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CF 310852

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition of Tony Case To rezone 73,000 square feet of land located at 9125 Yukon Avenue South from SF 5000 to L1	)	C.F. 310852 DPD Project 3006392 FINDINGS, CONCLUSIONS AND DECISION

Introduction

This matter involves the petition of Tony Case (the "Proponent") to rezone approximately 73,000 square feet of property located at 9125 Yukon Avenue South from Single Family 5000 (SF 7200) to Lowrise 1 (L1). Attachment A shows the area to be rezoned.

On September 23, 2010, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone. After holding an open record hearing on October 18, 2010, the Hearing Examiner issued Findings and Recommendations recommending approval. The Council received no appeals of the Hearing Examiner's recommendation.

The matter came before the Committee on the Built Environment (Committee) on January 12, 2011. At that meeting, the Committee took up the merits of the petition and reviewed the Hearing Examiner file and staff report. On February 9, 2011, the Committee voted to recommend approval of the rezone to the full Council.

Findings of Fact and Conclusions

The Council hereby adopts the Hearing Examiner's Findings of Fact, Conclusions and Recommendations for C.F. 310852 dated November 1, 2010.

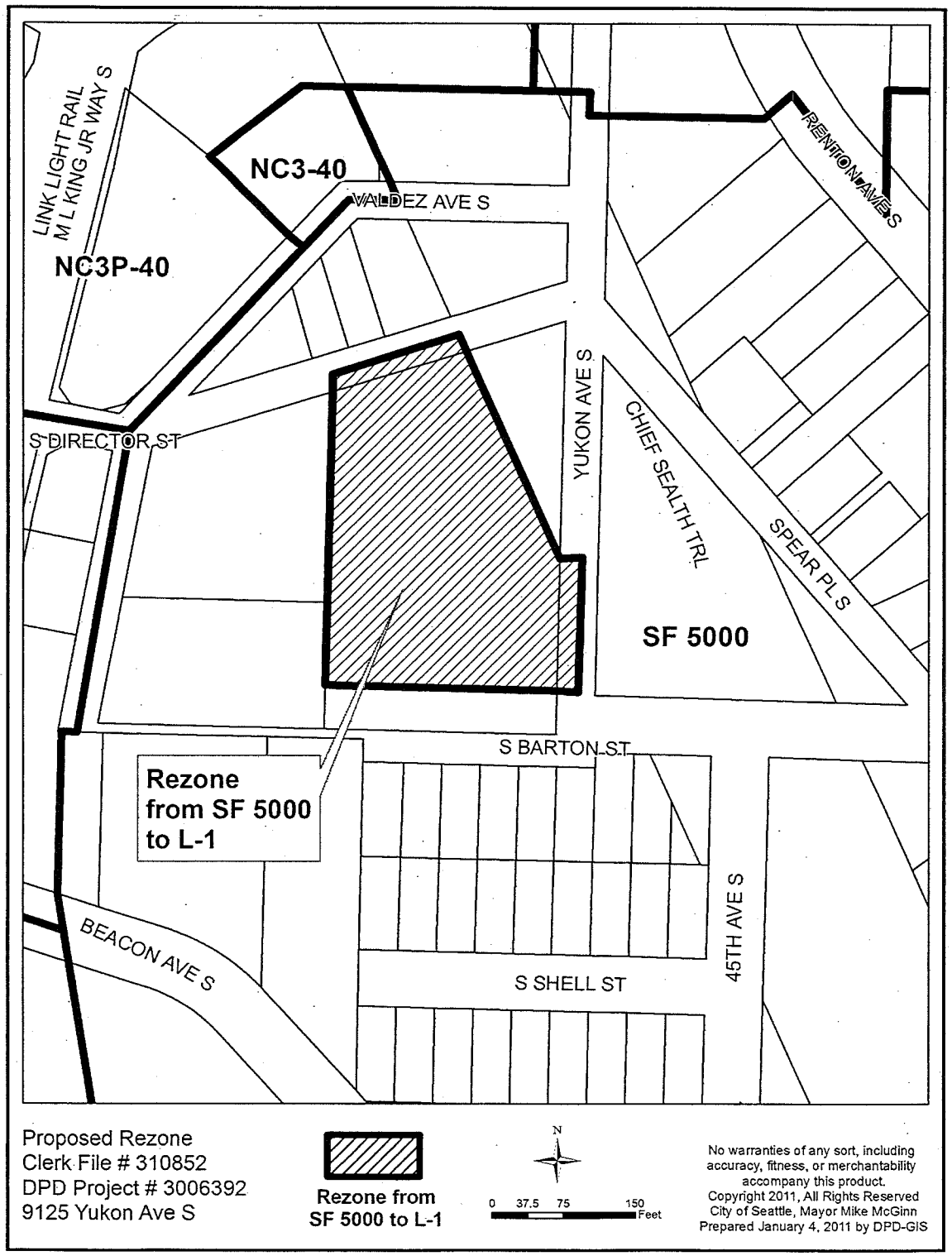
Decision

The Council hereby GRANTS a rezone of the property from SF 5000 to L1, as described above and found in Attachment A.

Dated this _____ day of _____, 2011.

_____
City Council President

ATTACHMENT A



FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

CF 310852

TONY CASE, CASE DESIGN, FOR RAINIER BEACH URBAN VILLAGE, LLC

DPD Project No.: 3006392

for a rezone of property addressed as 9125 Yukon Avenue South

Introduction

The applicant, Rainier Beach Urban Village, LLC, seeks a rezone of approximately 73,000 square feet of property from Single Family 5000 to Lowrise 1. The site is designated as Multifamily Residential in the Future Land Use Map of the City's Comprehensive Plan.

The public hearing on this application was held on October 18, 2010, before the undersigned Deputy Hearing Examiner. The Director's SEPA determination on the proposal was not appealed. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Michael Dorcy, Senior Land Use Planner; and the applicant, Rainier Beach Urban Village, by Tony Case, and John Hempelmann, attorney at law. The record was held open until October 29, 2010 for purposes of the Examiner's site visit.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

Site and Vicinity

1. The site is addressed as 9125 Yukon Avenue South and site and rezone area comprise approximately 73,000 square feet. The site is bounded to the north by unimproved South Director Street to the east by Yukon Avenue South, to the west by two large undeveloped lots, and to the south by a narrow undeveloped parcel, which separates the rezone site from the South Barton Street right-of-way.

2. The site is on a hilltop which rises above Martin Luther King Jr. Way South which lies two blocks to the west. Renton Avenue South, an arterial, is located two blocks to the east.

3. The Chief Sealth Greenbelt and trail are located east and north east of the property, and provide pedestrian and bicycle routes between Beacon Hill and Rainier Beach. The 200-foot-wide City Light Transmission Line easement area lies to the east of Yukon Avenue South, intersecting the site at an angle in the northeast corner.

4. The site is within 200 yards of the Rainier Beach Light Rail Station, although the distance to the station by existing roadways is approximately a quarter of a mile. Several Metro transit routes serve the station area.

5. The site is within the Rainier Beach Residential Urban Village (South Barton Street marks the south boundary of the urban village). The site is zoned Single Family 5000 (SF 5000). The area surrounding the site is also zoned SF 5000. The site and surrounding areas were designated as Multifamily Residential in the Future Land Use Map of the Comprehensive Plan in 2010, pursuant to Ordinance 123267.

6. Much of the site lies within an area mapped as landslide prone area and some of the site also appears to lie within the buffer of a mapped wetland within the Yukon Avenue South right-of-way and the City Light Transmission easement. There are mapped steep slope areas and buffer areas located off-site to the west. There are no mapped steep slope areas on the site, but the SEPA checklist indicates that some portion of the slopes might exceed 40 percent. Future development on the site would be subject to the applicable development standards for environmentally critical areas, contained in Chapter 25.09.

7. In the past, the site was in agricultural and residential use. Currently, there are two derelict structures on the property, a partially burned residential structure, and a barn/garage). The two properties to the west are undeveloped; one parcel contains the steep slope areas mentioned above, and the other property is controlled by the City Parks Department. Areas to the south and southeast are developed with single family housing. There is retail development along South Henderson Street and Martin Luther King Jr. Way South.

8. The site is part of an area that was annexed into the City of Seattle in 1907. In 1923 it was zoned First Residence District. In 1947, the site was zoned R1-A. The site was designated as RS 5000, Single Family 5000, in 1957, and changed to SF 5000 with the Code change in 1982.

9. The Rainier Beach Neighborhood Plan was adopted in 1999. The Plan includes the following policies:

RB-P1 Encourage the revitalization of the Henderson Street corridor as a conduit between the future light rail station at Martin Luther King Jr. Way and the commercial center along Rainier Avenue South.

RB-P2 Seek to promote transit-oriented development around Rainier Beach's proposed light rail station at Martin Luther King Jr. Way and South Henderson Street.

RB-P5 Encourage the City to support rezones within the Rainier Beach Residential Urban Village for projects that:
A. Meet the overall community vision,
B. Promote redevelopment of underutilized and derelict sites, and
C. Result in pedestrian-friendly, well-designed new buildings.

10. Council Bill 116776 (Ordinance 123267), which was signed by the Mayor on April 8, 2010, amends the Comprehensive Plan to: "Amend the Future Land Use Map to adjust the Rainier Beach residential urban village boundary and designate the land shown on Attachment A as a Multifamily Residential Area."

Proposal

11. The proposal is to rezone the property from SF 5000 to L1. No development project is associated with this rezone application. The rezone application materials suggest that "cottage-type or semi-detached housing with common greenspaces" are a potential planned use in the future.

DPD Review

12. DPD has reviewed the proposed rezone and recommends approval. DPD reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance (DNS), which was not appealed.

Public comments

13. No written comments were submitted to DPD or the Hearing Examiner on the proposed rezone. At hearing, the applicant's representative testified in favor of the proposed rezone.

Codes

14. SMC 23.34.007 provides that "*In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions.*" The section also states that "*No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

15. SMC 23.34.008 states the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area

characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; and the presence of overlay districts or critical areas.

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed rezone to City Council, pursuant to SMC 23.76.052.

2. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation, and none of the criteria are to be applied as absolute requirements. The site is within the boundaries of the Rainier Beach Residential Urban Village, so the provisions of Chapter 23.34 which apply to those areas apply to this site.

General rezone criteria

3. Effect on zoned capacity. SMC 23.34.008.A requires that, within the urban center or urban village, the zoned capacity taken as a whole shall be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The proposed rezone would increase zoned capacity within the village and would be within the density ranges established in the Comprehensive Plan.

4. Match between zone criteria and area characteristics. The most appropriate zone designation is 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 designation. In this case, the area characteristics are to be compared against the criteria for designation of single family zones and the criteria for Lowrise 1 designation.

5. The area meets the criterion of having more than 70 percent of existing structures in single family use; SMC 23.34.011.B.1. However, in other respects the site and area do not closely match the single family zone criteria. The site consists of several large lots (ranging between 11,000 to 30,000 square feet in size) and the area includes many parcels that exceed 5000 square feet. The subject parcels are not fully consistent with the zone's function as an area with lot sizes that are compatible with the character of single family neighborhoods.

6. The proposed rezone to L1 would allow higher density, ground-related housing in the Rainier Beach Residential Urban Village, as encouraged by the Comprehensive Plan. The development characteristics of the area meet the L1 criteria, since there are numerous large vacant parcels suitable for family housing at higher densities than single family, as well as an established pattern of multifamily development with low heights and smaller bulk. The site is separated from principal arterials but connected by residential streets.

7. The site's relationship to the surrounding area also meets some L1 criteria. It is not within an existing larger, higher density multifamily area, but is within an area where ground-level housing could be accommodated without disruption of the pattern, character and livability of surrounding development. The site, together with other adjacent areas which have been identified in the Comprehensive Plan as appropriate for multifamily residential, would provide some transition between the single family zones to the south and east, and the commercial zones further north and west. The property is surrounded by narrow streets and there are irregular street patterns which restrict local access. The site is within a quarter mile of the Rainier Beach Community Center, Rainier Beach Library, schools, and parks.

8. The property does conform to some of the zone criteria for single family zones, but more closely matches the criteria for the L1 zones.

9. Zoning history and precedential effect. The site has been zoned SF 5000 since 1982 and was designated as single family prior to that time under the previous Codes. The enactment of Ordinance 123267 earlier this year amended the boundaries of the Rainier Beach Residential Urban Village to include this site and other adjoining properties as a "Multi-Family Residential Area." Rezoning this site may serve as a precedent for future rezones of SF properties nearby, although the primary influence on future rezones would seem to be the expanded boundaries of the urban village and the amended FLUM designation.

10. Neighborhood plans. The proposed rezone would be consistent with adopted neighborhood plan policies which anticipated a nearby light rail station, including RB-P2 (promote transit-oriented development around the proposed light rail station) and RB-P5 (encourage rezones for projects that meet the overall community vision, promote redevelopment of underutilized sites, and result in pedestrian-friendly buildings). The rezone to L1 will promote higher densities of housing within walking distance of the light rail station.

11. Zoning principles. The zoning principles to be considered include impacts on less intensive zones and transitions, physical buffers, and zone boundaries. There are physical buffers to provide some transition and minimize the impacts of the L1 zone on nearby SF zones. The Yukon Avenue South right-of-way as well as the City Transmission Lines to the east will separate the site from the SF 5000 zoned areas to the east. The impacts of height, bulk and density will likely be greatest along the south property line, although the 44-foot wide lot to the south, as well as the S. Barton Street right-of-way, would separate the site from the SF 5000 zone to the south. The South Director Street right-of-way provides a 40-foot separation between this site and the single family zone to the north. Impacts on the two SF 5000 properties to the west will be limited, since future development on one parcel is likely limited by the presence of steep slope and potential landslide areas, while the other parcel is controlled by the Parks Department.

12. The proposed L1 zone boundary would follow platted lot lines on the west and south. The north boundary will run through the centerline of platted South Director Street. The eastern boundary will follow the east lot line in part, and the centerline of Yukon Avenue South in part.

13. Impact evaluation. Under SMC 23.34.008.F, the possible positive and negative impacts of a proposed rezone are to be considered. Future development at this site could create up to 45 units on the site. The proposal is for a rezone, and future development would be subject to further review under the City's Codes. The impacts of the rezone itself are expected to be minor. The rezone will allow more housing to be created at this site, so some impact on service capacities is expected, but the service capacities are not expected to be exceeded by the additional demand. There is street access and transit access, including of course, the nearby light rail station. Sanitary sewers are located in South Director Street and Yukon Avenue South, and a 12-inch diameter storm drainage main is located in Yukon Avenue South. Future development at the site will be reviewed for compliance with City standards as to street improvements, drainage, utilities, parking and other improvements.

14. Changed circumstances. The passage of Ordinance 123267 this year added this site to the Rainier Beach Residential Urban Village and directed that the Future Land Use Map be amended to designate the site as a Multifamily Residential Area. These changes, together with the construction of the nearby Rainier Beach light rail station indicate that the area should be rezoned to a higher density.

15. Overlay districts. The site is not located within an overlay district.

16. Critical areas. The site lies within a mapped landslide prone area, and appears to be within the buffer area for a mapped wetland lying within the Yukon Avenue right-of-way. There are also mapped steep slope areas and buffers located off site to the west. Future development at the site will be subject to the standards and requirements of Chapter 25.09 SMC.

Recommendation

The Hearing Examiner recommends **APPROVAL** of the requested rezone

Entered this 1st day of November, 2010.

Anne Watanabe
Deputy Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking further review to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the Hearing Examiner's recommendation to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the Hearing Examiner's recommendation, and be addressed to: Seattle City Council Committee on the Built Environment, c/o Seattle City Clerk, 600 Fourth Avenue Floor 3, P.O. Box 94728. Seattle, WA 98124-4728. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.