

Rezone Application Submittal Information

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

1. Project Number:
3034631
 2. Subject Property Address(es):
4731 15th Ave NE, Seattle
4759 15th Ave NE, Seattle
 3. Existing Zoning Classification(s) and proposed change(s).:
Existing Zoning = NC2-65 Proposed = NC2-75
 4. Approximate size of property/area to be rezoned.
The property includes 3 parcels at 32,960 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 site does not contain any environmentally critical areas
 6. Applicant Information:
Property Owner or Owner's Representative or Property Owner:

Peak Campus Development
2970 Clairmont Rd suite 310
Atlanta, GA, 30329
United States

Financially Responsible Party
BLUE VISTA STUDENT HOUSING ACQUISITIONS, LLC
2970 CLAIRMONT RD, STE 310
ATANTA, GA, 30329
United States

Primary SDCI Applicant:
Jon O'Hare
Permit Consultants Northwest
17479 7th Avenue SW
Normandy Park, WA 98166
425-301-9541
- a. Other

7. 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:

LOTS 1-8, BLK 2, UNIVERSITY HEIGHTS
UNIVERSITY CHRISTIAN CHURCH

8. Present use(s) of property.
No present use
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.),
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 up zoning 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 NC2-65. However, the DEIS for the MHA rezone is considering rezoning this site from NC2-65 to NC2-75(M). The project is pursuing the contract rezone to NC2-75. If the University District MHA gets adopted during the course of the project, the rezone application will be withdrawn.

13. Anticipated benefits the proposal will provide.
The project will provide much needed student housing at the NW 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.

14. Summary of potential negative impacts of the proposal on the surrounding area. The project would increase height compared to the surrounding parcels, but parcels to the south and east are zoned to NC2-75(M). Because these parcels are currently zoned NC2-75(M), there are no potential negative impacts to the surrounding area.
15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).

The project is also going through Design Review and the Master Use Permit Process. Early Design Guidance meeting was on 9/23/19 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.

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 23.34.076 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 criteria*

No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the property.

SMC 23.34.008 General rezone criteria.

- A. To be approved a rezone shall meet the following standards:*
- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
 - 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The site is located in the University District Urban Center. 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 NC2-65 within the University District Urban Center. with targeted upzone under proposed HALA legislation to NC2-75(M). The project proposal is to rezone the property to NC2-75. 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.*

The property was rezoned in March 2012 from LR3 to NC2-65 in Ordinance 123826. This zoning was established through a contract rezone, as described in Clerk File 309434.

The proposed University District MHA rezone proposes to change the areas in the neighborhood zoned NC2-65 to NC2-75(M).

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-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-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-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 south and north are currently zoned LR3 and the properties to the west are zoned NC3P-65. The property directly to the east is already rezoned to NC2-75(M). These properties are anticipated to be rezoned in the MHA University District rezone. The NC2-65 properties will be rezoned to NC2-75(M) and the LR3 properties will be rezoned to LR3(M). The relative increase in the density and intensity of each zone is proportional to the increase from NC2-65 to NC2-75.

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.*

NE 50th Street separates the project from the LR3 zone to the north. For the LR3 zone to the south, the LR3 property will have a similar increase in density as the proposed requested rezone.

The properties in all other directions are anticipated to be rezoned the same zoning – NC2-75(M). 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 (across the street) is currently zoned NC2-75.

- 4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The site is within the University Urban Center. The NC2-75(M) designation 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 add approximately 196 housing units. 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 curbless 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.

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;

Not applicable

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 up zone; 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 will be prepared and will be 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 (M) zoning suffix is anticipated to be adopted for the property under the proposed MHA/HALA legislation.

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:

- 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.*

The proposed rezone does not propose to change the underlying zoning designation, and will retain the NC2 designation. The goal of the NC2 zone is to:

[S]upport 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. Continuous storefronts built to the front lot line;
2. An atmosphere attractive to pedestrians;

SMC 23.34.076.A.

The NC2 zoning will remain. Raising the zoning to NC2-75 results in a project that is consistent with the type and scale of development intended for the NC2 zone. The additional height allows for housing, a preferred use, on top of the building.

- 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.*

There are no topographical features present that make the rezone inappropriate.

- C. Height and Scale of the Area.*

- 1. The height limits established by current zoning in the area shall be given consideration.*

The height limits established by current zoning are 65'. The property to the east is zoned NC2-75 and the City is currently studying a legislative rezone to implement MHA/HALA which would

rezone the NC2-65 zone to NC2-65(M) and the adjacent LR3 zone to LR3(M), which increases available height and density in the zone. The project proposed is consistent with the scale of development that exists, is sensitive to transitions, and is also consistent with the new development proposed in the area.

Without the additional height, this project would not be able to build the number of it is providing for the neighborhood.

- 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.*

The surrounding parcels in the Urban Center are all zoned NC3P-65, LR3, and NC2-75(M). The project proposed is consistent with the scale of development that exists, is sensitive to transitions, and is also consistent with the new development proposed in the area.

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.*

Please see response to C2 above. The scale of existing structures is generally consistent with existing development in the area and is only 10 feet taller than what is permitted by the current NC2-65 zoning. The proposal is also consistent with the currently proposed affordability levels for the HALA/MHA rezone to NC2-75(M).

- 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.D.2, are present.*

As discussed above, the 75-foot height of the building is consistent with the character of the existing area and provides a gradual transition in height between the existing zones. In addition, streets and alleys (defined as "major physical buffers" in 23.34.008.D.2) buffer three of the four sides of the proposed project from adjacent sites. The only site not buffered by a street or alley is the south of the project, which benefits from the 10' setback.

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 be otherwise established pursuant to the provisions of this section and Section 23.34.008.*

The adopted Neighborhood Plan does not make recommendations regarding height limitations.

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
18. 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.*



3035720-LU DR REZONE

4731 15TH AVE NE
MAP PAGE: 60



Feet
0 150

