

Ordinance No. 124150

Council Bill: 117723

An ordinance related to land use and zoning; amending page 25 of the Official Land Use Map, Seattle Municipal Code Chapter 23.32, to rezone properties located in the Greenwood/Phinney Ridge Residential Urban Village and applying incentive provisions for affordable housing within the rezone area, and amending Section 23.47A.013 of the Land Use Code.

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
3/27/13	Approve	3-0 RC, TB, MO

Related Legislation File:

Date Introduced and Referred: <u>2.25.13</u>	To: (committee): <u>Planning, Land Use + Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>4/1/13</u>	Date Presented to Mayor: <u>4/2/13</u>
Date Signed by Mayor: <u>4.9.13</u>	Date Returned to City Clerk: <u>4.9.13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

This file is complete and ready for presentation to Full Council. RC 3/27/13

Full Council Action:

Date	Decision	Vote
April 1, 2013	Passed	9-0

CITY OF SEATTLE
ORDINANCE 124150
COUNCIL BILL 117723

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4 AN ORDINANCE related to land use and zoning; amending page 25 of the Official Land Use
5 Map, Seattle Municipal Code Chapter 23.32, to rezone properties located in the
6 Greenwood/Phinney Ridge Residential Urban Village and applying incentive provisions
7 for affordable housing within the rezone area, and amending Section 23.47A.013 of the
8 Land Use Code.

9 WHEREAS, a rezone proposal from the Greater Greenwood Land Use Design and Development
10 Advisory Group was submitted to the Seattle Department of Planning and Development
11 (DPD) in March 2009; and

12 WHEREAS, the City Council then directed DPD to work with the Greenwood Community
13 Council to undertake additional outreach to solicit feedback from the broader Greenwood
14 community on rezone concepts; and

15 WHEREAS, DPD staff held a public open house meeting on June 29, 2010, attended by
16 approximately 120 people, and conducted an online survey; and

17 WHEREAS, DPD staff evaluated public input and conducted its own rezone analysis and
18 formulated final recommendations; and

19 WHEREAS, the Seattle City Council's Planning, Land Use and Sustainability (PLUS)
20 Committee considered the proposed legislation (CB 117506) on June 28, 2012; and

21 WHEREAS, the PLUS Committee held a public hearing on CB 117506 on July 25, 2012, and
22 took public comment; and

23 WHEREAS, in light of public comment provided at the July 25, 2012, public hearing, DPD
24 conducted additional analysis of the proposal with respect to the blockface along the
25 south side of NW 85th Street, between 1st and 3rd Avenues NW, and assisted the City
26 Council in drafting some amendments to the proposal in light of the additional analysis;
27 and

28 WHEREAS, a substitute bill that incorporated those amendments was posted on DPD's website
in conjunction with a public hearing notice that was published on February 11, 2013; and



1 WHEREAS, several minor modifications were subsequently made to that substitute bill to
2 correct typographical errors and clarify language before it was introduced by the City
3 Council; and

4 WHEREAS, none of those minor modifications changed the effect of the substitute bill; and

5 WHEREAS, this version of the substitute bill, which incorporates all the modifications made to
6 the original substitute bill, was introduced by the City Council on February 25, 2013; and

7 WHEREAS, a public hearing on this substitute bill was held in City Council Chambers on March
8 14, 2013; and

9 WHEREAS, the rezone area affected by this legislation is contained within the
10 Greenwood/Phinney Ridge Residential Urban Village boundary; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

11 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
12 amended to rezone properties located on page 25 of the Official Land Use Map, as shown on
13 Exhibit A attached to this Ordinance.

14 Section 2. Section 23.47A.013 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 123790, is amended as follows:

23.47A.013 Floor area ratio

17 A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C
18 zones.

19 1. All gross floor area not exempt under subsection 23.47A.013.D is counted
20 against the maximum gross floor area allowed by the permitted FAR.

21 2. If there are multiple structures on a lot, the highest FAR limit applicable to any
22 structure on the lot applies to the combined non-exempt gross floor area of all structures on the
23 lot, subject to subsection 23.47A.013.A.4.

24 3. Above-grade parking within or covered by a structure or portion of a structure
25 must be included in gross floor area calculations, except as provided in subsection
26 23.47A.013.D.6.



4. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E, ((and)) 23.47A.013.F, and 23.47A.013.G, maximum FAR allowed in C zones and NC zones is shown in Table A for 23.47A.013, provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

**Table A for 23.47A.013: Maximum Floor Area Ratio (FAR)
 Outside of the Station Area Overlay District**

	Height Limit					
	30'	40'	65'	85'	125'	160'
	Maximum FAR					
1. Total permitted for a single-purpose structure containing only residential or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total permitted for all uses within a mixed-use structure containing residential and non-residential uses.	2.5	3.25	4.75	6	6	7

C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Table B for 23.47A.013 provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown in the suffix designation.



**Table B for 23.47A.013: Maximum Floor Area Ratio (FAR)
 in the Station Area Overlay District**

	Height Limit					
	30'	40'	65'	85'	125'	160'
Maximum FAR	3	4	5.75	6	6	7

D. The following gross floor area is not counted toward FAR:

1. Gross floor area below grade;
2. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
3. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;
4. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to 15 percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection 23.47A.013.D is deducted; and
5. Within the First Hill Urban Center Village, on lots zoned NC3, with a 160 foot height limit, all gross floor area occupied by a residential use.
6. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure where the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:
 - a. the above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the



1 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
2 pursuant to subsection ((~~23.47A.012.A.6~~) 23.47A.012.A.5); or

3 b. all of the following conditions are met:

- 4 1) no above-grade parking is exempted by subsection
5 23.47A.013.D.6.a;
- 6 2) the parking is accessory to a residential use on the lot;
- 7 3) total parking on the lot does not exceed 1 space for each
8 residential dwelling unit plus the number of spaces required by this Code for non-residential
9 uses; and
- 10 4) the amount of gross floor area exempted by this subsection
11 23.47A.013.D.6.b does not exceed 25 percent of the area of the lot in zones with a height limit
12 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
13 greater.

14 ***

15 G. Within the portion of the Greenwood Residential Urban Village on lots zoned NC2 40
16 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW, the total
17 permitted FAR within a mixed use structure containing residential and non-residential uses is 4.

18 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
19 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
20 shall take effect as provided by Seattle Municipal Code Section 1.04.020.



1 Passed by the City Council the 1st day of April, 2013, and
2 signed by me in open session in authentication of its passage this
3 1st day of April, 2013.

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5 
6 President _____ of the City Council

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8 Approved by me this 9th day of April, 2013.

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11 Michael McGinn, Mayor

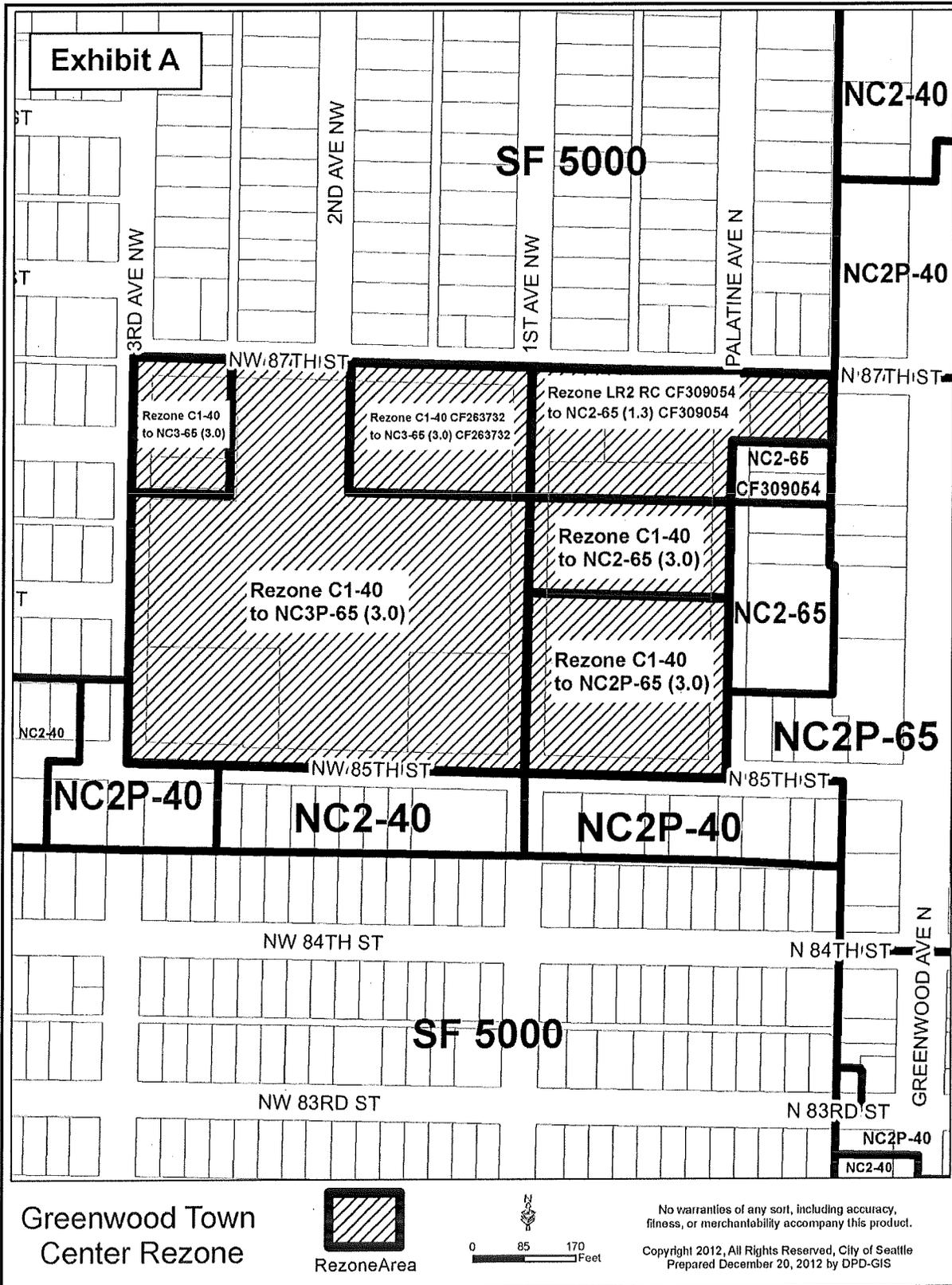
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13 Filed by me this 9th day of April, 2013.

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15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)

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22 Attachment: Exhibit A – Greenwood Town Center Rezone Map





FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Gordon Clowers/4-8375	Melissa Lawrie/4-5805

Legislation Title: An ordinance related to land use and zoning; amending page 25 of the Official Land Use Map, Seattle Municipal Code Chapter 23.32, to rezone properties located in the Greenwood/Phinney Ridge Residential Urban Village and applying incentive provisions for affordable housing within the rezone area, and amending Section 23.47A.013 of the Land Use Code.

Summary of the Legislation: This legislation would rezone a central portion of the Greenwood Residential Urban Village, near NW 85th Street and south of NW 87th Street. Several properties would be upzoned from Commercial 1 with a 40 foot height limit and Lowrise 2 Residential-Commercial to Neighborhood Commercial 2 or 3 with a 65 foot height limit. In addition, Pedestrian (P) zone designations would be applied to several properties along NW 85th Street and incentive zoning provisions would be implemented.

This legislation serves as a substitute for CB 117506, which was introduced and referred to the Council's Planning, Land Use, and Sustainability Committee on June 25, 2012. This legislation differs from CB 117506 in the following ways:

- It would not apply a P zone designation to the blockface along the south side of NW 85th Street, between 1st and 3rd Avenues NW, that is zoned Neighborhood Commercial 2 with a 40 foot height limit; and
- It would increase the maximum floor area ratio permitted on those same lots on the south side of NW 85th Street from 3.25 to 4.0 without changing the existing 40-foot height limit.

A memorandum that explains DPD's rationale for supporting these changes is attached to this fiscal note.

Background: This legislation responds to a request by members of the Greenwood community for a rezone that supports the objectives of the neighborhood plan for this area, including the application of new zoning that would encourage future mixed-use development. The scale of future development that could be developed under the rezone would be complementary to the existing core business district that is centered at NW 85th Street and Greenwood Avenue N, immediately east of the rezone site.

At the request of the City Council, DPD staff conducted outreach to solicit feedback from the broader Greenwood community on the proposed rezones. A six person stakeholder group



participated, including representatives from the Greenwood Community Council, another advisory group, and residents from the rezone areas. DPD also hosted a public open house at Phinney Ridge Lutheran Church on June 26, 2010, and mailed notice of the meeting to approximately 475 property owners within 300 feet of the proposed rezone area. The meeting was attended by approximately 120 people. DPD also collected public input via an online survey.

Please check one of the following:

- This legislation does not have any financial implications.**
- This legislation has financial implications.**

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

The proposed rezones would raise the height limits and otherwise change the zoning designations for several properties, which would increase the development capacity of the rezone area. This could generate additional property tax revenues as new development occurs on the rezoned lots. No negative financial implications are identified.

b) What is the financial cost of not implementing the legislation?

None identified.

c) Does this legislation affect any departments besides the originating department?

During the environmental review process for CB 117506, DPD prepared joint analyses with staff from other City departments (Transportation, Public Utilities, City Light, Parks, Police and Fire). These analyses generally confirmed that sufficient municipal services will be available to serve future development at the scale contemplated by CB 117506 and any remaining service gaps could be addressed by planned facility improvements, future service adjustments, or service extension improvements that would be funded by the applicants for future development permits. Provisions included in this legislation that did not appear in CB 117506 would slightly increase the development capacity of the blockface along the south side of NW 85th Street, between 1st and 3rd Avenues NW, but this increase remains within the approximate range of potential impacts to public services that was contemplated during the environmental review process.

Office of Housing staff would work with DPD to administer the City's incentive zoning program within the rezone area.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None; rezoning property within the City of Seattle requires City Council action via ordinance.

e) Is a public hearing required for this legislation?

Yes. A public hearing on CB 117506 was held on July 25, 2012. A public hearing on this ordinance is scheduled for March 14, 2013.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Notices for the July 25, 2012, and March 14, 2013, public hearings were published in *The Daily Journal of Commerce* and *Land Use Information Bulletin* on June 25, 2012, and February 11, 2013, respectively.

g) Does this legislation affect a piece of property?

The legislation affects properties identified in Exhibit A of the ordinance.

h) Other Issues:

None anticipated.

List attachments to the fiscal note below: DPD Memorandum, dated February 14, 2013



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

February 14, 2013

To: Councilmember Richard Conlin, Chair
Planning, Land Use and Sustainability (PLUS) Committee

From: Gordon Clowers, Senior Planner
Mike Podowski, Manager

Re: Greenwood/Phinney Ridge Urban Village Rezone

In response to requests from property owners and support from community members within the affected area, DPD offers the following supplemental analysis. In light of new information, DPD supports amendments to the original proposal as follows:

- Do not include a Pedestrian (P) zone designation for the southern blockface along NW 85th Street between 1st and 3rd Avenues NW that is zoned Neighborhood Commercial 2-40; and
- Allow a minor increase in floor area of 0.75 floor area ratio (FAR) in this same area, without changing the existing 40-foot height limit.

Unique Conditions

Portions of the half-block south of NW 85th Street between 1st and 3rd Avenues NW are affected by a number of unique factors that serve as a basis to amend the original proposal as summarized above:

1. These properties are in proximity of peat soils and high groundwater -- in some places within approximately 15 feet of soil depth, which would affect depth, cost and constructability of sub-surface parking, for example:
 - Past geotechnical studies indicate an approximate groundwater elevation that is ten feet below surface level on all properties potentially affected by this amendment (*Greenwood Subsurface Characterization Study, April 2004, Shannon & Wilson, Inc.*);
 - The combination of soil types and groundwater conditions present challenges and make garage construction economically infeasible for this scale of development in this location, which would force parking into the buildable area and therefore subject to the density limit.
2. A substandard-width alley at the rear of these properties has unusually variable topography that rises several feet above the street level of NW 85th Street, which presents a unique physical constraint for alley access to parking.



City of Seattle, Department of Planning and Development
700 Fifth Avenue, Suite 2000
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3. When combined with the above factors, the limited depth of the property (105 feet) is a further constraint because it limits the ability to effectively develop parking spaces, vehicular access lanes, street-front non-residential uses, and residential entrances (as would be required in a P zone);
4. Proximity of single-family homes directly south of the alley encourages retention of the existing 40-foot height limit, a further limiting factor for site development.

P-Zone

Retaining the existing zoning without a P-designation is more appropriate here to allow for street-level uses on a constrained site. Under a P zone designation, a floor plan with the required 80% presence of non-residential uses along the street-level façade would be difficult to achieve if a building would also need to fit in a residential entrance, interior parking and a garage access point. These kinds of ground-floor space allocation design challenges would tend to present a substantial practical barrier to infill development for properties on the south side of 85th Street between 1st and 3rd Aves NW.

DPD's original recommendation on the P-zone designation did not fully consider the unique site characteristics and the practical building design constraints created by the combination of nearby challenging soils, topographical conditions, and site dimensions, for that portion south of NW 85th Street and west of 1st Ave NW. Thus, a reasonable outcome would be to maintain the existing NC2-40 zone without the P designation. This conclusion is meant to update and replace the P-zone conclusions made at pages 22 and 24 in the April 2012 Director's Report.

Floor Area

A maximum FAR of 4.0 is now proposed for mixed-use development, 0.75 FAR greater than the otherwise applicable density limit of 3.25 for mixed use development in the NC2-40 zone. The proposed additional FAR would facilitate development by providing more space (and associated building area) within the development "envelope" above grade to help address the difficult site constraints – proximity to the peat soils and high water table, combined with the limited depth of these properties and variable topography.

Conclusion

The proposed minor changes to the original rezone proposal are tied to unique characteristics of the properties on the south side of NW 85th Street between 1st and 3rd Avenues NW. The changes to the rezone proposal are supported by the Greenwood Community Council, would encourage outcomes compatible with local land use patterns, and are consistent with the objectives of promoting mixed-use development and a vibrant activity center in Greenwood consistent with the neighborhood plan for the Greenwood/Phinney Ridge Urban Village.

Thank you for considering this supplemental information. We are available to answer any questions you may have.



STATE OF WASHINGTON -- KING COUNTY

--ss.

296873
CITY OF SEATTLE, CLERKS OFFICE

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

CT:124150-124153 TITLE

was published on

04/25/13

The amount of the fee charged for the foregoing publication is the sum of \$132.00 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in blue ink, appearing to be "Michael", written over a horizontal line.

Subscribed and sworn to before me on

04/25/2013

A handwritten signature in blue ink, appearing to be "Jennifer Borrero", written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on April 1, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124150

AN ORDINANCE related to land use and zoning; amending page 25 of the Official Land Use Map, Seattle Municipal Code Chapter 23.32, to rezone properties located in the Greenwood/Phinney Ridge Residential Urban Village and applying incentive provisions for affordable housing within the rezoned area, and amending Section 23.47A.013 of the Land Use Code.

ORDINANCE NO. 124151

AN ORDINANCE authorizing the Director of Seattle Public Utilities to enter into contracts with Lenz Enterprises, Inc. and PacifiClean, LLC to provide organics processing services for the City of Seattle; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124152

AN ORDINANCE relating to the Seattle Department of Transportation; relating to the Northgate Way improvement project; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a warranty deed for a portion of Block 3, Elbert Place Addition to the City of Seattle, from 10501 Aurora LLC, a Washington limited liability company; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a warranty deed for a portion of Block 4, North Park Addition to the City of Seattle, from 10409 Aurora LLC, a Washington limited liability company; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a warranty deed for a portion of Block 7, Oak Lake Villa Tracts, from AVU LLC, a Washington limited liability company; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a warranty deed for a portion of Block 2, Oak Lake Villa Tracts, from Elsia LLC, a Washington limited liability company; authorizing the Director of the Department of Transportation to acquire, accept, and record both temporary construction easements and permanent property rights from abutting property owners located along North 105th Street and North Northgate Way between Greenwood Avenue North and Corliss Avenue North, necessary or convenient for the Northgate improvement project in connection with the Arterial Asphalt and Concrete Program through negotiation and use of eminent domain (condemnation); placing the real property conveyed by such deeds and easements under the jurisdiction of the Seattle Department of Transportation and designating the property for transportation, utility and other municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming prior acts.

ORDINANCE NO. 124153

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, April 25, 2013.

4/25(296673)