



**REZONE APPLICATION SUBMITTAL INFORMATION PER TIP #228  
SDCI PROJECT #3027954**

1. **Project Number:**  
SDCI #3027954
2. **Subject Property Address:**  
1601 Dexter Ave N
3. **Existing Zoning Classification & Proposed Change**  
Existing Zone NC3P-40 changed to NC3P-55 in anticipation of future zoning change
4. **Size of Property to be Rezoned**  
10,820 sf
5. **ECA Area**  
ECA Steep Slope- 'Relief from Prohibition on Steep Slope Development' filed with this MUP application
6. **Applicant Information**  
Wang Brothers Investments, LLC
7. **Legal Description**  
Parcel A: Lot 1, Block 7, Union Lake Addition Supplemental to the City of Seattle, According to the Plat Thereof Recorded in Volume 2 of Plats, Page 177, Records of King county, Washington; Except the East 1.79 Feet Thereof Heretofore Condemned by Ordinance No 12628 of the city of Seattle  
Parcel B: Lot 2, Block 7, Union Lake Addition Supplemental to the City of Seattle, According to the Plat Thereof Recorded in Volume 2 of Plats, Page 177, Records of King county, Washington; Except the East 1.79 Feet Thereof Heretofore Condemned by Ordinance No 12628 of the city of Seattle  
Assessor's Parcel #8807900255 and #8807900260
8. **Present Use of Property**  
Two old wood framed commercial buildings
9. **Structures to be Demolished**  
All on site.
10. **Planned Use for Property if Rezone Approved**  
Mixed-Use Apartment and Commercial
11. **Specific Development Proposal**  
Mixed Use Building with underground structured parking and commercial on Dexter Ave N
12. **Reason for Requested Zoning Change**  
The subject site is proposed to be up-zoned in the future to NC3P-55. We are proposing to develop to the up-zone standards including the provision of Mandatory Housing Affordability Suffix M. Provide housing in keeping with Comprehensive Plan.
13. **Anticipated Benefits the Proposal will Provide**  
The rezone would contribute to the City's housing supply, provide affordable housing and contribute to a more active streetscape along Dexter Ave N

14. **Summary of Potential Negative Impact of the Proposal on Surrounding Area**  
Property to the North and South of the site is proposed to be rezoned to NC3P-55(M). The site is across the alley from a C1-75 zone. To the East, across Dexter Ave N the property will be rezoned to NC3P-55. However one of those sites has already been contract rezoned from NC3-40 to NC3P-75 (SDCI #3011980, 1600 Dexter Ave N). To the south, another site has been contract rezoned from NC3-40 to NC3-65 (SDCI #3015882, 1511 Dexter Ave N). The project will be slightly higher than the project that was built to the North of our site. This contract rezone will have negligible impact on the surrounding area.
15. **Other Permits or Approvals Requested with this Application**  
Master Use Permit, SEPA, and Design Review,
16. **Written Analysis of Rezone Criteria**  
(SMC 23.34.008 and applicable Sections of 23.34.009-128)

**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 the Land Use Code and 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 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:
- 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.
1. 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 just outside the South Lake Union Urban Center as are the two recent contract rezones cited in Item #14, above.
- 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 NC3-P-40. The proposed change is to rezone the property to NC3-55 (M) to match the neighborhood's and SDCI's current zoning recommendation for the area. The NC3P-55 (M) 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. See Item #14, above.
- 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.

Queen Anne Comprehensive Plan Amendments and some neighborhood plan

recommendations were adopted by the City Council in 1999. The Queen Anne Neighborhood Plan does not specifically address development at the project site. The current plan specifies zoning heights in specific areas.

*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 South are already intended to be zoned NC3P-55 (M). This will effectively eliminate any need for zoning transition boundaries to the North and South. See Item #14, above. Currently, the subject property is across the alley from more intense C1-75 zoning to the West.

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 NC3P-40 is 40 feet for a mixed-use building. The change from 40 to 55 feet effective height limitation is not significant on a property that is on a very busy arterial. The Project that is being proposed with this contract rezone has also mitigated height, bulk and scale through a sensitive building design that achieves transition through stepping and a breakup of building massing.

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 West Design Review Board on 28 February 2018.

#### Zone Boundaries.

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;

3.                   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 just outside the South Lake Union Urban Center. However recent contract rezones and proposed zoning changes are in keeping with, or actually more intensive than the proposed contract rezone.

*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.

*a.* Factors to be examined include, but are not limited to, the following:  
Housing, particularly low-income housing;

No displacement any low housing is anticipated. In addition to providing more market-rate housing to the community, the project will provide units per the MHA requirements for a contract rezone.

*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 1-1/2 stories of additional height. 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 these buildings will be found to have architectural or historic value.

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 is applied for with this application and no issues of water or sewer capacity are anticipated. An application for permanent electrical service will be submitted to Seattle City Light. The proposed building's electrical demand is unlikely to 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, 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 contains an ECA steep slope area. A "Request for Relief from Prohibition on Steep slope Development..." is applied for with this application. The steep slope ECA has no effect on the application for rezone.

*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 an incentive zoning prefix of (M0 which requires the provision of affordable housing

**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 23.34.078 Neighborhood Commercial 3 (NC3) Zone, Function and Locational criteria**

**A. Functions:**

1. Provide opportunities for a pedestrian oriented shopping district.
2. Provide continuous storefronts or residences at street level
3. Increase pedestrian activity
4. Use transit as an important means of access

**B. Locational Criteria.** The NC3 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. The property does not meet this criterion. It is located just outside an Urban Center, but the existing context is already a mixed-use neighborhood, and greater density in the neighborhood exists and is needed.
2. The area is served by a principal arterial: Dexter Ave N
3. The site is separated from less intense zoning areas by comparable zoning proposed on the site.
4. The site has excellent transit service..
  1. 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."

**A. Site Plan:  
Attached**



# 3027594-REZONE DR SEAP

1601 DEXTER AVE N  
MAP PAGE: 90



Feet

0 150

