

28 5/3/91

ORDINANCE No. 115628

COUNCIL BILL No. 108525

AN ORDINANCE rezoning a portion of North Seattle.

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: APR 15 1991	By: DONALDSON
Referred: APR 15 1991	To: Land Use
Referred:	To:
Referred:	To:
Reported: APR 20 1991	Second Reading: APR 20 1991
Third Reading: APR 20 1991	Signed: APR 20 1991
Presented to Mayor: APR 20 1991	Approved: APR 20 1991
Returned to City Clerk: MAY 1 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

4/22/91 Held And

2/9/91 Held ~~one~~ <sup>two</sup> week. Motion by Donaldson

ORDINANCE 115628

AN ORDINANCE rezoning a portion of North Seattle.

WHEREAS, Ordinance 113858, adopted March 8, 1988, enacted interim controls on development in lowrise multi-family residential zones for a period of one year and called for the Executive to implement a multi-family work program to develop and analyze permanent amendments to the multi-family code; and

WHEREAS, Ordinance 113858 requested that Executive recommendations include zoning text amendments and legislative mapping changes; and

WHEREAS, Resolution 27850, October 24, 1988, adopted criteria to guide the selection of areas to be considered in the remapping process, and set forth a process for public review of the map changes; and

WHEREAS, the Office for Long-range Planning held an initial public meeting on the North Seattle legislative remapping cases, published draft recommendations and held an additional public meeting to hear comments on the draft recommendations, before the final Executive recommendations were made; and

WHEREAS, the City Council's Land Use Committee held public hearings on March 13, and March 20, 1990, on the Executive recommendations for the North Seattle legislative remapping cases; and

WHEREAS, with Ordinance 115060, adopted April 30, 1990, the City Council adopted new zoning for the North Seattle legislative remapping cases, except for the portion of North Seattle Case 38 occupied by a mobile home park; and

WHEREAS, remapping consideration for this portion of North Seattle Case 38 was postponed, pending a City-wide discussion of mobile home parks and the potential for public purchase of mobile home parks; and

WHEREAS, the City has concluded that it will not be purchasing mobile home parks; and

WHEREAS, as part of the legislative remapping process, the Office for Long-Range Planning and the Mayor's recommendation was to change the zoning for the reserved portion of North Seattle Case 38; and

WHEREAS, the City Council's Land Use Committee considered the reserved mobile home portion of North Seattle Case 38 of the legislative remapping process at its April 19, 1991, committee meeting; NOW, THEREFORE,



BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is one zoning map page, which is identified as Attachment A and which is incorporated by reference herein. The area on this map which shows a change in zoning designation and refers to a corresponding case number is hereby rezoned to the new classification shown for this area on the map. This map is hereby adopted as an amendment to the Official Land Use Map of the City of Seattle adopted by S.M.C. 23.32.016.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular rezone accomplished herein shall not affect the validity of any other rezone.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

1  
2  
3 Passed by the City Council the 29th day of  
4 April, 1991, and signed by me in open session in  
5 authentication of its adoption this 29th day of  
6 April, 1991.

7  
8   
9 Pro Tem President of the City Council


10  
11 Approved by me this 30th day of April,  
12 1991.

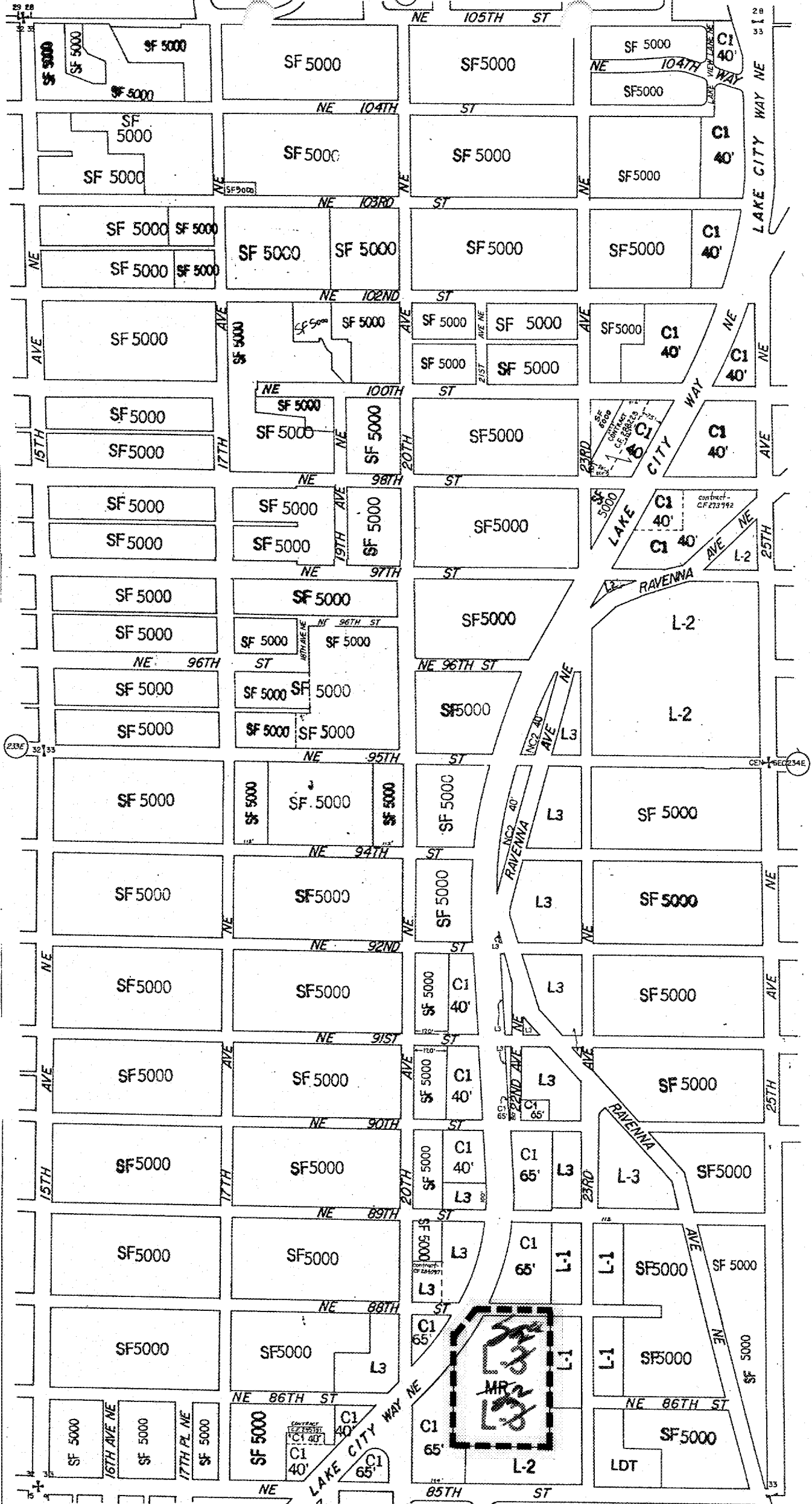
13  
14 ATTEST: Norman J. Brooks  
15 City Comptroller and City Clerk

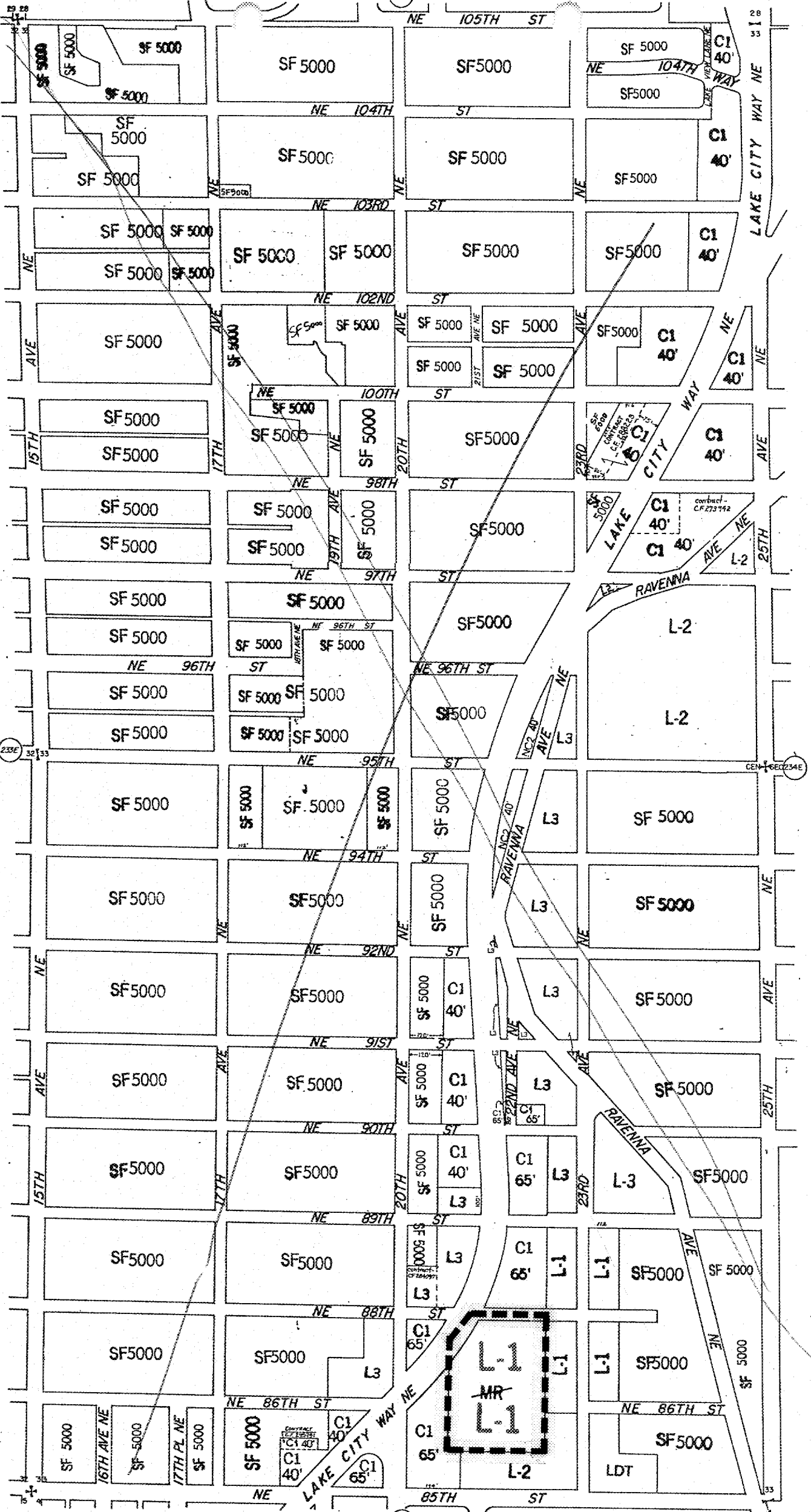
16  
17 By: Margaret Carter  
18 Deputy

19 THE MAYOR CONCURRING:

20 Approved by me this 30th day of April, 1991

21   
22 Norman B. Rice, Mayor





June 27, 1991

RECEIVED THIS DAY

MAY 9 3 13 PM '91

BY THE DIVISION OF  
RECORDS & ELECTIONS  
KING COUNTY

ORDINANCE 115628

AN ORDINANCE rezoning a portion of North Seattle.

WHEREAS, Ordinance 113858, adopted March 8, 1988, enacted interim controls on development in lowrise multi-family residential zones for a period of one year and called for the Executive to implement a multi-family work program to develop and analyze permanent amendments to the multi-family code; and

WHEREAS, Ordinance 113858 requested that Executive recommendations include zoning text amendments and legislative mapping changes; and

WHEREAS, Resolution 27850, October 24, 1988, adopted criteria to guide the selection of areas to be considered in the remapping process, and set forth a process for public review of the map changes; and

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WHEREAS, the City Council's Land Use Committee held public hearings on March 13, and March 20, 1990, on the Executive recommendations for the North Seattle legislative remapping cases; and

WHEREAS, with Ordinance 115060, adopted April 30, 1990, the City Council adopted new zoning for the North Seattle legislative remapping cases, except for the portion of North Seattle Case 38 occupied by a mobile home park; and

WHEREAS, remapping consideration for this portion of North Seattle Case 38 was postponed, pending a City-wide discussion of mobile home parks and the potential for public purchase of mobile home parks; and

WHEREAS, the City has concluded that it will not be purchasing mobile home parks; and

WHEREAS, as part of the legislative remapping process, the Office for Long-Range Planning and the Mayor's recommendation was to change the zoning for the reserved portion of North Seattle Case 38; and

WHEREAS, the City Council's Land Use Committee considered the reserved mobile home portion of North Seattle Case 38 of the legislative remapping process at its April 19, 1991, committee meeting; NOW, THEREFORE,

91-05-09	#1429	1B
RECD F	8.00	
RECFEE	2.00	
CASHSL	***10.00	

9105091429



BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is one zoning map page, which is identified as Attachment A and which is incorporated by reference herein. The area on this map which shows a change in zoning designation and refers to a corresponding case number is hereby rezoned to the new classification shown for this area on the map. This map is hereby adopted as an amendment to the Official Land Use Map of the City of Seattle adopted by S.M.C. 23.32.016.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular rezone accomplished herein shall not affect the validity of any other rezone.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

9105091429

Passed by the City Council the 29th day of April, 1991, and signed by me in open session in authentication of its adoption this 29th day of April, 1991.

[Signature]  
Pro Tem President of the City Council

Approved by me this 30th day of April, 1991.

ATTEST: Norward J. Brooks  
City Comptroller and City Clerk

By: Margaret Carter  
Deputy

THE MAYOR CONCURRING:

Approved by me this 30th day of April, 1991

[Signature]  
Norman B. Rice, Mayor

STATE OF WASHINGTON )  
COUNTY OF KING ) SS  
CITY OF SEATTLE )

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this 2nd day of May, 1991.

NORWARD J. BROOKS  
Comptroller and City Clerk

By: Margaret Carter  
Deputy Clerk

9105091429





# Seattle City Council

## Memorandum

Date: April 19, 1991  
To: All Councilmembers  
From: Susan Golub *[Signature]*  
Subject: North Seattle Remapping Case 38

When the Council acted on the North Seattle Remapping Cases in the spring of 1990, one portion of North Seattle Case 38 was not rezoned -- this was the University Park Trailer Park. At the time, the City was considering possible purchase of mobile home parks. On the advice of the City Attorney, the Council postponed the remapping of this part of the case, so as not to influence a potential purchase price.

The City has since concluded that it will not be purchasing mobile home parks. Therefore, we are bringing the rest of Case 38 to you for remapping consideration.

The Land Use Committee's action was a divided vote, with Councilmembers Benson and Kraabel recommending Lowrise 3 and Councilmember Donaldson recommending Lowrise 1.

Please let me know if you would like a view trip.

## MULTI-FAMILY REMAPPING

### DIVIDED REPORT FOR A PORTION OF CASE 38

Location: The trailer park site located east of Lake City Way Northeast, between Northeast 85th and Northeast 88th Streets

Current Zoning: Midrise

Mayor's Recommendation: Lowrise 3

Majority Recommendation: Lowrise 3

Minority Recommendation: Lowrise 1

#### Description of the Area

The area over which the Land Use Committee divided is totally occupied by the University Trailer Park, shown on the attached map. The property is approximately 20 to 30 feet below Lake City Way. Uses in the residential areas to the south, east and north are primarily low scaled multi-family buildings. The C1/65 zone to the southwest of the trailer park is occupied by a plumbing supply business; the C1/65 zone to the north is occupied by a car repair shop.

Reflective of the existing low scale of the adjacent residential areas, the Committee agreed to downzone those areas from Midrise to Lowrise 2 and Lowrise 1, as shown on the attached map.

#### Public Comments

The property owner wants to keep the existing Midrise zoning. He cites the extreme topographic difference between his property and Lake City Way in support of his request to stay Midrise, noting that development to the 65 foot height permitted along Lake City Way would tower 80 to 90 feet over the trailer park property. He also notes the direct access to Lake City Way, the separation from single family, and the opportunity to increase the City's supply of low income housing. Copies of correspondence from representatives of the property owner are attached to this report.

The Maple Leaf Community Council, and several citizens, have requested Lowrise 1 for the trailer park site. They are concerned about parking and traffic impacts on the narrow, congested streets in the area, worsening the existing drainage problem, and the lack of transition between more intensive



development of the trailer park site and the adjacent low scale residential area. Copies of correspondence from the Community Council and residents are attached to this report.

Majority Report (Kraabel, Benson): Lowrise 3

We recommend rezoning this property from Midrise to Lowrise 3 as recommended by both the Executive and Council staff. In comparing the trailer park site to the multi-family locational criteria, we find the closest match with Lowrise 3.

For example, as described by the Lowrise 3 locational criteria, the area has direct access to a major arterial, Lake City Way. In addition, it is separated from single family areas by less intensive zoning (the areas recommended by the Committee for Lowrise 1 and Lowrise 2). In fact, the trailer park site is 200 feet from a single family zone, separated by both the less intensive zones and streets. Therefore, providing separation from single family zoning is not an issue in determining the appropriate zoning category.

Also consistent with the Lowrise 3 criteria is the fact that the property provides a transition between the higher intensity commercial zones along Lake City Way and the less intensive multi-family areas along 23rd Northeast. The minority recommendation for Lowrise 1 zoning would result in Lowrise 1 being adjacent on two sides to C1/65 zoning. This is not an appropriate transition.

We recognize that weighing in favor of a less intensive zone is the condition of the access streets. While there is direct access to Lake City Way, travel to the site may also be from NE 86th, NE 88th or 23rd NE all of which are narrow streets. However, the fact that the site is in one ownership and probably will develop in one piece provides the City more opportunity to regulate access to the site.

Also, we do not believe it is appropriate to use the current one story, trailer scale of development in determining the match with locational criteria, because the City, through the trailer park moratorium, has frozen redevelopment of the site.

In summary, we find the separation from single family zoning, and the location on Lake City Way adjacent to C1/65 commercial zones on both the north and south, support a Lowrise 3 designation.

Minority Report (Donaldson): Lowrise 1

I am recommending Lowrise 1 zoning for the trailer park site, finding the area more closely matching the Lowrise 1 locational criteria than those of other multi-family zones.

For example, the area has structures of low height and bulk, generally less than 30 feet, as described by the Lowrise 1 criteria. Most importantly, it has all of the street limitations that should be used to limit areas to Lowrise 1 zoning:

- \* The streets are narrow, with no curbs, sidewalks or drains;
- \* There is parking and traffic congestion;
- \* Access to Lake City Way is limited to a narrow, steep street; and
- \* Access to Ravenna Ave. NE must pass through a single family area.

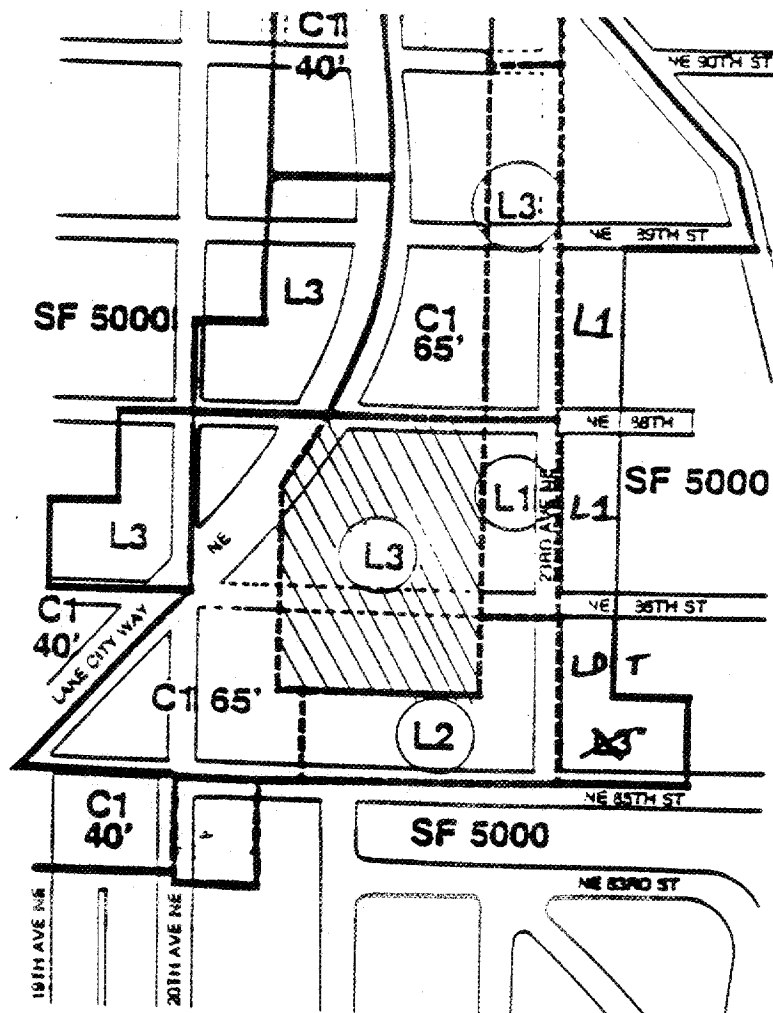
The street and drainage conditions cannot support the level of development that would occur with Lowrise 3 zoning.

Furthermore, although the property is on Lake City Way, it has no access to transit. The Lake City Way buses are all express routes through this area, making very limited stops.

I do not agree with the majority position that places faith in the fact that the site is currently in one ownership and may be developed in one piece, thereby providing the City better control over redevelopment issues such as access and street improvements. The City has no control over future sales of the property or the pattern of its redevelopment, which could be as one piece, or as many separate parcels.

The City has not historically imposed development conditions during a legislative remapping process, and I do not suggest we initiate that process with this property. Therefore, I recommend rezoning to Lowrise 1, with the legislative history reflecting that a future contract rezone to a more intensive zone may be appropriate, if the access, drainage and transit limitations are addressed to the Council's satisfaction.

# MAYOR'S RECOMMENDED ZONING CHANGES



Divided Report  
 Donaldson: L1  
 Benson, Kraabel: L3

\*See case 37.

## REVISED MULTIFAMILY RESIDENTIAL ZONES (Adopted December 18, 1989)

### LDT (Lowrise Duplex/Triplex)

This new zone will allow infill development through new construction and conversions of single-family houses to duplexes and triplexes.

Height: 25 feet  
 Density: 2000 sq ft of lot area per unit  
 Lot Coverage: 35 percent  
 Structure Width: 30 feet without modulation  
 45 feet with modulation

### L1 (Lowrise 1 - Townhouses)

This zone will allow small bulk, low height multifamily units which have direct access to private, landscaped yards.

Height: 25 feet  
 Density: 1600 sq ft of lot area per unit  
 Lot Coverage: 40 percent  
 Structure Width: 30 feet without modulation  
 60 feet with modulation

### L2 (Lowrise 2 - Three Story Walkup Apartments)

This zone will encourage a variety of multifamily housing types but at a scale compatible with single family houses.

Height: 25 feet  
 Density: 1200 sq ft of lot area per unit  
 Lot Coverage: 40 percent  
 Structure Width: 30 feet without modulation  
 50 feet with modulation for apartments  
 90 feet with modulation for townhouses

### L3 (Lowrise 3 - Three Story Walkup Apartments)

This zone will provide infill development in residential neighborhoods already characterized by moderate scale multifamily structures.

Height: 30 feet  
 Density: 800 sq ft of lot area per unit  
 Lot Coverage: 45 percent  
 Structure Width: 30 feet without modulation  
 75 feet with modulation for apartments  
 120 feet with modulation for townhouses

RECEIVED

MAR 16 1990

SUE DONALDSON  
COUNCILMEMBER  
SEATTLE CITY COUNCIL

March 15, 1990

Ms. Susan Donaldson, Chair - Land Use Committee  
600 4th Avenue  
11th Floor  
Seattle, CA 98104

Re: Mayor's Multifamily Remapping Report  
North Seattle - West Half

Council Member Donaldson:

I would like to introduce myself, my name is Charles A. Zaragoza and I live in the Maple Leaf community. Since I will not be able to attend the council meeting on March 20, 1990 to discuss the proposed recommendations for the above area, I would like to take this time to comment on the City's recommendations for those specific case studies that are located in the Maple Leaf neighborhood. I will comment on a case by case basis.

• Case # 27

OLP's recommendation is to retain the current designation (SF 5000) for the two vacant lots. I SUPPORT this recommendation and encourage the council to approve it.

• Case # 37

OLP's recommendation is to change zoning to L1 and LDT. I do not consider this the ideal solution, but since it will ensure an intensity / scale of development that IS consistent with the adjacent single-family development I SUPPORT this recommendation.

✱ • Case # 38

OLP has recommended 3 separate zoning designations for this case. None of the proposed designations are consistent with the infrastructure conditions in the area and DEFINETLY not compatible with adjacent development. I STRONGLY object to this proposal and feel that the entire area should be zoned L1 and nothing greater.

• Case # 39

OLP has recommended L1 for this area and I fully support this recommendation.

• Case # 40

OLP has recommended L2 zoning for this area. I do not feel that this is consistent with the existing infrastructure of the neighborhood and recommend L1.

Thank you for allowing me this time and I trust that everyone's opinions and concerns will be taken into account when a final decision is arrived at.

Sincerely,



Charles A. Zaragoza

Maple Leaf Community Council  
Land Use Committee

cc: Paul Kraabel  
Sam Smith  
Dolores Sibonga  
George E. Benson

Jim Street  
Jane Noland  
Tom Weeks  
Cheryl Chow



LAW OFFICES

# SHORT CRESSMAN & BURGESS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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JOHN D. BURGESS  
DOUGLAS R. HARTWICH  
ROBERT F. HEATON  
JOHN H. STRASBURGER  
CHARLES W. MERTEL  
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LAWRENCE K. CHEUNG  
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KERRY S. BUCKLIN  
KENNETH P. SHORT  
OF COUNSEL  
JOSEF DIAMOND  
COUNSEL TO THE FIRM

March 20, 1990

## Hand Delivered

The Honorable Susan Donaldson, Chair  
The Honorable George Benson  
The Honorable Paul Kraabel  
City Council Land Use Committee  
400 Municipal Building  
Seattle, Washington 98104

Re: Mayor's Multifamily Remapping Report and  
Recommendation  
North Seattle-East Half Case No. 38

Honorable Councilmembers Donaldson, Benson and Kraabel:

We are attorneys for Mr. and Mrs. F. W. Evans, owners of the University Trailer Park property (Park) designated as part of Case No. 38. The property is a 3.8-acre tract located within the 7.5-acre area comprising Case No. 38. The principal access to this property is via Lake City Way, a four-lane arterial. The property lies 25' to 30' below the grade of Lake City Way. This property, together with all of the remaining property in Case No. 38 was reviewed and rezoned in connection with the comprehensive study and updating of the entire City Zoning Code in 1986/87. Since that time, the only major construction in the area is commercial and midrise residential with the exception of a multi-level apartment building that was built in L-3 and adjacent to SF 5000 zoning immediately east of area 38.

The Evanses have gone to considerable expense in engaging the Seattle land use and planning firm of R. W. Thorpe & Associates, Inc., to review and respond to the City's draft Mayor's Multifamily Remapping Report and Recommendation. The R. W. Thorpe review and critique was submitted to the Office of Long Range Planning (OLP) May 31, 1989. An update to that report has been filed with the OLP and directed to this City

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March 20, 1990

Page 2

Council committee and is dated March 20, 1990. These reports set forth in detail the erroneous conclusions reached in the Mayor's Multifamily Remapping Report and Recommendation. An on-site investigation by this committee, after the committee has had the opportunity to review the aforementioned R. W. Thorpe & Associates reports, we are confident will confirm the validity of the conclusions reached that the Park should remain as mid rise (MR) zone.

A downzone of the Park to L-3 as recommended, or even L-4, because of the height restriction contained in those zonings, would limit development of the Park with a multiple-story apartment to below the grade of Lake City Way and cause the building to effectively be located in a hole. An on-site review will disclose that the Park is entirely oriented to Lake City Way as are those properties abutting Lake City Way both north and south and directly west of the Park property, all of which are C1-65' zoning.

The Park is one of the 11 mobile home parks addressed in the August 1989 study by the Department of Community Development of alternatives to the displacement of mobile home park residents. The action of the OLP in recommending a downzone of the Park property can only be reconciled as an effort to discourage development of the Park property to its highest and best use as midrise residential in an effort to preserve the interim trailer park use of the property by reducing the economic benefit to the owners to develop or sell the property for its present zoned highest and best use.

We are advised that the Council has just passed the fourth moratorium preventing a change of use of this property and all other mobile home park properties within the City through 1990. With this last moratorium extension the moratorium will now total two years. It is obvious these four moratoria had the primary objective of preventing development of these properties until the City Council could come up with a solution to preserve the mobile park low cost housing. That solution relative to the University Trailer Park is to downzone the Park effectively two zoning classes in hopes that such action will discourage the owners from selling and/or developing the property to its highest and best use.

In selected instances, downzoning can be justified. Such justification must be based upon a change in the characteristics of the area surrounding the property to be downzoned so that such property will be more compatible with its surroundings. The development in the area surrounding the Park property is of a commercial and multiple residential nature--contrary to the necessary criteria for a downzone.

March 20, 1990

Page 3

Property to the southwest consists of a commercial plumbing supply business with outside storage yard and building converted from a neighborhood grocery and to the north a flourishing used car business specializing in exotic sports cars; hardly an environment that would justify downzoning from MR to L-3. The Thorpe & Associates proposal, as well as that of the City, suggests L zoning as a buffer area between the MR zoning and the residential zoning to the east and south.

The natural terrain of the Park is conducive to parking below a structure, which could then be built to a height compatible with the adjoining zoning along Lake City Way to the north and southwest as well as the L zoning to the east and south. Only MR zoning permits development of this property in a reasonable manner compatible with the property's principal access to and from Lake City Way.

In addition to the MR zoning being the only zoning that would insure development of the property adjacent to and above the elevation of Lake City Way, the MR zoning would also permit additional units to be constructed over the number of units permitted in the L zones. This would have the direct effect of not only alleviating the inner city housing shortage but would permit construction of less costly units than would be required under the L zones to insure the owners a reasonable return on their investment.

We have a saying in the law practice that "bad facts make bad law." Invariably, if a court misuses a legal principle in an attempt to avert an apparent injustice, the long-range effect will be to destroy an otherwise sound legal principle, which in turn results in more injustice than justice. That principle might very well be applied to downzoning wherein a strong motivating cause for the downzoning is the temporary alleviation of a social rather than a land use concern.

We respectfully submit that the proposed change in zoning on the Park property from midrise to L-3 should be rejected. Any change in zoning should be limited to a change to L zoning surrounding the Park property MR zoning.

Very truly yours,

  
Douglas R. Hartwich



**R.W. Thorpe & Associates, Inc.**  
Planning • Landscape • Environmental • Economics

Principals:  
Jon Potter  
Robert W. Thorpe, AICP

Associates:  
Jeff Buckland

March 20, 1990

The Honorable Susan Donaldson, Chair  
Honorable George Benson  
Honorable Paul Kraabel  
City Council Land Use Committee  
400 Municipal Building  
Seattle, Washington 98104

RE: Mayor's Multifamily Remapping Report and Recommendation  
North Seattle-East Half Case No. 38

Dear Honorable Councilmembers Donaldson, Benson & Kraabel:

This letter is provided as an addendum to our May 31, 1989 Land Use Policy Analysis prepared by our office. Please see attached report. After several months of research and input to staff we are dismayed by the Office of Long Range Planning recommendation to downzone the University Trailer Park (Case No. 38) for the following reasons:

- 1) "Policy 2: Residential Rezones" establishes the Basic Test in residential rezones shall be whether the locational criteria for the proposed designation more closely match the characteristics of the area proposed for rezone than the locational criteria of the existing zone (see LUC 23.16.002 Policy 2: Residential Rezones).

The staff report does not provide a comparative analysis of the locational criteria of the existing MR zone, nor the recommended L-3 zone. Without this analysis, no conclusions can be drawn as to whether the recommended downzone meets the "basic test" of a residential rezone. It has been our observation of every staff report we have read that contains an analysis of a proposed rezone that a comparative analysis of the locational criteria is provided. This analysis has always been the determining factor in a recommendation. This rezoning process should contain the same level of analysis as previous staff analyses.

We have provided a comparative analysis of the existing MR zone locational criteria and OLP's recommended L-3 locational criteria in our May 31, 1989 Land

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Use and Policy Analysis, a copy of which is attached. We also analyzed the new L-4 zone locational criteria as well because the new L-4 one parallels the old L-3 zone while the new L-3 zone is most similar to the old L-2 zone. The site's characteristics most closely match the existing MR locational criteria. The University Trailer Park property is 25'-30' below the adjoining Lake City Way. The University Trailer Park meets 78% of the MR zone locational criteria, 12.5% of the L-4 locational criteria and 0% of the L-3 locational criteria. The recommended L-3 zone fails the "basic test" for a residential rezone as does the L-4 zone. Attached are locational criteria analyses for L-3, L-4 and MR zoning marked as Exhibits A, B and C respectively.

- 2) OLP report does not consider the dramatic change in scale between the C1-65' zone southwest, west and north of the site and the recommended L-3 zone, the University Trailer Park property is up to 20'-35' below the adjacent C1-65' grade elevation. The recommended L-3 zone would establish incompatibility between adjoining uses. That is, development in the adjacent C1-65 foot zones would tower up to 55'-70' over the recommended L-3 zone structures, thus omitting any transition zone.
- 3) OLP report ignored the fact that the two edges of the University Trailer Park MR zone property fronting proposed lower intensity zones (ie.: east and south) are under separate ownership. Lowrise zoning transition is proposed to be established along these two edges providing a logical stairstep effect transitioning the existing MR zone on the subject site and the lower density residential areas east of 23rd Avenue NE and south of NE 85th Street. Please refer to the attached proposed zoning map included in our May 31, 1989 Land Use and Policy Analysis, a copy of which is attached hereto as Exhibit D. Our proposed zoning map provides, in our professional opinion, a superior transition between the C1-65' zone and lowrise zone. This is particularly important in light of the 20'-35' grade change between Lake City Way and the subject site. Please refer to photo #24 of our May 31, 1989 Land Use and Policy Analysis.
- 4) OLP report ignored the impact of adjacent commercial uses towering 55'-70' above residences developed to the 30 foot height maximum of the recommended L-3 zone. Again, clearly the MR zone would provide a superior transition. Further, property south of University Trailer Park have higher elevations than the subject site. Please see photos #19 and 21 of our May 31, 1989 Land Use and Policy Analysis. The roofs of the C1-65' property would be between 25'-40' above the MR roof lines. The MR roof lines would be between 20'-30' above the adjoining L-3 zone property roof lines. Please refer to proposed zoning map.
- 5) We are confused by staff's continued recommendation to downzone the site to L-3 in respect to the change in the L-3 development standards adopted after last December 1989 recommended remapping proposal. The change in



development standards makes the new L-3 zone most similar to the old L-2 zone. For example, the maximum height of the L-3 zone has been reduced from 37 feet to 30 feet. This is the same height limit of the old L-2 zone standards. The maximum lot coverage of the new L-3 zone standards is 45%. Although the old zoning standards did not have maximum lot coverage, the addendum to the FEIS on the Mayor's recommended revisions to the Multifamily Land Use Policies cites that under the old L-2 zone up to 63% lot coverage was achieved. The new L-3 maximum density is 1 unit per 800 square feet of lot area. Again, according to the addendum to the FEIS, OLP's survey of building permits between 1984 and 1988 showed that the average density of apartments and townhouses was 1 unit per 899 square feet of lot area under the old L-2 zoning. Considering townhouses were included in this calculation, it is a safe assumption that the average density of apartments during that time period would approximate the new L-3 density requirement if not exceed it. In summary the new L-3 zone standards most closely match the old L-2 zone standards. As a result of the change in development standards, OLP is effectively, recommending a downzone from MR to the old L-2 zone. At best, OLP should be recommending L-4 downzone and not L-3. We are confused as to why OLP has indicated in their report that their final recommendation is the same as their August 1989 recommendation without acknowledging that they are in effect recommending a further downzone without any findings of fact supporting a more restrictive recommendation.

- 6) We are also confused by OLP's recommendation to downzone the University Trailer Park when DCLU determined that the trailer park does not exhibit characteristics supportive of a rezone. The February 1, 1990 "Mobile Home Parks in Seattle--Rezone Recommendation and Land Use Code Amendments" contains the following:

"Initially, Seattle's eleven (11) mobile home parks were reviewed to determine which ones might qualify for rezone analysis. Only four (4) mobile home parks adequately addressed the multifamily rezones criteria and qualified for detailed analysis: Bella B. Haley, Jensen and National." (see 2nd paragraph, page 2 of the report.

University Trailer Park was initially reviewed by DCLU and they determined it does not meet the rezone criteria. DCLU provided a more thorough analysis than OLP. Their analyses include comparisons between zoning locational criteria. DCLU analysis supports our conclusions that University Trailer Park should remain zoned MR.

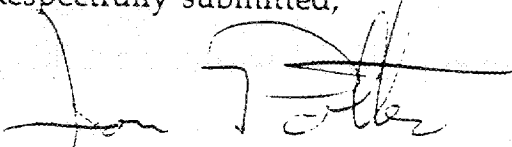
## CONCLUSION

OLP's recommended downzone is inconsistent with Seattle's Land Use and Zoning Code and would ultimately create greater impacts on the surroundings than our proposed zoning concept. Further, OLP's recommended downzone is inconsistent with zoning principals routinely utilized by the City to provide adequate transition zone buffers.

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We look forward to discussing this remapping proposal before your committee. We hope the committee reviews OLP's proposal in the same context as the City has routinely deliberated upon other rezone proposals-that the burden of proof lies with the proponent. In this instance OLP is the proponent of the rezone. We feel following your review, you will find that the findings and fact do not support a downzone of the subject site. Clearly, OLP has not provided the burden of proof supporting the recommended downzoning. We hope you will consider our alternate zoning map which we feel provides a superior transition between the highway commercial uses along Lake City Way and lower density residential area east of 23rd Avenue NE.

Respectfully submitted,



Jon Potter, Principal

Attachments

cc: Susan Golub  
Frank Evans  
Doug Hartwich, Esq.

# Exhibit A

## Analysis of L-3 Zone Locational Criteria

### "1. Development Characteristics of area.

Locations appropriate for Lowrise 3 designation shall be consistent with the following description of conditions within the area itself:

- a. Areas with a predominance of multifamily buildings less than four stories in height."

Comment: The area does not have a predominance of multifamily buildings. Commercial uses are located north, west and southwest of the site. The subject site is comprised of mobile homes. Multifamily buildings are located to the south, east and northeast of the mobile home park. The area's characteristics do not meet this criteria.

- "b. Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient to allow for two-way traffic and parking along at least one curbside."

Comment: Access to the University Trailer Park would be from an improved NE 88th Street and potentially from Lake City Way. Adjacent streets are wide enough for two-way traffic; however, curbside parking is not permitted along Lake City Way nor is enough room available along NE 88th Street. However, sufficient right-of-way is available along NE 88th to provide future on-street parking. The area's characteristics are consistent with the first part of this criteria but not currently the second part.

### "2. Relationship to the surrounding area.

Locations appropriate for a low-rise 3 designation shall be consistent with the following description concerning their fit with surroundings:

- a. Areas which are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones."

Comment: Lake City Way is a regional arterial. Although transit service is available from Lake City Way, bus stops do not currently exist adjacent to the site. Sufficient area is available for eventual construction of a new bus stop. Metro provides service along Lake City Way to the University of Washington, downtown Seattle, Lake City, Bellevue Transit Center, Woodinville, Bothell, Aurora Village, Kingsgate, Kenmore and Northgate. Access to the site can be provided at Lake City

Way and NE 88th avoiding less intensive residential areas. The site's characteristics do not comply with the first part of this criteria but comply with the second part.

"b. Areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L-1 Multifamily Development."

Comment: There are no significant topographic breaks, major arterials or open space between the University Trailer Park and LDT or L-1 zones. Adjacent zoning is C1-65' and MR. OLP proposes the area immediately east of the site be redesignated L-1 and L-2. The L-1 designation proposed east of the site is confusing in that immediately north of that area is zoned L-3 and C1 65', east of the site is currently zoned L-3 and 34 unit four-story apartment building is being developed on a large portion of that site. Site characteristics do not support an L-1 zone in the area between the University Trailer Park and 23rd Avenue NE. The site's and surrounding area's characteristics do not meet this criteria.

"c. Areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities."

Comment: Lake City Way is largely automobile oriented and is largely developed with highway commercial uses and apartments. Open spaces and other residential amenities are not easily accessible for pedestrians. The site's characteristics do not comply with this criteria.

"d. Areas which are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller scale multifamily development is desirable."

Comment: Adjacent commercial areas have a 65' height limit and ground elevations exhibit higher elevations than the subject site. The topography combined with the adjacent commercial zoning and highway would dwarf adjacent L-3 designated uses at lower elevations. Structures on the commercial designated property adjacent to the site could tower up to 55'-70' above buildings developed on the site under the L-3 zone standards. Consequently, the MR zone provides the only reasonable transitional zone between the adjacent commercial zone and lowrise zones east and south of the site.

The sites characteristics are not consistent with this criteria.

## CONCLUSION

The site's characteristics do not fully meet any of the six L-3 zone locational criteria and only partially meets two of the locational criteria.

# Exhibit B

## Analysis of L-4 Zone Locational Criteria

### "1. Development characteristics of the area.

Locations appropriate for low-rise 4 designation shall be consistent with the following description of conditions within the area itself:

"a. Areas with an established pattern of development characterized by larger, high density residential structure with heights of 3, 4 or more stories and often occupying two or more lots."

Comment: Although the most recent development in the area is a 4 story 34-unit apartment complex located east of the site, there is not yet an established pattern of development. The University Trailer Park property is located in an area that is transitional in character. The site vicinity has a wide range of uses including commercial and apartments along Lake City Way and some single family approximately 260' east of the site and 210' south of the site. The site's characteristics do not meet this criteria.

"b. Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities."

Comment: The University Trailer Park is adequately sized to promote a high quality, higher density residential environment. Development of the site would require improvement of NE 88th Street including sidewalks. Sidewalks currently exist along Lake City Way. However, there are no amenities in the immediate vicinity. The site's characteristics are consistent with the first portion of this criteria, but not consistent with the second part.

"c. Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments."

Comment: The area is not platted with alleys. The general vicinity is auto-oriented not pedestrian oriented. The site's characteristics do not meet this criteria.

"d. Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principle streets in the area should be sufficient to allow for two-way traffic and parking along at least one curb side."

Comment: Access to the University Trailer Park would be from an improved N.E. 88th Street and potentially from Lake City Way. Adjacent streets are wide enough



for two-way traffic; however, curb-side parking is not permitted along Lake City Way nor is enough room available along N.E. 88th Street. However, sufficient ROW is available along 88th to provide future on-street parking. The site's characteristics are consistent with the first part of this criteria but not currently the second part.

"2. Relationship to the surrounding area

Locations appropriate for a low-rise 4 designation shall be consistent with the following description concerning their fit with surroundings:

a. Areas adjacent to concentrations of employment."

Comment: The site is not adjacent to a concentration of employment.

"b. Areas which are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas."

Comment: Lake City Way is a regional arterial. Although transit service is available along Lake City Way bus stops do not currently exist adjacent to the site. Sufficient area is available for eventual construction of a new bus stop. Metro provides service along Lake City Way to the University of Washington, downtown Seattle, Lake City, Bellevue Transit Center, Woodinville, Bothell, Aurora Village, Kingsgate, Kenmore and Northgate. Access to the site can be provided at Lake City Way and NE 88th avoiding less intensive residential areas. The site's characteristics do not comply with the first part of this criteria but comply with the second part.

"c. Areas with close proximity and with good pedestrian connections to services in neighborhood commercial area, public open spaces and other residential amenities."

Comment: Lake City Way is largely automobile oriented and is largely developed with highway commercial uses and apartments. Public open spaces and other residential amenities are not easily accessible for pedestrians. The site's characteristics do not comply with this criteria.

"d. Areas with well-defined edges providing sufficient separation from adjacent areas of small-scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development."

Comment: The University Trailer Park is separated from single family areas by a proposed transition zone, (see Case numbers 37, 39 and 38 for properties east and

south of the trailer park). The properties located between the University Trailer Park and single family areas are proposed to be redesignated to a low rise zone that would provide a reasonable transition in height, scale and density of development. In addition, the University Trailer Park would be located approximately 260' from single family zoned properties to the east and approximately 210' from single family zoned properties to the south. The transitional zoning combined with the distance provides a good transition between the trailer park and single family residences. The site's characteristics are consistent with this criteria.

#### CONCLUSION

The site's characteristics fully meet one (1) and partially meet three (3) of the eight (8) L-4 zone locational criteria.

# Exhibit C

## ANALYSIS OF MR ZONE LOCATIONAL CRITERIA

"a. Areas which are adjacent to business and commercial areas with comparable height and bulk.

**Comment:** Adjacent commercial areas have a 65 foot height limit and ground elevations exhibit higher elevations than the subject site. The topography combined with the adjacent commercial zoning and highway would dwarf adjacent L-3 designated uses at lower elevations proposed in the Draft Multifamily Legislative Remapping Report Case Number 38. The MR Zone provides the only reasonable transition to the C1-65' zone. Development under the MR zone would create a stairstep effect compared to a wall of commercial buildings towering over residential buildings under the L-3 zone standards. The site's characteristics match this locational criteria.

"b. Areas which are served by major arterials and where transit service is good to excellent, and street capacity could absorb the traffic generated by mid-rise development."

**Comment:** Lake City Way is designated a regional arterial, a major transit street and a truck route. Sufficient street capacity exists to serve a mid-rise development on the site. Although transit service is available along Lake City Way, bus stops do not exist adjacent to the site. Sufficient area is available to Lake City Way for eventual construction of a new bus stop. Transit routes provide service to the University District. Transit routes 72, 73, 78, 79, 243, 306, 307 and 372 provide transit service to downtown Seattle, Kenmore, Lake City, Woodinville, Bothell, Aurora Village, Kingsgate and Bellevue Transit Center. The site's characteristics comply with part of this criteria but not all of it.

"c. Areas which are in close proximity to major employment centers."

**Comment:** The site is on a regional arterial providing access to numerous employment centers. The predominant land use along Lake City Way between I-5 and the northerly city limits at N.E. 145th Street is commercial. University of Washington is approximately 2 miles south of the site, Northgate is approximately 2 miles northwest of the site, Lake City Way N.E. ties into I-5 one mile to the south. I-5 extends the employment opportunities to the region. As previously mentioned, transit service provides service to downtown Seattle, University of Washington, Aurora Village, Bothell and other employment centers. The site characteristics is generally consistent with this criteria.

"d. Areas which are in close proximity to open space and recreational facilities."

Comment: Open space and recreational opportunities exist in the nearby vicinity. Greenlake is approximately one and one-half miles southwest of the site and Sacajawea Playground is approximately one-half mile north of the site. Other recreational opportunities such as Meadowbrook Playfield, Matthews Beach Park, Ravenna Park, Waldo Dahl Playground, Woodland Park and Jackson Golf Course are within a short commute of the site. The site characteristics is generally consistent with this criteria.

"e. Areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings."

Comment: The site fronts a regional arterial. The site topography falls from west to east providing an opportunity to mitigate a higher intensity use. The commercial uses north, west and southwest of the site are located at a higher elevation than the subject site and could develop up to a height of 65 feet. The C1-65' and/or MR designation would allow a use which would be large enough to provide a transition between the otherwise visually overwhelming commercial uses and the proposed lowrise zone east and south of the site. Structures on the commercially designated property adjacent to the site could tower up to 55' to 70' above buildings developed on the site under the L-3 zone standards. The proposed L-3 designation would not achieve the visual transition necessary to buffer the C1-65' zone.

Further the site topography provides an opportunity to provide parking below the facility minimizing potential neighborhood impacts. The site's characteristics are consistent with this criteria.

"f. Flat areas where the prevailing building height is greater than 37 feet or where, due to a mix of heights there is no established height pattern."

Comment: The site is flat. However as previously noted the areas north, west and southwest are not flat and due to the topographic change structures located upslope loom over those downslope. The commercially designated areas range up to 20' to 35' above the adjacent University Trailer Park. Due to the topography, building heights are mixed. The site's characteristics match this criteria.

"g. Areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views within the multifamily area and upland areas."

Comment: The area does not have moderate slopes. View preservation is not an issue in this area. The proposed C1-65' and/or MR designation of the trailer park would provide a superior transition by creating a stair-step effect than would occur under the proposed L-3 designation. The criteria is not applicable to the site.

"h. Areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over new developments up to 60 feet high."

Comment: Views of upland development in the C1-65' designated area north, west and southwest of the site would not be affected by development under the MR zone standards due to the topographic change and orientation of commercial uses toward their street frontage. Downzoning the trailer park to L-3 would eliminate potential views from the Trailer Park property easterly and southerly due to the proposed L-2 zoned development along NE 85th Street and 23rd Ave NE. Views from the site would also be blocked south, west and northerly due to C1 65' zoning in those areas. The C1-65' and/or MR proposal with L-3 along 85th and 23rd would create a stairstep effect preserving potential views. The site's characteristics match this criteria.

"i. Areas where topographic conditions allow the height of buildings to be obscured. Generally, these are steep slopes 16 percent or more, with views perpendicular to the slope.

Comment: The site clearly is in compliance with this criteria. The height of the potential C1-65' and/or MR buildings would largely be obscured due to the low topographic location of the trailer park in relationship to surrounding topography to the north, south and west. Further, the existing C1-65' designated land north, west and upland of the site could create an imposing impact to properties east of the site if a stairstep transition utilizing the MR zone is not utilized. The existing MR or C1-65 and MR designation would allow a reasonable transition in bulk and height between the existing C1-65' zone property and the proposed lowrise zoned property east and south of the Trailer Park property. The L-2 or L-3 designation along 23rd Avenue NE and NE 85th Street would provide a reasonable transition between the University Trailer Park and properties east and south of said streets. The L-3 designated land along NE 85th Street would meet zone edge criteria which requires a design compatible with the single family zoned property across the street. The site's characteristics meet this criteria.

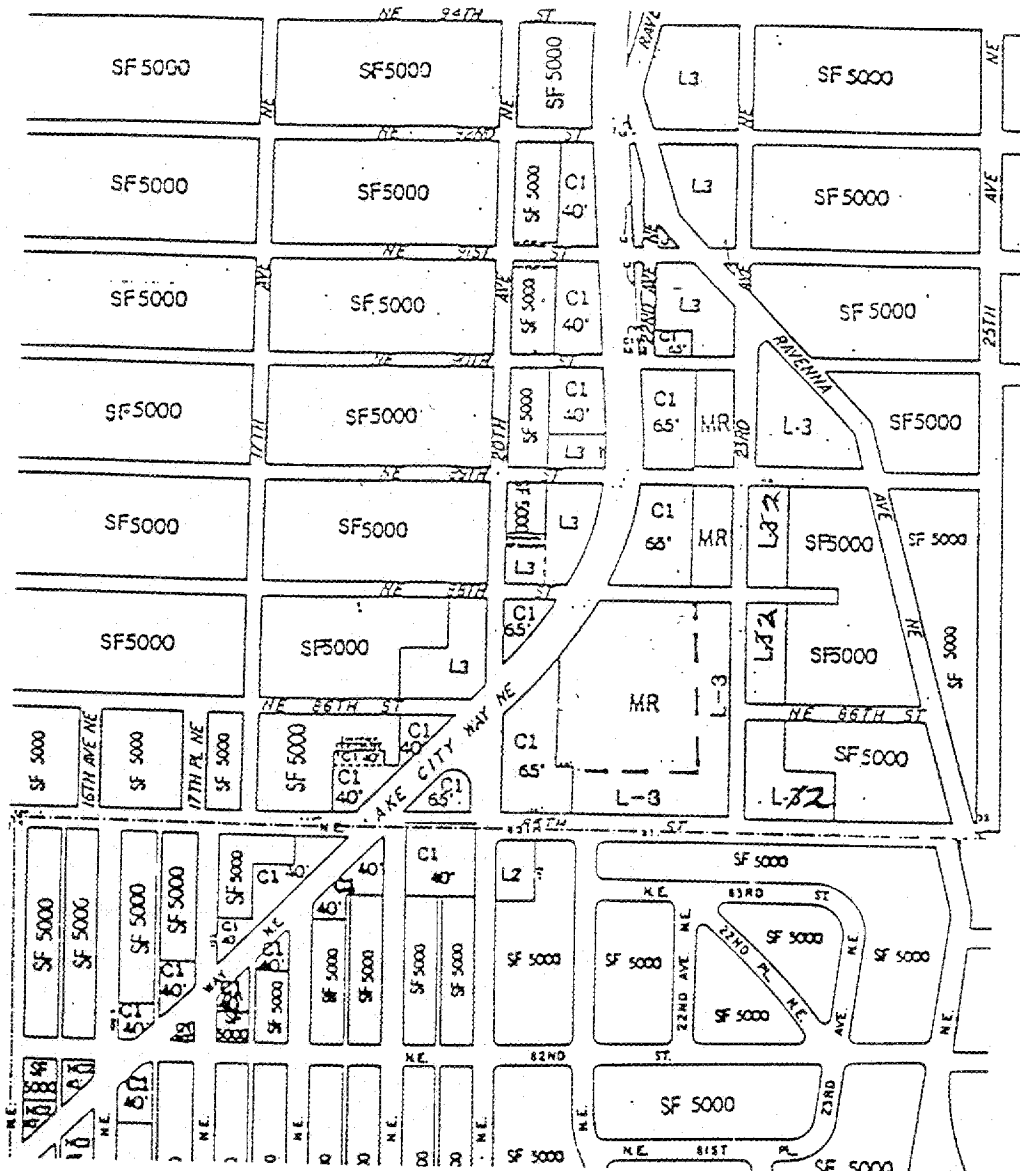
## CONCLUSION

The site's characteristics meet seven (7) of nine (9) MR locational criteria and partially meet one (1) other. One (1) criteria is not applicable.

The sites characteristics do not meet 6 of 6 L-3 Locational Criteria or 0%. Therefore OLP's recommendation fails the Basic Test of a residential rezone. The site characteristics fully meet 1 of 8 L-4 Location Criteria or 12% and, partially meet 3 other criteria. The University Trailer Park fully meets 7 of 9 or 78% of the MR Locational Criteria and partially meets 1 other. Clearly no findings of fact support rezoning the University Trailer Park.



# Exhibit D



40

- Area currently zoned L-3 east of 23rd Avenue NE is proposed to be downzoned to L-2. Our May 31, 1989 Land Use and Policy Analysis showed a proposed L-3 zone.

chkd  
app'd  
date

**R.W. Thorpe & Associates, Inc.**

1300 Alaska Building

618 2nd Avenue

Seattle, WA 98104

Seattle/Anchorage

(206) 624-6239

• Planning  
• Landscape  
• Environmental  
• Economics

STATE OF WASHINGTON - KING COUNTY

4529  
City of Seattle

—SS.

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

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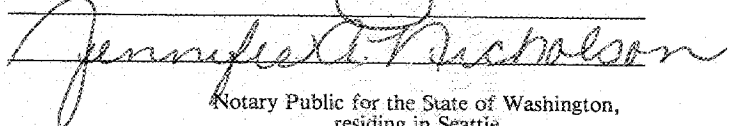
was published on

05/13/91

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

  
Subscribed and sworn to before me on

05/14/91

  
Notary Public for the State of Washington,  
residing in Seattle



TIME AND DATE STAMP

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THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY  
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Eduardo Maldonado

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COMMITTEE(S) REFERRED TO:

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PRESIDENT'S SIGNATURE

# City of Seattle

ORDINANCE 115828

AN ORDINANCE rezoning a portion of North Seattle.

WHEREAS, Ordinance 113858, adopted March 8, 1988, enacted interim controls on development in low-rise multi-family residential zones for a period of one year and called for the Executive to implement a multi-family work program to develop and analyze permanent amendments to the multi-family code; and

WHEREAS, Ordinance 113858 requested that Executive recommendations include zoning text amendments and legislative mapping changes; and

WHEREAS, Resolution 27850, October 24, 1988, adopted criteria to guide the selection of areas to be considered in the remapping process, and set forth a process for public review of the map changes; and

WHEREAS, the Office for Long-range Planning held an initial public meeting on the North Seattle legislative remapping cases, published draft recommendations and held an additional public meeting to hear comments on the draft recommendations, before the final Executive recommendations were made; and

WHEREAS, the City Council's Land Use Committee held public hearings on March 13, and March 20, 1990, on the Executive recommendations for the North Seattle legislative remapping cases; and

WHEREAS, with Ordinance 115068, adopted April 30, 1990, the City Council adopted new zoning for the North Seattle legislative remapping cases, except for the portion of North Seattle Case 38 occupied by a mobile home park; and

WHEREAS, remapping consideration for this portion of North Seattle Case 38 was postponed, pending a City-wide discussion of mobile home parks and the potential for public purchase of mobile home parks; and

WHEREAS, the City has concluded that it will not be purchasing mobile home parks; and

WHEREAS, as part of the legislative remapping process, the Office for Long-range Planning and the Mayor's recommendation was to change the zoning for the reserved portion of North Seattle Case 38; and

WHEREAS, the City Council's Land Use Committee considered the reserved mobile home portion of North Seattle Case 38 of the legislative remapping process at its April 19, 1991, committee meeting; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is one zoning map page, which is identified as Attachment A and which is incorporated by reference herein. The area on this map which shows a change in zoning designation and refers to a corresponding case number is hereby rezoned to the new classification shown for this area on the map. This map is hereby adopted as an amendment to the Official Land Use Map of the City of Seattle adopted by S.M.C. 23.32.015.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular rezone accomplished herein shall not affect the validity of any other rezones.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

Passed by the City Council the 29th day of April, 1991, and signed by me in open session in authentication of its adoption this 29th day of April, 1991.

SUE DONALDSON,  
Pro Tem President of the City Council.

Approved by me this 30th day of April, 1991.

ATTEST: NORWARD J. BROOKS,

City Comptroller and City Clerk.

By: MARGARET CARTER,

Deputy.

THE MAYOR CONCURRING:

Approved by me this 30th day of April, 1991.

NORMAN B. RICE,

Mayor.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 3, 1991.

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