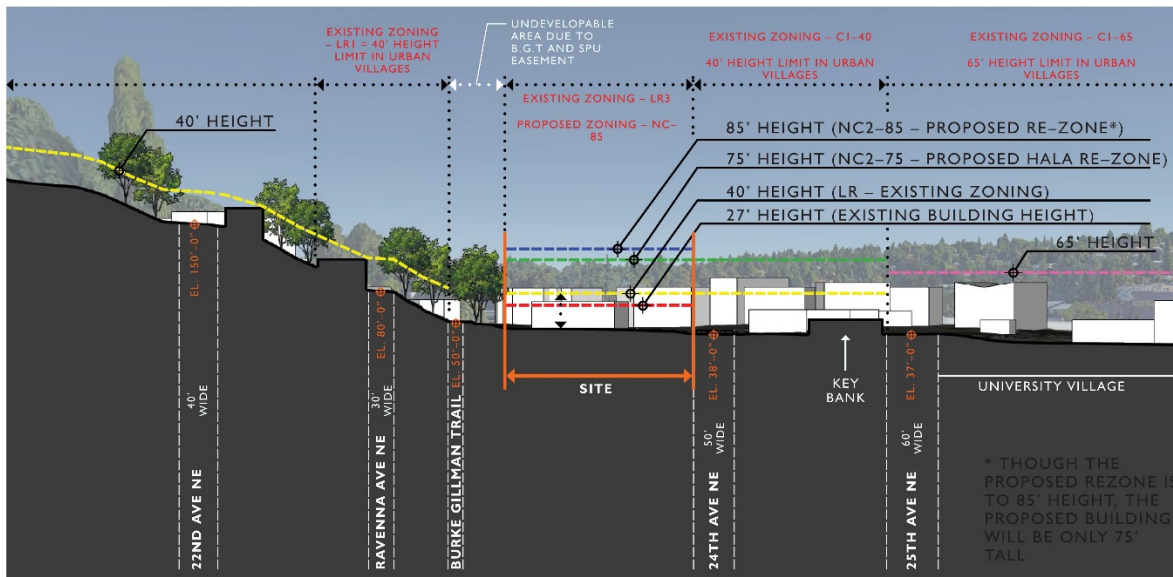
1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height*

limits, is preferred.

The properties to the north and east are currently zoned C1-40 and the property to the south is zoned MIO-50-C1-40. All are anticipated to be rezoned the same zoning – NC2-75(M1)—under MHA. To the west of the project site is the Burke Gilman Trail, and then a steep slope. At the top of the slope are properties zoned LR1.

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.*

There are significant physical buffers that separate the project site in each direction where there is a different use and/or lower intensity of development. The parcels to the west of our project site are zoned LR1, but are separated from the project site by the Burke Gilman Trail and a steep slope. See the exhibit below for an illustration.



The properties in all other directions are anticipated to be rezoned the same zoning – NC2-75(M1), and are currently zoned C1-40. The property to the south is zoned MIO-50-C1-40. The property to the east is separated by 24th Avenue NE, which is a public right of way. The properties to the north and south will be separated by trail connections to the Burke Gilman Trail provided by the applicant. The proposed legislative rezone will effectively eliminate any need for zoning transition boundaries.

3. *Zone Boundaries.*

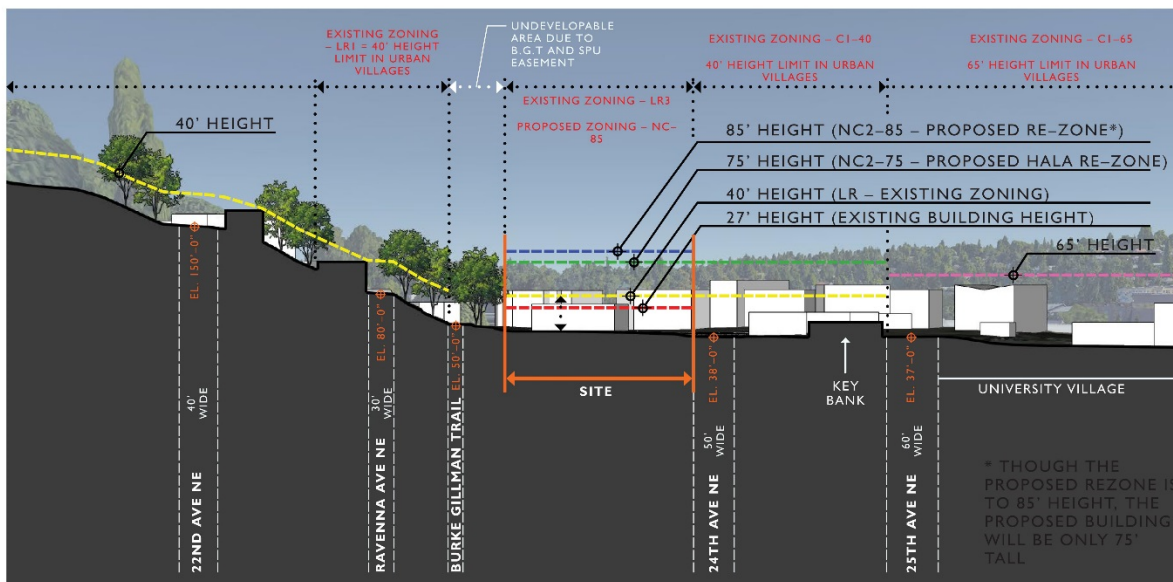
a. *In establishing boundaries the following elements shall be considered:*

- (1) *Physical buffers as described in subsection E2 above;*
- (2) *Platted lot lines.*

Zone boundaries would continue to follow platted lot lines and/or street rights of way.

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 property to the east of the site is currently zoned C1-40 and is proposed under MHA/HALA to be rezoned to NC2-75(M1). The properties to the north and south of the project site are also anticipated to be rezoned under MHA/HALA to NC2-75(M1). The western edge of the project site is directly adjacent to the Burke Gilman Trail. Up a steep slope from the trail is an LR1 zone. See the exhibit below for an illustration.



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 Ravenna Urban Center Village. The NC2-85 designation, with a self-limit of 75', is consistent with the existing and MHA proposed character of the area.

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

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

a. Housing, particularly low-income housing;

The proposal will remove the existing housing on site, but will add approximately 118 housing units beyond what currently exists on the property site. In addition, the proposal will voluntarily comply with the MHA proposal to provide affordable housing, either via performance or a fee in lieu of performance. The MHA proposal is not currently in effect and it currently allows for a payment option to be exercised.

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. The project has obtained confirmation that adequate water, sewer, transit, storm water, and electrical services exist to serve the proposed project. The Preliminary Assessment Report is part of the MUP record reflecting these adequacies.

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

The proposed project will not create appreciable negative environmental impacts associated with allowing additional housing at this urban site. The additional stories will not appreciably increase shadow impacts. Shadow studies are provided in the attached MUP plans. No odor- or noise-producing uses are proposed as part of the project. Noise excessive of the urban environment will not be produced by the project. Air and water quality will not be harmed, nor will terrestrial and aquatic flora and fauna. The project will comply with existing energy codes.

d. Pedestrian safety;

The project will go through the SIP process and follow all new requirements for sidewalk and landscaping improvements, including widening the sidewalks where required. The project is also proposing a curbsless street as part of the street vacation public benefit, with the intent of creating a safer and slower vehicle traffic street for pedestrians and cyclists. Two trail connections are also being designed to create safe connection from the Burke Gilman Trail to the street grid and beyond.

e. Manufacturing activity;

Not applicable.

f. Employment activity;

Additional employment will occur on the site due to the retail space proposed in the project.

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

A SEPA Appendix A report has been prepared for the buildings currently occupying the site. The building is not listed on the City's historic building survey as warranting landmark nomination. No architectural or historic value is expected to be found. There are no designated landmarks

surrounding the project site, nor are there any properties listed for potential landmark status surrounding the project site.

h. Shoreline view, public access and recreation.

There are no shoreline views that will be impacted as a result of this upzone; this project is far from the shoreline. However, the project will greatly improve public access and recreational opportunities to the Burke Gilman Trail by providing two new public connections.

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 and parking study has been prepared and is being submitted to address these items. No capacity or access issues have been identified to exist as a result of the proposal's traffic generation or parking generation. In addition, no major transit capacity issues have been identified associated with the project.

With respect to utility and sewer capacity, no issues of water or sewer capacity are anticipated.

Item (2f) 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 or more intense zoning designation proposed by this proposal. The City continues to accept more residents and those residents need places to live in the City.

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

The site is not in an overlay.

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. An (M1) zoning suffix is anticipated to be adopted for the property under the proposed MHA/HALA legislation.

SMC 23.34.072 Designation of commercial zones

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

The site is located near 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 24th Avenue NE to the east and University Village Shopping Center east of 25th Avenue NE. Commercial zoning in this location provides aligns with existing zoning in the area, and it does not conflict with preferred configurations and edge protections of residential zones that are on top of the hill.

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

The site is located near the well-established commercial corridor of 25th Avenue NE and the University Village Shopping Center. The result of the proposed rezone maintains the concentration of commercial activity along a main commercial corridor in the neighborhood.

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-, medium- and large neighborhood businesses such as QFC, banks, bars, restaurants and numerous neighborhood businesses supported by pedestrians walking from business to business. The area also includes the University Village Shopping Center, which contains both neighborhood businesses and regional retail in a walkable and pedestrian-friendly environment. 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 lot line. The street-level activity and the proposed improvements to the trail connections 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 is located in an urban center near a business district.

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

24th Avenue NE has good street capacity to serve the neighboring properties, but is not a major transportation corridor. The property is located one block away from 25th Avenue NE, is a major transportation corridor that connects University Village to I-5.

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

The area includes a strong edge to buffer residential areas. The property is separated from residential areas by the Burke Gilman Trail and a steep slope.

4. A mix of small and medium sized parcels;

Parcel sizes in the area are mixed, and are typically medium to large parcels.

5. Limited or moderate transit service.

The site has moderate to good transit service along 25th Avenue NE.

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 Seattle DCI plans cover sheet.

Please see the attached MUP plans.

LEGAL DISCLAIMER: *This Tip should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this Tip.*