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3005931

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BY:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

If you wish to file written comments and/or receive a notice of the decision, please return this completed form with any written comments you have to: Seattle Department of Planning and Development, 700 5th Ave Ste 2000, PO Box 34019, Seattle, Washington 98124-4019.

Name: ANNIE LANDFIELD Project #3005931 - Michael Dorcy, 22nd flr

Address: 1408 22ND AVE  
SEATTLE, WA Zip: 98122

Comment: I FULLY SUPPORT THE REZONE AS A FUNDAMENTAL STEP  
TOWARD REJUVINATING BUSINESS + COMMUNITY IN THE  
23RD + UNION AREA.

## Harris, Johnny

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**From:** MLBrown@bellevuewa.gov  
**Sent:** Wednesday, April 24, 2013 12:22 PM  
**To:** PRC  
**Subject:** Master Project #3005931

The Central District News announced that you are accepting comments about the proposed rezone of the post office parcel at 23<sup>rd</sup> & Union. (<http://www.centraldistrictnews.com/2013/04/the-sign-is-up-23rdunion-post-office-block-could-allow-65-foot-buildings/>)

I just wanted to send a quick note that I am in support of this rezone.

I live at 27<sup>th</sup> & Cherry, and I walk to this business district regularly. I look forward to more neighborhood revitalization, and I think tall buildings will be a great benefit to the community. It will provide more housing, which will provide more customers for the businesses. The more people and businesses that we can get in the neighborhood, the more people will walk around, which deters crime and jump starts more community participation.

Thanks,  
Melissa Brown  
522 27<sup>th</sup> Ave

**Harris, Johnny**

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**From:** Keith Shields [keith.shields@yahoo.com]  
**Sent:** Wednesday, April 24, 2013 1:17 PM  
**To:** PRC  
**Subject:** Master Project #3005931

Hi,

I live in the area near 23rd and Union and strongly support the proposed upzone for the southeast block of that intersection.

Thank you for your time,

Keith Shields  
[keith.shields@yahoo.com](mailto:keith.shields@yahoo.com)

**Harris, Johnny**

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**From:** Brian de Place [bdeplace@gmail.com]  
**Sent:** Wednesday, April 24, 2013 8:29 PM  
**To:** PRC  
**Subject:** Master Project #3005931

I live on 20th near E Union st and I feel the 23rd and Union intersection would benefit greatly from a re-zone. The area needs stronger pedestrian attractions and business anchors. A re-zone with residential units on top and retail on the ground would help make this area more active and safer. Thanks,

Brian de Place

Sent from my iPad

**Harris, Johnny**

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**From:** Sachin Kukreja [sachin\_kukreja@hotmail.com]  
**Sent:** Wednesday, June 05, 2013 9:46 PM  
**To:** PRC  
**Subject:** project # 3005931

Hello,

I whole heartedly support the rezone of the 23<sup>rd</sup>/Union intersection. This area is sorely in need of investment and the higher density will surely incent developers to pour money into the corner. The whole strip between Cherry and Union on 23<sup>rd</sup> needs to be cleaned up of all the drug gangs. Putting quality housing in that corner will start the rejuvenation process of this blighted area.

Should you need to reach me, I can also be reached by telephone at: 206-412-6130.

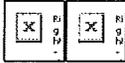
Thank you.

**Clowe, Michael**

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**From:** Julius Schorzman [juliuss@gmail.com]  
**Sent:** Friday, April 26, 2013 7:29 PM  
**To:** PRC  
**Subject:** Master Project #3005931

Hello.

I'd like to write in support of  increasing the height limit on this site. I live nearby (in Madison Valley) and this neighborhood could use a new anchor. With the post office gone, I'm afraid a low rise would turn this neighborhood into a low foot-traffic ghost town.

Please increase the limit to at least 65 feet to entice a larger development in this place.

## Clowe, Michael

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**From:** Macias, Michelle  
**Sent:** Friday, May 10, 2013 9:17 AM  
**To:** PRC  
**Subject:** FW: Development on 23rd and Union

-FYI

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**From:** Michael Zitka [<mailto:Michael.Zitka@PREMERA.com>]  
**Sent:** Friday, May 10, 2013 9:00 AM  
**To:** Macias, Michelle  
**Subject:** Development on 23rd and Union

April 30, 2013

Department Planning and Development  
ATTN: Public Resource Center or Assigned Planner  
700 5<sup>th</sup> Ave Ste 2000  
PO Box 34019  
Seattle WA 98124-4019

To Whom It May Concern:

We would like to express our opposition to the proposed rezone of project #3005931, located at 2301 E Union St. The proposal changes the zoning from NC2P-40' to NC3P 65' for an entire city block. We are opposed to this action for the following reasons:

1. The adjacent uses on the south and east are zoned "Single Family 5000" with a maximum height of 30'. The proposal would allow a height of 65' directly across two narrow, quaint neighborhood streets (Spring St. to the south, and 24<sup>th</sup> Ave to the east). There are approximately 18 homes and townhomes directly across the street from this project. For this reason, the rezone would be contrary to the zoning principles contained in SMC Section 23.34.008.E:

*"The following zoning principles shall be considered: 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. A development of a full city block to 65 feet would substantially intensify the use of the area from traffic, noise, and shade/light perspectives. A building that size would loom over the existing homes to the east and south, cutting off light during the day and increasing glare at night.
3. Both East Spring Street and 24<sup>th</sup> Avenue are so narrow that they are limited to one car at a time when cars are parked on the sides (most of the time). These streets cannot accommodate additional traffic and/or parking.
4. There is no compelling economic reason for the proposed rezone. The property located at 2203 E. Union Street was granted a rezone to NC-65, but that property has severe restrictions as to size and parking availability. Furthermore, that property is adjacent to other commercial uses (on the south and west). These reasons do not

apply to the 2301 site as it encompasses a full city block. We believe that any savvy developer should be able to develop a site of that size to the current zoned height of 40' and still make a profit. The private profit that would be enhanced by raising the building height would come at the expense of the rest of the neighborhood and is not justifiable.

In closing, we would like to say that we welcome (and are excited about) new development on this property. But we cannot support the intensity that would come with the proposed rezone.

Please add our names and email addresses to the contact list for any council meetings or other proposed public meetings regarding this property.

Thank you for your consideration,

Michael Zitka

Property Owner 2410 East Spring Street, Seattle wash. 98122

**Harris, Johnny**

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**From:** Joanna Cullen [jfoxcullen@gmail.com]  
**Sent:** Thursday, May 23, 2013 12:00 AM  
**To:** PRC  
**Subject:** Rezone request #3005931 comment

Dear DPD,

I object to the rezone to NC3P 65 for project 3005931.. The corner property across the street was allowed a contract rezone NC2P 65, which has never materialized during the past 5 years and has likely expired. NC2P 65 was likely going to overwhelm and be a radical departure from the general character of the neighborhood. In granting even an NC2P 65 there should be mitigation that includes negotiation for green park space where families and other residents can be. Something that is sorely lacking here. Increase in the amount of set back should also be a part of this mitigation.

I am not a land use expert and feel that it is difficult for members of the public who do not

Council Land Use Action to Rezone 106,189 sq. ft. of land from NC2P-40' to NC3P 65'. The property is an entire City block and is bounded by 23rd Avenue to the west, 24th Avenue to the east, East Union Street to the north and East Spring Street to the south.(CF#312973)

NC2P40, ARTERL, URBNV

Council Land Use Action to Rezone 106,189 sq. ft. of land from NC2P-40' to NC3P 65'. The property is an entire City block and is bounded by 23rd Avenue to the west, 24th Avenue to the east, East Union Street to the north and East Spring Street to the south.(CF#312973)

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Joanna Cullen  
[206-329-8514](tel:206-329-8514)  
[jfoxcullen@gmail.com](mailto:jfoxcullen@gmail.com)

Harris, Johnny

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**From:** Joanna Cullen [jfoxcullen@gmail.com]  
**Sent:** Thursday, May 23, 2013 12:15 AM  
**To:** PRC  
**Subject:** Master Use Project #3005931 comments cont.

I realize that I may not have used the exact correct terminology. However, I was recently informed that the May 22 was the deadline for comments and obviously I was working close to midnight on the last one. This one is after midnight, but in hopes that you will allow this followup to my objection. The scale of the businesses allowed by an NC3P 65 would also overwhelm the current local business community. We do not desire the big box and chain model for this neighborhood. We need to bring the neighborhood together through building on what is good in the history, culture, and character of what is here, not tear it down. Thank you.

--  
Joanna Cullen  
206-329-8514  
[jfoxcullen@gmail.com](mailto:jfoxcullen@gmail.com)

**Harris, Johnny**

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**From:** Wynnia Kerr [wynnia.kerr@gmail.com]  
**Sent:** Wednesday, May 22, 2013 9:53 PM  
**To:** PRC  
**Subject:** Dept Of Planning Development Project 3005931

Dear Sir or Madam:

For 6 years, I have owned a single family home at 2414 E. Spring Street. Tonight, I attended a meeting of the Union Street Business Association at which there was heated opposition expressed by other property owners to the rezoning of the block at Union, 23rd, 24th and Spring (project 3005931).

I join in opposing the rezoning for many reasons too numerous to list here. Among them are:

**Street Congestion**

Adjacent streets are mostly single family home neighborhoods with many elderly and young families. A block of large retail business and 6 floors of housing will substantially increase car traffic congestion on nearby residential streets, including my own. As with all traffic congestion, it will be hazardous to residents, discourage walking and degrade the residential environment.

**On street parking**

Many homes in nearby residential areas do not have garages or other off-street parking. Along with increased traffic, the rezoning will bring increased use of neighborhood parking by shoppers, new residents and visitors. Loosing free on street parking is very detrimental to nearby homeowners and existing small businesses in the neighborhood,

**African American Culture**

The 23rd and Union intersection has been the hub of Seattle African American culture for decades. Just one example is the ground breaking 1990s song by Sir Mixalot, which highlights this intersection. It would be a tragedy for this African American cultural center to be damaged or destroyed by development. To ensure that the African American culture remains vibrant in this area, any development of 23rd & Union should be required to provide financial incentives to help existing minority businesses stay and include low income housing for African Americans.

Sincerely,

Heather W. Kerr

Harris, Johnny

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**From:** Samantha Overmyer [samover87@gmail.com]  
**Sent:** Wednesday, May 22, 2013 11:51 PM  
**To:** PRC  
**Subject:** Project #3005931

To Whom It May Concern:

I want to comment on the project #3005931. I moved to the Central District one year ago. I walk through the intersection of 23rd & Union almost every day, sometimes multiple times a day. The amount of sunlight and open sky that this area receives is unique for an urban area and a great resource of life. A 65-foot building in this area will stick out like a sore thumb and be a great obstruction of light.

The Central District is lacking what it needs. The residents of this area need jobs. The CD needs businesses where people here can work and gather. It is lacking community gathering spaces and green spaces. There is no where in the Central District to get fresh produce at a reasonable price. We need a market spaces and local businesses. None of these things need to be in a building any taller or less attractive than Garfield High School.

Make use of what we have. Do not eradicate it and neglect the requests of the natives. Look at history.

Thank you,  
Samantha Overmyer

Harris, Johnny

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**From:** Alfred Harris [alfred@alfredharris.com]  
**Sent:** Wednesday, May 22, 2013 11:13 PM  
**To:** PRC  
**Subject:** project #3005931

Hello,

The community meeting this evening was well attended but poorly facilitated and therefore inconclusive.

I'd like further group meetings about this put together by residents rather than graduate students.

Thank you,

Alfred Harris

**Clowe, Michael**

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**From:** Tova Elise Cubert [tova@speakeasy.net]  
**Sent:** Thursday, July 04, 2013 8:41 AM  
**To:** PRC  
**Subject:** re: #3005931

Hello,

I'm wondering how to get on the list for announcements, design reviews and public comment periods for this project #3005931?

Thank you,

Tova E Cubert  
206 778 8682

**Harris, Johnny**

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**From:** Jill Mangaliman [j.a.mangaliman@gmail.com]  
**Sent:** Wednesday, May 22, 2013 8:16 PM  
**To:** PRC  
**Subject:** Project #3005139 3005931

I am commenting on Project #3005139. I am a resident of the Central District neighborhood for the last 5 years, on 24th and Spring, and have lived in Seattle all my life. I am very concerned about the rezoning of the lot on the corner of 23rd and Union - 2301 E Union. There are many small businesses that have been a community hub for the neighborhood, that are predominately African-American-owned and racially diverse, and I am hopeful that these businesses will be protected and given priority to the new spaces created by the development. I want to see a community clause in the zoning that allows community input on what businesses are allowed, that businesses that have been there originally are given an opportunity to return, and that the identity of the Central District, as historically a racially diverse, African-American-centric, family-oriented neighborhood be preserved. I am concerned that dense apartments, recreational and large businesses will take away from the neighborhood's identity, and also take away affordability and parking. We do not want to become another Capitol Hill or "Little Amsterdam." We do not want a density of bars, clubs, and marijuana dispensaries. Also, include affordable housing and free parking for small businesses and all of the residents here. The neighborhood needs to have determination and a clear plan of what is allowed on this corner, and make sure that community members and businesses are not displaced.

Thank you,

Jill Mangaliman  
943 24th AVE APT 3  
Seattle 98122  
2063040997

**Harris, Johnny**

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**From:** anna finkenzeller [annafinkenzeller@yahoo.com]  
**Sent:** Wednesday, May 22, 2013 8:26 PM  
**To:** PRC  
**Subject:** project #3005931

Hello,  
I'm writing about the rezone at 23rd/union. There are many, many families that are concerned about the zoning that will happen. Please delay the rezoning until they include a community clause into the rezoning. It's vital to our community.

Thank you,  
Anna Finkenzeller

959 22nd Ave  
Seattle, WA 98122  
206-200-2018

**Harris, Johnny**

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**From:** Teresa Clark [clarkteresa@gmail.com]  
**Sent:** Wednesday, May 22, 2013 10:49 PM  
**To:** PRC  
**Subject:** Project #3005931

Dear City of Seattle,

As a resident of the Central District, I wanted to take a minute to weigh in on the possible rezoning of 23rd & Union.

I feel it's important the City preserve African American businesses, community determination of the space, affordable housing, and free parking.

Thanks for taking public comment into consideration.

Respectfully,  
Teresa Clark  
Seattle, 98144

**To:** PRC  
**Subject:** Project 3005931

To whom it may concern;

Greetings.

i live but a block away from the proposed development on the block between 23rd/24th and Union/Spring. There is a large sign saying we can leave comments on the environmental impact of the project on the area.

i appreciate the asking for feedback. Yet, i was wondering if there is a way to find more information about the project that is proposed for the block, what will happen to the businesses and post office, and Umoja Peace Center that are on that block at the moment.

i would greatly appreciate more information about the proposed land use project, its benefactors, timeline, etc.

Thank you for your time and assistance.

Sincerely,  
alma

**Harris, Johnny**

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**From:** alma khasawnih [almakhasawnih@gmail.com]  
**Sent:** Tuesday, May 07, 2013 8:36 AM  
**To:** PRC  
**Subject:** Re: Project 3005931

Good morning;

Thank you for the quick reply.

i looked at the materials and would like higher resolution site plans please; the two online now are difficult to read. Thank you.

Also, i would like the following comments to be included on the community conversation board:

i live on 24th and Spring; i.e. right next to the proposed development area. Knowing that i cannot stop this development, i would like the following to be taken seriously and into account:

1. The developers must give priority to the business owners who are already on this block to return when the development is done and secure similar rent to what they pay now for an agreed upon period. These businesses are: laundromat, 99c store, Louisiana Grill, Post Office, First Cup coffee hut, Mana hairdresser and beauty store, Earl's Cuts, and the liquor store. These owners have been here forever and i've talked to many of them and they want to stay.

All these business, aside from the Post Office, are owned by people of color and should be encouraged and supported throughout the process of transformation. Therefore, their livelihood during construction must be also included in the conversation.

2. The developers should not include a grocery store in their plans: there are 5 grocery stores around this area, the furthest are on Madison and 17th (Trader Joe's and Madison Market, which is an organic coop local, etc. market). There is also Red Apple, Grocery Outlet, and Safeway. Not to mention the corner store on 21th and Union. There is no need for any other grocery store on this particular block.

3. Umoja Peace Center has been on this block for a long time and they must also be given priority on returning to the area.

Thank you for your time.

Sincerely,  
alma

On Tue, May 7, 2013 at 7:14 AM, PRC <[PRC@seattle.gov](mailto:PRC@seattle.gov)> wrote:

Hi Alma,

You can view all the application materials that were submitted for the application. Use the project number in the search by number box.

<http://web1.seattle.gov/dpd/edms/>

Thank you,  
PRC Staff

Department of Planning and Development  
Public Resource Center  
700 Fifth Avenue, Ste. 2000  
P. O. Box 34019  
Seattle, WA 98124-4019

[PRC@seattle.gov](mailto:PRC@seattle.gov)  
Tel: [206-684-8467](tel:206-684-8467) (message line)  
Fax: [206-233-7901](tel:206-233-7901)

**Hours of Operation:**  
Public Resource Center  
M/ W/ F: 8:00am – 4:00pm  
Tu/ Th: 10:30am - 4:00pm

Microfilm Library  
M/ W/ F: 8:00am - 4:00pm  
Tu/ Th: 10:30am - 4:00pm  
[DPD\\_microfilm@seattle.gov](mailto:DPD_microfilm@seattle.gov)

Tel: [206-233-5180](tel:206-233-5180) (message line)

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**From:** alma khasawnih [<mailto:almakhasawnih@gmail.com>]  
**Sent:** Monday, May 06, 2013 8:07 PM

**Harris, Johnny**

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**From:** Ron Stephens [stephensrw@gmail.com]  
**Sent:** Tuesday, May 07, 2013 4:27 PM  
**To:** PRC  
**Cc:** Steve Tucker; Pastor Olsen; Glenn Adams; Annie Lamb  
**Subject:** Master project #3005931

Dear Seattle Department of Planning and Development,

Regarding Master Project #3005931, located at 2301 E. Union, we the property owners and congregation of The Lutheran Church Of The Good Shepherd located at 2116 E. Union, are hereby requesting an extension of the public comment period until May 22, 2013 in order to allow more time for discussion within the community regarding the impacts of the proposed project.

Thank you for your consideration.

Sincerely,

Ron Stephens  
Congregation President  
The Lutheran Church Of The Good Shepherd  
206-325-2733

**Clowe, Michael**

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**From:** Steve Orser [steve.orser@lennar.com]  
**Sent:** Sunday, April 28, 2013 6:33 AM  
**To:** PRC  
**Subject:** Project #3005931

Please include me on any information for this project. Thank you.

**LENNAR**

**Steve Orser**  
Lennar Multifamily Investors  
1191 Second Avenue, Suite 1570  
Seattle, WA 98101  
206.816.1578

**EARL'S CUTS & STYLES**  
1162 23<sup>ND</sup> Avenue  
Seattle, Washington 98122  
(206) 322-2687

City of Seattle Hearing Examiner  
700 Fifth Avenue – Suite 4000  
Seattle, Washington 98104

**2301 East Union Rezone**  
**Seattle, Washington 98122**  
**Project No. 3005931**

Dear Ms. Hearing Examiner:

My name is Earl Lancaster and I was born in Seattle's Central Area in 1968. I have worked as a barber at 23<sup>rd</sup> & East Union for more than 25 years and have been a tenant business owner at the MidTown Center for more than 21 years. I am also President of the Union Street Business Association (USBA) and work closely with students from Seattle University's Albers School of Business and Economics to address the many challenges and opportunities that arise when a neighborhood is redeveloped. I have personally witnessed the comings and goings of many local businesses and Earl's Cuts & Styles has weathered many an economic storm.

I support this rezone because it returns needed jobs, density and retail shops ... making 23<sup>rd</sup> & East Union resilient and once again a thriving neighborhood. I remember going to Mayrand's Pharmacy, Tradewell and Safeway grocery stores, Liberty Bank, Ms. Helen's Soul Food, Herb's Hardware Store and many other small businesses that have occupied this key corner. They are all gone now!

This neighborhood would benefit significantly from the requested rezone. Tom and the Bangasser family have been strong supporters of this neighborhood and my business through both good and hard times and I know that they will continue to work with me as this property is redeveloped. I look forward to remaining a member of this great neighborhood and request that you approve this rezone to 65 feet.

Sincerely,



Earl Lancaster

PS: I have enclosed a copy of Seattle University's recent Fall Magazine containing a relevant article about my business and the Union Street 98122 initiatives --- "Neighbor Helping Neighbor"

City of Seattle Hearing Examiner

**EXHIBIT**

Applicant   
Department  ADMITTED   
Public  DENIED   
FILE # CF-312973

11

CENTRAL AREA  
**LAND USE  
REVIEW  
COMMITTEE**

City of Seattle Hearing Examiner

**EXHIBIT**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ \_\_\_\_\_ DENIED \_\_\_\_\_  
FILE # CF 32973

12

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**Central Area Neighborhoods District Council**

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**December 9, 2013**

**City of Seattle – Hearing Examiner**

700<sup>th</sup> 5<sup>th</sup> Ave, Suite 4000

P.O. Box 94729

Seattle, WA 98124 – 4729

**Subject: DPD Project No. 3005931**

Hugh Bangasser Rezone Application for 2301 E Union St, Seattle WA 98122

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**Madam Hearing Examiner:**

The Central Area Land Use Review Committee (CA LURC) is the land use committee of the Central Area Neighborhoods District Council which represents the community councils and business and service organizations of Seattle's Central Area. Our eleven committee members have diverse and strong professional and academic credentials in urban planning and architecture, as well as experience and reputation as community leaders, organizers and activists within the Central Area. Our committee members have actively participated in the previous neighborhood planning cycles for the Central Area as well as with the City's current neighborhood planning process for the area that encompasses the subject site and has resulted in the Draft Urban Design Proposal and the 23<sup>rd</sup> Ave Action Plan.

Our comments are supported by majority vote of the Central Area Neighborhoods District Council.

The CA LURC and the Central District Council strongly support the City's current neighborhood planning and Legislative Rezone process which is well underway. This planning process includes the subject site and will recommend zoning changes to the property – along with conditioning that will make this site operate within the immediate vicinity and the wider area as a whole. The careful and definitive legislative rezoning process should not be disrupted by individual site rezone requests. We fundamentally believe that the rezone should be denied because it does not satisfy the rezone criteria of SMC 23.34, and because this rezone, without a specific project in plan, operates independently of the current legislative process and puts at risk the greater plan which should take precedence.

## **BACKGROUND ON DPD LEGISLATIVE REZONE FOR SITE**

DPD in their Recommendation fails to elaborate on the currently active and Council supported neighborhood planning and rezoning efforts for the area. Without fully considering this work, DPD errs in its recommendation<sup>1</sup>. Also, failure to present this information misleads the Hearing Examiner in their work to prepare a Recommendation.

In early 2013 Seattle's Department of Planning and Development (DPD) and Department of Neighborhoods (DON) began a neighborhood planning effort that has involved broad analysis of the area along 23<sup>rd</sup> Ave<sup>2</sup>, the immediate vicinity around the subject site, and the subject site itself. This will result in updates to the Comprehensive Plan's Neighborhood Plan for the 23<sup>rd</sup> Union-Jackson element and the Future Land Use Map for the area, as well as broader changes to the Official Land Use Map for the City. This planning process has been robust in its outreach and community participation, including that of the applicant (attachment 1).

There has been strong community support for this comprehensive and iterative planning process (called the *23<sup>rd</sup> Ave Action Plan*) and this neighborhood planning process is welcomed because the current adopted Neighborhood Plan is considered by the community as obsolete (written in 1992 and last updated 15 years ago in 1998).

It is clearly City Council's intent to adopt the revised Neighborhood Plan language from this process into the 2014 update to the Comprehensive Plan (attachment 2) along with corresponding updates to the Future Land Use map for the Central Area. These are scheduled for adoption in early 2014.

The work underway in this planning process includes an Urban Design Study, DPD's mechanism for expressing zoning that would condition the Legislative Rezone and help achieve urban planning and built environment objectives for the area. Draft recommendations for zoning of sites in the area have already been prepared (released publicly on 9/21/13) and are currently being reviewed by the public and we will likely see iterations in the zoning recommendations that are finally put forward as DPD engages the community and refines its recommendation to Council.

The subject rezone, requested after this planning process had started and before it is complete, circumvents the DPD's ability to fully consider proper conditioning necessary to achieve a complete and comprehensive plan for the site in the context of the immediate area, and could even jeopardize the cohesiveness of the Legislative Rezone.

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<sup>1</sup> The bulk of the Rezone analysis material was submitted by the Applicant, and reflects the narrowed bias to ignore the DPD planning analysis and recommendations for the site, except when it is convenient to support their argument.

<sup>2</sup> DPD's planning process is focused on the three main commercial nodes of the Central Area along 23<sup>rd</sup> Ave - at Jackson, Cherry and Union Streets and the areas around these nodes. This is being done in conjunction with a major SDOT planning and implementation project to repave and re-channel 23<sup>rd</sup> Ave. (attachment 3)

DPD will also prepare an Urban Design Framework, its vehicle for describing design guidelines and other conditioning on development in order to address specific streetscape and other zoning and design requirements such as building setbacks that provide consistency of characteristic to the area. These will be part of the legislative package as well to update the Official Zoning Map.

This rezone is also unlike the prior contract rezone for the property across 23<sup>rd</sup> Ave, south of Union, 2203 E Union (Hearing Examiner File: CF 308565, July 1, 2008) cited by the DPD as *“mirrors the recent similar site specific rezone on the parcel directly west across 23rd Avenue at 2203 East Union”*<sup>3</sup>. In that rezone there was a specific project proposal and MUP *“where the Applicant and Director agreed at hearing that a PUDA would limit the use of the property to that depicted in the final approved MUP drawings”* [CF 308565].

Further, Hearing Examiner states in their recommendation: *“5. There have been no precedential effects identified as likely to occur as a result of the proposed change in the height designation for the site.”*, yet DPD now uses that rezone to justify the rezone of a site 6.5 times the size of the 2203 E Union site without any project proposed or site conditions.

The subject rezone, without a specific project, makes identifying use restrictions for the site difficult - and even unpredictable. In fact, in their Recommendation, DPD specifies no restrictions or conditioning that could become the basis of a PUDA<sup>4</sup> should the Hearing Examiner or Council wish to place restrictions on the property.

The Legislative Rezone process however will yield zoning conditions consistent with the area through the community and property owner vetted Urban Design Framework process. The proposed rezone will avoid any such conditioning.

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<sup>3</sup> DPD Recommendation, page 3

<sup>4</sup> The Recommendation does state, on page 16:

*“The Director also recommends for consideration the following: Should a broader, area-wide rezone of the 23rd Avenue and E. Union Street intersection be contemplated by City Council in the near future, and should that broader rezone be made subject to an “incentive zoning suffix” complying with subchapter 23.58A of the Land Use Code, at such a time the subject site should be made subject to the same suffix.”*

This however does not satisfy PUDA conditioning as required by 23.34. The ineffectiveness of this suggestion is addressed later.

## **ERRORS IN DPD REZONE ANALYSIS AND RECOMMENDATION**

CA LURC has carefully reviewed the Director's Recommendation dated November 7, 2013, and we believe the Recommendation fails to effectively evaluate the rezone as required by SMC 23.34 because of reasons of omission, failure to accurately describe conditions, conclusory statements without substantiation, and failure to properly identify conditions that could become use restrictions to mitigate impacts of the rezone.

Additionally, DPD does not include "*written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application or request*". As mentioned above, the neighborhood planning work that DPD is doing for the overall area rezone affecting the subject property and its immediate vicinity should have been presented.

We also believe that the parallel planning that SDOT is undergoing to improve and re-channel 23<sup>rd</sup> Ave, including focusing on transit priority, is highly relevant and would have some bearing on the full block frontage of 23<sup>rd</sup> Ave between Spring Street and Union Street. This effort is called the *23<sup>rd</sup> Ave Corridor Improvement Project*, and Phase 1 which is along the subject site is scheduled for construction in mid 2014 (attachment 4).

Additionally, SDOT is considering a bicycle greenway along 24<sup>th</sup> Ave as part of its *23<sup>rd</sup> Ave Neighborhood Greenway* effort. Greenways are meant to be low traffic and traffic calmed streets to ensure pedestrian and bicyclist safety (attachment 5).

Comments and recommendations from these departments should have been sought.

In this following section we are going to present rezone evaluation criteria of SMC23.34 in the same sequence as DPD did in its recommendation.

### ***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.*

- Regarding A.2, DPD erroneously presents Comprehensive Plan growth data that is 10 years out of date. Attachment 6 from DPD's "Urban Center/Village Residential Growth Report" dated October 3, 2013, clearly shows that the 23<sup>rd</sup> Jackson/Union RUV is at 154% of its 2024 growth targets and is not at 60% as DPD asserts. Additional density at this site is not required for the RUV to meet its density and growth targets. These are not rezone criteria that should be considered as having bearing on the recommendation.

*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 underlying zone type is NC2. The rezone application is only to add additional height not change zone designation (which also gives additional FAR, i.e. development potential). However the 23<sup>rd</sup> Ave Action Plan “Urban Design Study” (attachment 7) addresses the subject site and indicates that while NC2-65 is the base designation it is contemplating the portions of the site along Spring St and 24<sup>th</sup> Ave as a “*multi-family in transition zone*” and “*consider modulating height*”. This implies a different zone and height designations for part of the property, and therefore the issue is moot.
- DPD states on page 5 of its Recommendation: “*The locational criteria for NC2, are consistent with the property because it is the primary business district for the 23rd RUV, is served by two arterials (Union and 23rd), can be buffered from less intense residential areas, is served by excellent transit service and is, as described below, sited at a designated business node of the applicable Urban Village where mixed use buildings of greater than 40’ in height are encouraged.*”

DPD misrepresents the 23<sup>rd</sup>/Union node as the “primary business district” when in fact 23<sup>rd</sup>/Jackson is the primary district for the RUV. It is already zoned NC3-65, and the various plans identify it as such (e.g. CAAP II refers to 23<sup>rd</sup>/Jackson as “the Central Area’s shopping focal point”). The Comprehensive Plan identifies “*23rd and Jackson Node - Shopping Center: the Central Area’s shopping focal point, and a true “urban village.”*”

Perhaps the site can be buffered from the SF5000 residential zones immediately across the narrow residential Spring Street to the south and 24<sup>th</sup> Street to the east, but nowhere does DPD describe what buffering restrictions would accomplish that.

DPD’s assertion that buildings of greater height are “encouraged” is unsubstantiated and false.

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

- DPD errs in not describing here the “potential zoning changes” that would occur as part of the legislative rezone currently underway, and this results in a crucial error in assessing the precedential effects of this rezone request. The legislative rezone process underway is consistent with the Growth Management Act, and City growth and transit policy.
- Application 30005931 is for a rezone without a Master Use Permit or any specific project in plan. Immediate processing of this rezone is not necessary to address some specific development needs. The applicant has not indicated any desire to develop the subject

property themselves and has instead been looking to sell the property. This speculative intent primarily serving a private interest is a prime indicator of spot zoning, since it accommodates the owner's private interest and bears no rational relationship to promoting legitimate public interest as we see with the more comprehensive planning and the Legislative Rezone underway.

- In the Contract Rezone of 2203 E Union across the street, the Hearing Examiner states in their Conclusion (CF 308565):

*The proposed rezone is consistent with the zoning principles stated in SMC 23.34.008E. It does not change the boundary between commercial and residentially-zoned property. Commercial uses will face away from the residential zone southwest of the site and toward other commercial uses across East Union Street and 23rd Avenue. The proposed increase in height is located within an urban village **and is surrounded on three sides by rights-of-way that would buffer property zoned NC2-40, which in turn, would provide a gradual transition in height.** The proposal's design responds appropriately to the single family zone and development located to the southwest, and the proposal's location at the north end of the block results in shadows being cast primarily onto East Union Street and adjacent commercial development, rather than onto single-family-zoned properties.*

The "proposal's design" referred to by the Hearing Examiner in the Mueller decision above, is a design for townhouse-style ground-related housing on the boundary of the NC zone across from the residential zone with enhanced landscaping, and for increased setbacks beyond that which NC zone would otherwise allow. The subject rezone does not include any measures intended to provide an appropriate buffer between the NC zone and the adjacent residential zone.

Furthermore, the subject rezone is now using the 2203 E Union up-zone as a rationale for their up-zone, and in doing so would **remove** the buffer that the Hearing Examiner found necessary to support the previous rezone in the Mueller application across 23<sup>rd</sup> Avenue to the west.

Such piecemealing of property rezones is not beneficial to the broader community, and the area wide legislative rezone process should take precedent.

- While the financial issues the property owner faces with the loss of their current tenant are problematic and unfortunate, rezoning to help with solvency is not something that DPD, the Hearing Examiner or Council should be encouraging. This rezone should not give this applicant favorable treatment over other property owners in the area that may too be facing leasing issues.

Further, the rezone of this site independent of the concurrent area analysis undercuts the legislative rezoning process and sets a bad precedent. How would the City respond in a situation where property owners affected by an area legislative rezone chose instead to individually apply for rezone of their property independent of the comprehensive planning process?

Finally, this property owner and site should not be exempted from zoning constraints that the legislative rezone process may identify and then impose on other properties in the area. They should not receive a benefit not afforded to other property owners and projects.

The precedential effects of this rezone are substantive and will encourage future use of this method to circumvent the deliberative and very public planning done by the legislative rezoning process.

*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 current neighborhood planning process has identified many specific policies and goals for the 23<sup>rd</sup>/Union commercial district. While these changes to the Comprehensive Plan have not yet been adopted, they will be the docket for adoption by Council in 2014.

These goals and policies indicate that the community wishes for whatever development is to occur at 23<sup>rd</sup> & Union, that the neighborhood and small scale feel of the vicinity be preserved. It is likely that these would lead to conditions and zoning requirements to the subject property and the surrounding properties as part of the legislative process.

From the 23<sup>rd</sup> Ave Action Plan Summary (attachment 8):

- "The **small scale neighborhood feel** is important for Union and Cherry. Need pedestrian friendly development that serves diverse community".
- "**Small neighborhood businesses** at Union core"

From the workshop boards (attachment 9):

- "23rd and Union - Business/Restaurant Center: A **small scale** commercial hub serving the neighborhood, providing a range of residential housing types"
- "Encourage new pedestrian friendly mixed use development at 23rd and Union that includes **neighborhood serving shops and services**, opportunities for startup businesses, affordable housing and live/work housing while respecting the **small scale and historic character** of this node."

From the Urban Design Study (attachment 10):

- "23rd and Union: This is a **neighborhood scaled** destination with housing above businesses that draw customers from the larger neighborhood. It builds on what it already has: a cinema, churches and a major foundation. Plans are already underway on two key properties. This vision creates a cohesive fabric of buildings and uses by incorporating those two proposals to create a node that reads as a place – a place that draws people in – a destination."
- "What is desired: A vibrant **neighborhood scaled commercial district that respects the history and historic character**"

- The DPD Recommendation does not consider the likely impact development of this site would have on shaping the character of the 23<sup>rd</sup> & Union node. While the Central Area is eager to embrace a pedestrian friendly environment with a robust commercial base, it is crucial that any future development within this particular 'hub' should respectfully foster its cultural heritage as an ethnically and economically diverse community. Very large commercial spaces are typically "destination" retailers intentionally trying to draw from a larger catchment (the NC2 designation allows for some store sizes up to 50,000 sq ft). DPD describes in its recommendation the possibility of a single project for the 100K square foot site. Historically and currently there has been virtually no presence of national chains in the Central Area. Consideration of conditions to ensure the neighborhood serving character and function, and to reduce automobile traffic in the area were not considered by DPD. From the Comprehensive Plan: *CA-G6 Distinct but mutually supportive primary business districts along the 23rd Avenue Corridor: 23rd and Union Node - Business/Restaurant Center: A small scale commercial hub serving the neighborhood, providing a range of residential housing types.*
- The general plan for the 23<sup>rd</sup> Ave Action Plan is to expand the commercial district up Union St. This creates a significant amount of retail capacity in the area. In order to ensure that other sites develop, the net total retail capacity of the area should have been considered by DPD. *CA-G5 Central Area as one business district offering a series of successful economic niche neighborhoods within the overall community.*

*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.*

- DPD does not accurately describe the conditions around the site:
  - "The property to the west has an NC2-65 designation, with an approved master use permit which allows development as a ground-floor retail and 96-unit residential project." In fact, that property and height only correlates with the northern-most 25% of the subject property. The rest of the block to the south contains the much shorter Casey Family building and its surface parking lot, and single family scaled buildings.
  - In the Matter of the Application of Jim Mueller (CF 308565, 7/1/08), the property at 2203 E Union was conditioned to minimize the impacts of this 65 foot building on the

less intensive SF zones across 22<sup>nd</sup> Ave. The Hearing Examiner noted of the rezone proposal:

*“7. On the west side of the building, across 22nd Avenue from existing single-family residential development, the design calls for townhouse-style apartments with related ground entrances and landscaping. The facade on this side is set back two feet, nine inches from the property line for the first two levels, six feet, nine inches at the third and fourth level, and to 12 feet, nine inches at the fifth and sixth levels.”*

The extent of the impact of the proposed 65 feet on adjacent properties along 24<sup>th</sup> Ave and Spring Street does not have any height transition to mitigate the impacts of the 65 foot project directly across the residential street. There is a 40 foot height difference between the low intensity residential zones and the subject site's rezone request. NC-65 will allow a 7-story building normally. This is not the preferred “gradual transition”.

- Attachment 11 shows the scale of a 65 foot project (the “Safeway” at 23<sup>rd</sup> & Madison) across an arterial from a lowrise zone (30 ft). Comparison should be made to attachment 12 with the subject site at 40 feet and attachment 13 with the subject site at 65 feet, both across the residential street 24<sup>th</sup> Ave. The value of the buffer by transitioning height is apparent.
- The Hearing Examiner in C.F. 309848 (in the matter of Robert Burkheimer) for a rezone in Uptown at 1<sup>st</sup> and Republican from NC40 to NC65, was concerned about the height increase would worsen the impact of a more intense zone on a lesser one. This is the same situation we have with the NC2-40 opposite the SF5000 along Spring St and 24<sup>th</sup> Ave. Increasing the height only worsens the situation (eg more traffic, more intense commercial development likely).

*9. The proposal is not consistent with zoning principle 1, which states that the impact of more intensive on less intensive zones is to be minimized by use of transitions or buffers, and that “a gradual transition between zoning categories, including height limits, is preferred.” SMC 23.34.008 E.1. Rezoning the parcel adjacent to the Bagley Wright Theater from NC3-40 to NC3- 65 would provide a gradual transition between the NC3-85 zoning to the east and NC3P-40 zoning to the west and reduce the impact of the more intensive zone on the less intensive one. The same cannot be said of the proposed rezone of the parcels along 1st Avenue North from NC3P40 to NC3P65. The rezone would increase the zoned height limit by 25 feet along most of one side of a key block within the Heart of Uptown Character Area and thus, would actually create impacts from a more intensive zone on a less intensive one. The proposed three-foot building setback and three-foot upper-level setback along the block would not effectively temper these impacts.*

- 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.*

- DPD merely states *“The subject property is bordered on all four sides by public rights of way. No other physical buffers exist between the proposed height increase and the existing, surrounding zones.”* But 24<sup>th</sup> Ave and Spring Streets are not major traffic arterials – they are residential streets. Spring Street has a 25 ft right of way curb to curb, and 24<sup>th</sup> Ave is 30 feet. As will be described below, DPD is considering a multifamily zoned buffer within the subject site to alleviate this impact.

### 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.*

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.*

- DPD merely states the rezone request *“will not change the currently existing boundaries between the commercially and residentially zoned areas.”*

However, DPD ignores the findings of its Land Use Analysis of the Urban Design Study of the 23<sup>rd</sup> Avenue Action Plan (attachment 7). There is recommended *“multi-family in transition zone”* along the lengths of 24<sup>th</sup> Ave and Spring Streets. This change in zoning recommendation as part of the legislative rezone for the site should have been considered by DPD in its Recommendation. The subject site has lot line platting that could support a less intensive multi-family residential along Spring Street (such as LR-3).

Neither 24<sup>th</sup> Ave or Spring St are major traffic arterials. They are residential streets according to SDOT. There is no natural feature or other physical buffer between the parcel in question and the SF residential properties to the east and south. In a similar situation nearby, the Hearing Examiner’s decision to rezone the 2203 E Union site (Muehler) produced agreement for a building with ground-related townhouse entrances on 22<sup>nd</sup> Avenue and greater than otherwise required upper level setbacks in order to provide an adequate transition between the NC development and the residential zone on 22<sup>nd</sup> Avenue. Furthermore, that rezone was tied to a particular development which had been reviewed and approved by the Design Review Board. In the subject rezone, there is no specific proposal, no review by the Design Review Board, no agreement for increased upper level setbacks. In fact, it’s possible that any future building on this site could avoid the Design Review Process since the DR process does not apply to non-residential, non-commercial developments, such as social service institutions which are common in the Central Area.

- Attachment 16 demonstrates the character of commercial garage entrances (the 23<sup>rd</sup> Ave Safeway garage entrance). With commercial facing the residential as it is today, the zoning standard is violated. Conditioning or buffer zoning is required.

*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;*
- b. Public services;*
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
- d. Pedestrian safety;*
- e. Manufacturing activity;*
- f. Employment activity;*
- g. Character of areas recognized for architectural or historic value;*
- h. Shoreline view, public access and recreation.*

- The legislative rezone process will consider the application of incentive zoning to the site not afforded by the subject rezone. Council may require at the time of a legislative rezone that some level of affordable housing be part of the project through provisions of RCW 36.70A.540 The adopted Neighborhood Plan and 23<sup>rd</sup> Ave Action Plan indicate the objective of affordable housing. The Comprehensive Plan suggests *CA-P21 Ameliorate the potential impacts of gentrification through a variety of affordable housing programs and techniques.*

The city crisis in housing has placed housing cost pressures on the Central Area because of overflow demand from Capitol Hill. Currently this area is already being marketed as "Lower Capitol Hill" and commanding higher housing prices. The 2203 E Union project, with 92 market rate units, reflects the demand for housing at market rates within the immediate area and upward price pressures.

The incentive zoning suggested by DPD that could be added as a condition is not likely to be applicable since the site would already be zoned to 65' so no incentive can be taken. If the site zoning were to stay at 40 feet, and an incentive offered to 65 feet, the affordable housing incentive would make sense.

- Currently the site has a large pedestrian plaza, and although on private land, it is used freely by the public. It includes a significant fountain of historical importance created by the Central Area sculptor James Washington. There is limited public open space in the area and the loss of this open space/public plaza was not considered.
- The potential impacts to other business districts because any future development at the site were not considered by DPD. For example, within a mile of the site are at least 5 major grocery stores (Safeway, Trader Joes, Grocery Outlet, Red Apple, Madison Market) and numerous small bodegas. Since the Central Area does not want to have its business

districts in direct competition and instead working cooperatively to serve the area (as stated in Comp Plan Goal: *CA-G5 Central Area as one business district offering a series of successful economic niche neighborhoods within the overall community.*) limiting of the type of grocery retailer should be considered.

- Attachments 14 and 15 show the comparative shadow impacts between structures compliant to both an NC2P-40 and NC2P-65 zoning designations. It is important to note that the subject site, due to being bounded on all sides by right-of-way, does not qualify for setbacks afforded parcels which abut residential zones along a side or rear lot line (SMC 23.47A.014). As such, no setbacks are required along the 24th Street or Spring Street frontages, thereby allowing any future development to maintain its full height at the south and east property lines. The impacts from the shadows cast by a building lacking such setbacks are demonstrated in the 3 pm solar study during the fall equinox. Unlike the NC2P-40 designation, the structure associated with an NC2P-65 designation will cast a shadow into the first 30 feet of the single family parcels along 24th Ave.
- The Comp Plan seeks mitigation: *UVG39 Enhance the urban village strategy through the provision of: 3. Mitigation of the impacts of large scale development.* No mitigation is presented in the DPD Recommendation.

*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.*

- DPD states that the loss of the applicant's Post Office tenant and closures of some unnamed businesses in the area, *"taken together, could lead to additional vacant storefronts and neighborhood decay."* DPD's hypothesizing of this outcome does not correspond to the fact that new businesses are opening in the area (two new businesses north of the subject site) and existing properties continue to be improved (to the north of the site). DPD continues: *"According to the applicant, the rezone is important as a catalyst to encourage redevelopment of the property for residential and commercial purposes as envisioned in the City's Comprehensive Plan, the existing neighborhood plan, and current neighborhood planning which envision this locale as a site that will serve as a neighborhood hub and gathering place and serve as a demonstration of the community's resilience."* No evidence is presented to support this claim.
- The 23<sup>rd</sup> and Union area is the only part of the Central Area which is eligible to support marijuana retail outlets per new "pot" laws. While some are opposed to this occurring in the Central Area, this is a unique business opportunity that will encourage additional businesses and development at this node, and a countervailing argument to the applicant's concern about leasing in the area.

## CONCLUSION

The DPD recommendation does not fully consider the several concurrent and related planning activities that are relevant to the rezone application including the legislative rezoning process underway, the SDOT 23<sup>rd</sup> Ave Corridor work and the 23<sup>rd</sup> Ave Greenways efforts – all having relevance to the subject site.

DPD asserts without substantiation: *“It is the applicant’s stated belief that an accommodation of two additional residential floors, a move that will encourage greater density at the site, and one that mirrors the recent similar site specific rezone on the parcel directly west across 23rd Avenue at 2203 East Union, will allow for a more vital and economically sustainable neighborhood.”* DPD erred in its citation as precedent the rezone of the Muehler site across 23rd Ave by referring to it as a “mirror” of the proposed application, while neglecting to mention its application was to a specific project; that there was a PUDA with numerous development conditions attached to it; that the rezone was for a site 15% the size of the subject site; that the additional height for that project was granted because of 40 foot heights in the area served as buffer (including the subject site); and that the Muehler rezone would not be a precedent (yet now DPD wants to use it as a precedent). There is no evidence presented that the development of this site would occur as claimed with a rezone, nor is there any project proposal to substantiate the claims that development would “allow for a more vital and economically sustainable neighborhood”.

DPD erred in its analysis of the rezone criteria stated in SMC 23.34. It fails to meet these criteria:

- Precedential effects are numerous
- Zone match not consistent with DPD planning efforts
- Potential to disrupt neighborhood plan without conditioning
- Inadequate zone and height transitions
- Inadequate impact analysis and mitigating conditions

The rezone should be denied because the financial and zoning benefits to the subject property are not afforded to other nearby properties.

The rezone should be denied because the precedent of granting spot zoning to avoid a legislative rezone should not be established.

The rezone should be denied because inadequate conditioning has been defined to address the numerous impacts that would result.

Thank you for your attention and consideration of our comments.



Amanda Bryan  
Chair  
Central Area Land Use Review Committee

**CA LURC Members**

Amanda Bryan (Chair)  
Jeff Floor (Vice-Chair)  
Meg Konkol (Secretary)  
Bill Bradburd  
Bill Zosel  
Eddie Hill  
Jonathan Konkol  
Mike Moedritzer  
Paul Crane  
Ryan Simmons

**Central Area Neighborhoods District Council**

Squire Park Community Council  
Leschi Community Council  
Madrona Community Council  
Jackson Place Community Council  
Judkins Park Community Council  
Garfield Community Council  
East Precinct Police Advisory Council  
Central Area Chamber of Commerce  
Central District Association  
12<sup>th</sup> Ave Neighborhood Plan Stewardship Committee

**Attachments**

1. Public participation in DPD 23<sup>rd</sup> Ave Action Plan
2. Resolution 31458 – adopt Central Area Neighborhood Plan & FLUM Comp Plan changes
3. DPD 23<sup>rd</sup> Ave Action Plan Overview
4. SDOT 23<sup>rd</sup> Ave Corridor Improvements Project
5. SDOT 23<sup>rd</sup> Ave Corridor Neighborhood Greenway Project
6. Urban Center / Village Residential Growth Report, Oct 2013
7. DPD Urban Design Study for 23<sup>rd</sup> Ave Action Plan
8. 23<sup>rd</sup> Ave Action Plan Summary
9. 23<sup>rd</sup> Ave Action Plan “Community Boards”
10. 23<sup>rd</sup> Ave Action Plan Urban Design Proposal
11. 23<sup>rd</sup> Ave Safeway project streetscape
12. 24<sup>th</sup> Ave with NC40 building
13. 24<sup>th</sup> Ave with NC65 building
14. Solar / shadow study NC2-40
15. Solar / shadow study NC2-65
16. Safeway project garage entrance

**Vee, Linda**

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**From:** Watanabe, Anne  
**Sent:** Monday, December 09, 2013 2:13 PM  
**To:** Vee, Linda  
**Subject:** FW: #3005931 Bangasser

Linda,  
Could you print & add to the file as an exhibit. Thanks.

-----Original Message-----

From: Paul Byron Crane ASLA Landscape Architect [<mailto:pbcrane@earthlink.net>]  
Sent: Monday, December 09, 2013 1:58 PM  
To: Watanabe, Anne  
Subject: #3005931 Bangasser

Ms. Watanabe

I understand a presentation and letter from the CD LURC was presented concerning the referenced Land Use Action. I am a member of the CD LURC. The membership was polled prior to the direction the committee would take concerning commenting on this Landuse Action. The full committee did not agree with going forward but a majority did, hence the letter. I as several, did not want to take this stance. I would personally like to go on record to say I support the rezone without conditions. There was a list of CD organizations listed. I only know of one that has supported the letter that was presented. I suggest that unless individual letters of support form each organization is attached there was no position offically taken by that organization. Honesty, clarity and integrity is paramont in any written material presented in these matters.

Thank you for your attention and consideration.

Cordially

Paul Byron Crane ASLA  
Landscape Architect  
910 Davis Place South  
Seattle, Washington 98144  
206-852-5080 / [pbcrane@earthlink.net](mailto:pbcrane@earthlink.net)

Paul Byron Crane ASLA, BLA, MA  
Landscape Architect

City of Seattle Hearing Examiner

**EXHIBIT**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
**FILE #** 09 32973

14

December 9, 2013

Hearing Examiner  
City of Seattle  
700<sup>th</sup> 5<sup>th</sup> Ave, Suite 4000  
P.O. Box 94729  
Seattle, WA 98124 - 4729

Subject: Rezone at 2301 E Union St  
DPD Project No. 3005931

We are neighbors (residents and property owners) adjacent to the subject property that is being considered for a rezone to 65 feet.

We are very concerned that the City has not adequately considered the impacts to our homes which are across 24<sup>th</sup> Ave and Spring Street from the site.

The additional height will make this property loom over our homes, and will block sunlight to the homes across 24<sup>th</sup> Ave, and could result in delivery trucks, much more additional commercial traffic on our streets. In addition we could be faced with large-scale commercial buildings with blank walls and/or garbage disposal areas.

The City is already studying this site and other parts of our neighborhood and we support this comprehensive planning approach to our neighborhood.

Please deny the rezone so that this other process may move forward unencumbered.

Sincerely,

*Heather Jean Garricle*  
944 23rd Ave  
Seattle, WA, 98122

*Josh Chambers*  
2319 E Spring St  
Seattle, WA 98112

*Gordon Mito*  
944 23rd Ave  
Seattle, WA.  
98122

*Fisher Jim*  
2321 E Spring St 98122

City of Seattle Hearing Examiner  
EXHIBIT

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED  
FILE # 07-312973

15



To: City of Seattle Hearing Examiner  
700 5<sup>th</sup> Avenue, Suite 4000  
P.O. Box 94729  
Seattle, WA 98124-4729

Date: December 8, 2013

Regarding: C. F. Number: 312973

The City of Seattle Hearing Examiner is conducting a public hearing on the recommendation of the Director of the Department of Planning and Development (DPD) to rezone property from NC2-40 and NC2P-40 to NC2-65.

Project: 3005931  
Address: 2301 E Union St

I am submitting written comments, as I have to be at work at the time of the hearing.

I have comments regarding three items pertaining to the recommendation of the Department of Planning and Development  
<http://www.seattle.gov/dpd/LUIB/AttachmentProject3005931ID54853005931.pdf>

1. The 23<sup>rd</sup> Ave Action Plan is working on Urban Design for that intersection, among others, at this time. It seems that this rezone is ill timed given that an inclusive community process, which would enrich or condition the property, is currently assessing the overall design of that intersection. This action concerns multiple properties that together comprise a full city block, so to have it rezoned by council quasi-judicial action is inappropriate.
2. On page 4 last paragraph "According to the latest available progress report on growth, under Seattle's comprehensive plan the residential urban village has achieved 60% of the targeted growth (Monitoring Our Progress: Seattle's Comprehensive Plan, 2003)."

The measures used are 10 years old and by definition inaccurate. Here it clearly states that 23rd Ave Union-Jackson Urban Village is at 154% of targets and if including permitted is at 177% of targets.

[http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informati\\_onal/dpdd017580.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informati_onal/dpdd017580.pdf)

3. The description of conditions regarding properties to the south and south west of the properties on page 8 paragraph 2 is totally inadequate. It ignores the material fact that the southwest corner property has been a single family property with a huge yard so the people across the street in no way have been 'adjacent to commercial' uses for decades.

City of Seattle Hearing Examiner

**EXHIBIT**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED \_\_\_\_\_  
**FILE #** CF-312973



Based on the above, I find the application to be incomplete and inappropriate for council action at this time. Rather the property should be zoned in the context of the inclusive community process that is establishing Future Land Use Map modifications based on Urban Design and Design Guidelines as part of the current 23<sup>rd</sup> Avenue Planning process.

I would appreciate receiving a copy of the Hearing Examiner's recommendation in this matter.

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