



City of Seattle  
Gregory J. Nickels, Mayor

**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3007863  
**Applicant Name:** Gay Westmoreland for Seattle Housing Authority  
**Address of Proposal:** 3909 South Othello Street

**SUMMARY OF PROPOSED ACTIONS**

Council Land Use Action to rezone 71, 089 sq. ft. of land from L4/RC to NC3 P-65'. Property is bounded on the north by S. Othello St., on the south by S. Holly Park Drive, on the west by 39th Ave. S. and on the east by Martin Luther King Jr. Way S.

The following approvals are required:

**Rezone** - To rezone from L4/RC to NC3-P 65 - Seattle Municipal Code 23.34.

**SEPA - Environmental Determination** - Seattle Municipal Code Chapter 25.05.

**SEPA DETERMINATION:** [ ] Exempt [X] DNS\* [ ] MDNS [ ] EIS  
[ ] DNS with conditions  
[ ] DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

\*Notice of Early DNS was published on 27 December 2007.

**BACKGROUND DATA**

The site is located within the large block between Martin Luther King Way South and 35<sup>th</sup> Avenue South, South Othello Street and South Holly Park Drive. Only a thin section of the L4/RC-zoned property running east-west through the middle of the block would be changed. A long strip of L4/RC would be preserved along South Holly Park Drive. Seattle Housing Authority owns the subject property, the rest of the block it is in, and all the properties to the south and west. There are a Safeway grocery store and a Bank of America building to the north across the street from the block. However, none of the SHA properties directly facing these properties are subject to rezoning; their zoning (NC3 P 65) would remain unchanged. Only relatively small portions of the property to be rezoned would face public streets; most would be internal to the block.

There has been extensive residential redevelopment of the SHA properties to the south of the site, with much to come. The L4 property facing South Holly Park Drive would also presumably be redeveloped with residential units. SHA will control development of the property to be rezoned. It is anticipated that it will include mixed use development, with commercial development at least in the street-facing areas, and residential development likely to the height limit and in the interior portions of the site.

Public Comments

None.

**ANALYSIS - REZONE**

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.007 (rezone evaluations), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.072 (designation of commercial zones), and 23.34.098 (NC3 zone, function & locational criteria), and 23.34.086 (P zones). The analysis below takes up these criteria in their most logical order. The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

**Analysis of consistency with SMC Section 23.34.072 (Designation of commercial zones):**

1. Designation of Commercial Zones (SMC Section 23.34.072):

A. *The encroachment of commercial development into residential areas shall be discouraged.*

The proposed rezone would encroach into residential zoning. However, the residential zone is already commercialized to some extent by virtue of its Residential Commercial (RC) overlay. In any case, this criterion is not determinative. Considered together with all the others, it does not present an obstacle to approval of the rezone request.

B. *Areas meeting locational criteria for single-family designation may be designated NC130'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Section 23.34.010.B.*

N/A.

C. *Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in SMC Section 23.34.010 and 23.34.011 of the SMC.*

N/A.

D. *Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

There can be no better location for expansion of an existing commercial node than where located close to a light rail transit stop, as in this location.

- E. *The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

The proposed rezone would likely preserve and improve an existing commercial area.

**Analysis of consistency with SMC Section 23.34.008. (General Rezone Criteria):**

A. *To be approved a rezone shall meet the following standards:*

1. *In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*

The site is within the adopted boundaries of the MLK at Holly Street residential urban village. An upzone can only increase the site's compliance with this criterion.

2. *For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B. of the Land Use Element of the Comprehensive Plan.*

Same as above.

3. *For the area within the urban village boundary but outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.*

Presumed consistent.

- B. *Match between Established Locational Criteria and Area Characteristics*  
*The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

DPD practice is to determine whether proposed zoning satisfies the function and locational criteria. Here, SMC Section 23.34.078 states the function and locational criteria for NC3 zones:

- A. *Function*  
1. *A pedestrian oriented shopping district serving the surrounding neighborhood and a large community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along with the street front and multi-story residential structures;*

This is certainly the intended function of the area. It is highly likely to develop as such given the presence of the Othello Street Sound Transit station at the NE corner of the intersection of Othello and MLK Jr. Way South. There already exists a Safeway store immediately across the street from the block containing the site, which certainly already entertains shoppers from a large community outside the immediate neighborhood. The area well fits this criterion.

2. *Desired Characteristics:*
  - a. *Variety of retail businesses at street level;*
  - b. *Continuous storefronts built to the front property line;*
  - c. *Intense pedestrian activity;*
  - d. *Shoppers can drive to the area, but will walk around from store to store;*
  - e. *Cycling and transit are important means of access.*

The desired characteristics are not yet abundantly displayed, but the “bones” of such are already present, with numerous institutional, retail and customer service establishments along MLK, particularly to the north of Othello. The station discussed above virtually guarantees progress toward consistency with these criteria over the intermediate term.

23.34.078.B. *Locational Criteria*

*The NC3 zone designation is most appropriate in areas generally characterized by the following:*

1. *Existing Character*
  - a. *Major commercial nodes surrounded by medium-to-high density residential areas or other commercial areas; or*
  - b. *Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or*
  - c. *Shopping centers;*

The presence of a Sound Transit station guarantees that the area will become a significant node of this type, even without other public investment. Even so, SHA, the major property owner in the area, has the intent and the means to ensure development, not just of the site, but of the area in the direction of the criteria. Much has been accomplished already, including development of dense housing projects south of the project block. The rezone itself will facilitate achieving consistency. .

2. *Physical Conditions Favoring Designation as NC3*
  - a. *Served by principal arterial;*

Both Othello Street and MLK Jr. Way South, both principal arterials, serve the subject block.

- b. *Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The site subject to rezone is already surrounded by the 3<sup>rd</sup> highest residential zoning possible, which zoning extends well to the south and west. Similar commercial zoning prevails to the east and north. Whatever transitions to low-density are required; they apply at considerable distance from the site subject to rezone.

- c. *Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;*

Ensured by the two principal arterials and the Sound Transit station serving the site.

- d. *Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;*

The large majority of future circulation to the site is likely to come from the two existing principal arterials and the soon-to-be-opened transit station, all of which properly channel traffic as contemplated by this criterion.

- e. *Excellent transit service;*

Obviously.

- f. *Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.*

Demand for parking to serve any future developments on the site is likely to be less than normal due to proximity of the Sound Transit station at Othello and MLK. Even so, there exist numerous parking areas nearby, and the amount of vacant property presently practically exceeds that of developed property. These conditions reduce any legacy problems resulting from existing uses undersupplied with parking, and render it highly likely that all future development in the area (the majority of development!) will be adequately provided with parking (at least per code).

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

The site was zoned L2 until 30 August 2001, at which point it was upzoned to L4/RC. Similar history obtains for the other L4-zoned sites in the area. In short, densification has been ongoing. The location along principal arterials and within a few hundred feet of a light rail station underscores the appropriateness of further intensification, as proposed.

- D. *Neighborhood Plans*

- 1. *For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*

The subject site is within the MLK at Holly Street Residential Urban Village boundaries. The plan was adopted in December of 1998, and took effect in January of 1999.

- 2. *Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The neighborhood plan for the area has many Land Use goals and policies, all of which the proposal is or can be consistent with. The policies are listed below, together with discussion of how the proposal comports.

**Goal LUH-1: Within the MLK @ Holly Street Residential Urban Village, to provide for a broad range of development and redevelopment opportunities which serve the future needs of the community, including residential, commercial, retail, service, cultural, and open space uses.**

**Policy LUH-2.2:** *Encourage mixed use residential development in the core of the LMLK @ Holly Street Residential Urban Village.*

The rezone would increase the range of potential commercial uses, and also reduce restrictions on building envelope development. This should result in greater likelihood of substantial commercial development. Indeed, this is in the stated intent of the rezone.

**Policy LUH-2.3:** *Require new multi-family development to meet design standards to ensure that it is “compatible” with the scale and character of existing development.*

The most likely future developments on this site will be subject to Design Review, which is a reasonable forum to ensure consistency with this policy. However, it is conceivable that development could be partitioned in ways not triggering design review. In such cases, some other mechanism for ensuring consistency with this policy is desirable. Thus, it is recommended that the rezone project be conditioned as follows: “For any proposed development on the site that is not otherwise subject to administrative or full Design Review, the applicant shall document how Policy LUH-2.3 of the MLK at Holly Street neighborhood plan has been considered.”

**Policy LUH-2.5:** *Work cooperatively with the Seattle Housing Authority to ensure that the Holly Park Redevelopment is integrated into the surrounding community and minimizes adverse impacts.*

Very similar to above, and so resolved.

**Goal LUH-4: To develop the retail and commercial core of the MLK @ Holly Street residential Urban Village as an attractive and vibrant area for neighborhood residents and visitors.**

**Policy LUH-4.1:** *Encourage appropriate development and redevelopment that provides a greater range of products and services to serve the community.*

The upzone to outright commercial can only “encourage” the desired development.

**Policy LUH-4.2:** *Promote retail, restaurant and entertainment uses that are pedestrian oriented and provide a high level of street activity.*

See below.

**Policy LUH-4.3:** *Develop pedestrian amenities to link commercial areas, transportation facilities, residential areas and parks.*

See below.

**Policy LUH-4.4:** *Work cooperatively with property and business owners to maintain the appearance and cleanliness of retail and commercial areas.*

See below.

**Policy LUH-4.5:** *New development/redevelopment should include unified landscape and streetscape improvements, be designed to improve pedestrian linkages w/i community.*

The four Land Use policies immediately above are more prescriptive than LUH-4.1. None are assured by the proposal. Hence, it is recommended that approval of the rezone be conditioned as follows: “For any development, redevelopment, establish use and/or change of use permit on the subject site, the applicant shall document how Policies LUH-4.1-4.5 of the MLK At Holly Street residential urban village plan have been considered.”

**Goal LUH-5: To encourage transit oriented mixed use development in the vicinity of a light rail station in the MLK @ Holly Street Residential Urban Village.**

**Policy LUH-5.2:** *Mixed-use development should accommodate safe conditions for public transit and vehicular, pedestrian, and alternative modes of traffic. Transit-oriented development should incorporate a mix of businesses, large and small, to meet the needs of the local community and the regional population.*

**Policy LUH-5.8:** *A range of affordable and market rate residential uses should be encouraged in the upper stories of the mixed use development in the vicinity of a light rail station. Provide zoning incentives and an expedited review and permitting process for transit oriented development which meets the criteria contained in this Neighborhood Plan. Provide for appropriate transitions between the light rail station, associated transit oriented development, and the surrounding neighborhood.*

Similar to above, these two Land Use policies are prescriptive, but not assured by the proposal. Hence, it is recommended that approval of the rezone be conditioned as follows: “For any development, redevelopment, establish use and/or change of use permit on the subject site, the applicant shall document how Policies LUH-5.2 and 5.8 of the MLK At Holly Street residential urban village plan have been considered.”

**Goal ED-I: To support existing businesses and seek to attract new businesses and industries which diversify the economic base, improve wage and salary levels, increase the variety of employment opportunities, and utilize the resident labor force.**

**Policy ED-4.6:** *Encourage public-private partnerships that can access sufficient resources to produce the highest quality transit oriented development that is responsive to the needs of the community.*

SHA has indicated intent to develop partnerships with private interests to develop the property subject to rezone. This is consistent with this criterion.

**Goal CIA- 1: To enhance the identity of the MLK @ Holly Street Residential Urban Village through unified urban design, streetscape, landscaping, and other measures.**

**Policy CIA-1.2:** *Work cooperatively with the Seattle Housing Authority to ensure that these design features further integrate the Holly Park Redevelopment into the community.*

Similar to three items above, this Land Use policy is prescriptive, but not assured by the proposal. Hence, it is recommended that approval of the rezone be conditioned as follows: “For any development, redevelopment, establish use and/or change of use permit on the subject site, the applicant shall document how Policy CIA-1 of the MLK At Holly Street residential urban village plan has been considered.”

**Goal CCI-4: Establish a representative organization to participate in decision processes for implementation of the MLK @ Holly Street Neighborhood Plan.**

**Policy CCI-4. 1:** *Improve communication of issues and opportunities facing the neighborhood through a public forum that is open to all members of the community.*

**Policy CCI-4.2:** *Increase participation in the representative organization through community outreach and information exchange.*

**Policy CCI-4.3:** *Seek partnerships with other stakeholder organizations in the community.*

Over the past year, SHA met with the following groups regarding rezoning of the subject site: Rainier Valley Community Development Fund Board, Othello Neighborhood Association Community meeting and New Holly Homeowners Association. On September 27, 2007 SHA met with the Community at the Gathering Hall in a Community Forum on Othello Station Mixed Use Site (this is what SHA is calling this parcel of land). Over 100 people attended this meeting. Criterion satisfied.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

N/A.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

N/A.

E. *Zoning Principles*  
*The following zoning principles shall be considered:*

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The proposed zoning would extend the boundaries of an existing substantial area of the same zoning. This is one of the more reasonable principles of rezoning. The rezoning is also proposed in an area extremely close to a light rail station, an optimal area for intensification. The rezone would also reduce the length of the transition line between NC3/P65 and L4/RC, bringing the commercial zoning to two right-of-way frontages instead – where commercial zoning is more likely to be productively developed.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
  - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
  - c. *Distinct change in street layout and block orientation;*
  - d. *Open space and greenspaces;*

None of these features presently separate the commercial from residential zones, nor would they under the proposal. However, the existing zone “differentials” already exist within the block. Because SHA owns the property adjacent and across adjacent rights-of-way, such separation is not regarded as very important.

3. *Zone Boundaries*
  - a. *In establishing boundaries the following elements shall be considered:*
    - (1) *Physical buffers as described in subsection E2 above;*
    - (2) *Platted lot lines.*
  - b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

As stated above, there are no physical buffers separating the proposed from the retained zoning in the subject block. Again, the embeddedness of the parcel among other SHA parcels reduces the importance of this criterion.

**F. Impact Evaluation**

*The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

1. *Factors to be examined include, but are not limited to, the following:*
  - a. *Housing, particularly low-income housing;*
  - b. *Public services;*
  - c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
  - d. *Pedestrian safety;*

- e. *Manufacturing activity;*
- f. *Employment activity;*
- g. *Character of areas recognized for architectural or historic value;*
- h. *Shoreline view, public access and recreation.*

The proposal would allow for more intensive development of a relatively small parcel of land almost entirely surrounded by SHA-owned parcels. This implies that adverse impacts of physical development (height bulk and scale, shadowing, loss of air) would be largely limited to properties of the applicant, a long-term owner. Physical impacts to adjacent public rights-of-way would be minimal, because the rezone affects such land only along short stretches of South Holly Park Drive and 39<sup>th</sup> Avenue South. There are not likely to be substantial adverse impacts to any of the items listed above; several would experience no impacts at all (e.g. manufacturing activity, shoreline elements). Others would be minimally adversely impacted (e.g. noise, air and water quality, glare, odor, shadows, energy conservation). Several would be appreciably positively impacted (e.g. low-income housing, terrestrial flora, public safety, employment activity.)

## 2. *Service Capacities*

*Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

- a. *Street access to the area;*
- b. *Street capacity in the area;*
- c. *Transit service;*
- d. *Parking capacity;*
- e. *Utility and sewer capacity;*
- f. *Shoreline navigation.*

There is every reason to believe that service capacities are adequate to serve the proposed up-zoning of this small site.

## G. *Changed circumstances*

*Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but it not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designation in this chapter.*

The development of the Sound Transit light rail station at MLK and S. Othello Street is a major change since adoption of present zoning. All contemporary theories of urban planning indicate that station areas are most suitable for intensive use. The proposed up-zoning would be a step in that direction.

## H. *Overlay Districts*

*If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The overlay district has been considered above, in the section on neighborhood plans. It is also considered below pursuant to SEPA.

I. *Critical Areas*

*If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

N/A.

J. *Land Use Policies.*

*Land Use Policies contained or referenced in Chapter 23.12 that are applicable to the area shall be considered.*

The cited policies have been rescinded from the Land Use Code.

**Analysis of consistency with SMC Section 23.34.009 (Height Limits):**

The proposal includes a change in height to 65 feet from the limit set for the L4 zone at SMC Section 23.45.009.A, which is 37 feet, with exceptions for special features.

SMC Section 23.34.009 states that "*Where a decision to designate height limits in NC or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:*

A. *Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted good and services and the potential for displacement of preferred uses shall be considered.*

The proposed zone would be consistent with planning desire to densify developments in a light rail station area. Rather than displace housing (the function of the existing zoning), the upzone would accommodate considerably more housing in the additional 28 feet (3 floors). Demand for such housing would likely be high in the station area.

B. *Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The area surrounding the site of the proposed rezone is essentially flat, but it is at the bottom of Rainier Valley. Most "views" would be down to the site, and not blocked by it.

C. *Height and scale of area.*

1. *The height limits established by current zoning in the area shall be given consideration.*
2. *In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

The current zoned height of properties adjacent to the north and east is 65 feet. This zoned height would be extended mostly to the south and, for the portion parallel (but not adjacent to) MLK, to the west – both over relatively small distances. Although existing development is not to the height limit on adjacent lots, there is every reason to anticipate that it will be – and relatively shortly – given the stimulus of the light rail station. Thus, existing development is a poor measure of the area's development potential.

D. *Compatibility with surrounding area.*

1. *Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation.*
2. *A gradual transition in height and scale of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2 are present.*

“C” directly above pertains to #1. Existing zoning already poses a marked height disparity; the proposal would only extend it. However, it would extend it in minor degree, and actually reduce the frontage affected by the transition. Given SHA ownership of almost all adjacent and affected parcels, and the limited frontage affected along public rights-of-way, this criterion is not deemed problematic.

E. *Neighborhood plans.*

1. *Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

The MLK at Holly Street residential urban village plan does not address this issue.

2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

N/A.

**Analysis of consistency with SMC Section 23.34.007:**

This section of the Land Use Code encourages and requires synthesis of the complex and occasionally conflicting results of the analyses of individual criteria above.

1. *Rezoning evaluation*

- A. *The provisions of this chapter shall apply to all rezones. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

The above analysis clearly supports the proposed upzone. None of the criteria can be seriously said to be “not met.”

- B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezoning considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This criterion supports the Department's determination to underweight the criteria related to physical separation between zone, and general zoning principles to prefer gentle transitions in zoning and height.

- C. *Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.*

N/A.

- D. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except the Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Section 23.60.060.B.3.*

The proposed rezone is not in a Shoreline District. Hence, consistency shown above constitutes consistency with the Comprehensive Plan.

- E. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.*

Satisfied.

- F. *The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*

N/A.

### **RECOMMENDATION - REZONE**

The proposal to rezone from L4/RC to NC3/P65 is largely consistent with applicable criteria. Accordingly, it is recommended that the rezone proposal be **APPROVED**. Similarly, conditions for changing the height limit from 37 to 65 feet are met. Accordingly, it is recommended that the proposed change in height limit be **APPROVED**.

### **RECOMMENDED CONDITIONS - REZONE**

Following SEPA analysis and conditions, near the end of this report and recommendation.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated 30 November 2007. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of same project form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The proposed rezone is a "non-project action," whose impacts are to a large degree speculative. However, the rezone is intended to result in intensified development. The question for the present SEPA analysis is whether such intensification is likely to have adverse impacts that would not be adequately mitigated by future SEPA review of over-threshold developments, or by the sum of under-threshold developments. Given the relative smallness of the site, and the fact that station areas are best suited for intense development, it seems easy to conclude the future reviews (or not) will be adequate to mitigate likely adverse impacts.

### **Long-term Impacts**

Long-term or use-related impacts are also anticipated as a result of approval of this proposal. Again, the question is whether there needs to be any mitigation at this point for future development. On the theory that any future development will clearly fall within the scope of future SEPA and/or small project permit review, there is almost no need for mitigation at this time. However, because the MLK at Holly Street residential urban village plan warrants consideration, which may not be triggered by other processes, the conditions applied under rezone authority are also reinforced by SEPA authority, and are added under it as well.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **RECOMMENDED CONDITIONS - SEPA**

#### *For the Life of the Project*

The owner(s) and/or responsible parties shall:

1. For any proposed development on the site that is not otherwise subject to administrative or full Design Review, document how Policy LUH-2.3 of the MLK at Holly Street neighborhood plan has been considered.
2. For any development, redevelopment, establish use and/or change of use permit on the subject site, document how Policies LUH-4.1-4.5 of the MLK At Holly Street residential urban village plan have been considered.
3. For any development, redevelopment, establish use and/or change of use permit on the subject site, document how Policies LUH-5.2 and 5.8 of the MLK At Holly Street residential urban village plan have been considered.
4. For any development, redevelopment, establish use and/or change of use permit on the subject site, document how Policy CIA-1 of the MLK At Holly Street residential urban village plan has been considered.

### **RECOMMENDED CONDITION - REZONE**

As concluded above, DCLU recommends that the proposed rezone and change in height limits not be approved. However, if the rezone is approved, necessitating specification of a height limit as well, the following conditions are recommended:

#### *For the Life of the Project*

The owner(s) and/or responsible parties shall:

5. For any proposed development on the site that is not otherwise subject to administrative or full Design Review, document how Policy LUH-2.3 of the MLK at Holly Street neighborhood plan has been considered.
6. For any development, redevelopment, establish use and/or change of use permit on the subject site, document how Policies LUH-4.1-4.5 of the MLK At Holly Street residential urban village plan have been considered.

