



City of Seattle

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

Application Number: 3008163
Clerk File Number: 309071
Applicant Name: SHA
Address of Proposal: 4551 Martin Luther King Jr. Way South

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone 3,563 sq. ft. (Westerly 14-16' strip) from L4/RC to NC1P-40 feet. Eastern portion of the site is to remain NC1P-40 feet.

The following approvals are required:

Rezone - Chapter 23.34, Seattle Municipal Code

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

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[X] DNS with conditions

[] DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site, Vicinity and Project Description

The subject site is located at the northeast corner of S. Alaska Street and Martin Luther King Jr. Way South (MLK) within the Seattle Housing Authority's (SHA) Rainer Vista redevelopment area. The site is currently vacant but a portion of the site was previously developed with a "mini-mart" and is commonly referred to as the "mini-mart" site. The area of the site is 33,246.5 square feet and zoned Neighborhood Commercial 1 with a 40 foot height limit with pedestrian designation (NC1P-40), and Lowrise 4/Residential Commercial (L-4/RC). The site is also within a Station Area Overlay Zone.



The site is at the southern edge of SHA's redevelopment and about 1 block from the Edmunds light rail station. The area is in transition and has been disrupted by construction for Sound Transit and SHA for several years. Currently, phase I of the SHA's development (west of MLK) is primarily complete as well as the Sound Transit work and the light rail station. Phase II and Phase III of SHA's redevelopment (east of MLK) is underway in that construction and grading is progressing.

Surrounding property to the west is zoned L-4/RC and developed with a 3-story apartment owned by the SHA. Property to the east, across MLK is zoned NC1P-40 and is being developed with a mixed use building owned by SHA. Property to the north, across S. Snoqualmie Street is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40) and is developed with a 4-story Seniors Housing Building (Gamelin House). Property to the south, across S. Alaska Street is zoned NC1P-40 along the MLK frontage and not developed. Sound Transit owns several properties that have been or currently used for construction staging. Property to the south, across S. Alaska Street, not fronting on MLK is zoned Single Family 5000 and developed with single family homes.

The area of the rezone is 14 to 16 feet wide by 223.50 square feet in length for a total of 3563.5 square feet. The area is located along the western edge of the property bordered by S. Snoqualmie Street on the north and S. Alaska Street on the south. SHA has requested a non-project rezone of the property from L-4/RC to NC1P-40.

Public Comments

No public comments were received during the public comment period which ended on January 30, 2008.

ANALYSIS - REZONE

The rezone procedures are described in SMC 23.76, procedures for Master Use Permits and Council Land Use decisions. The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.008 (general rezone criteria), 23.34.022 (Lowrise 4(L4) zone, function and

locational criteria), 23.34.070 (Residential-Commercial (RC), zone, function and Locational criteria, 23.34.009 (Height Limits of the Proposed Zone), 23.34.072 (Designation of Commercial Zones), 23.34.074 (Neighborhood Commercial 1 (NC1) Zone, Function and Locational Criteria), 23.34.076 (Neighborhood Commercial 2 (NC2) Zone, Function and Locational Criteria), 23.34.086 Pedestrian designation (suffix P), function and locational criteria.

The provisions shall be weighted and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a “hierarchy of priorities” for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

A. SMC 23.34.008 (General Rezone Criteria)

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

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*

The site is located in the Columbia City Residential Urban Village. The request would not effect the growth goals stated in the Comprehensive Plan.

- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 or the Land Use Element of the Comprehensive Plan.*

The request will not impact the density ranges.

B. Match Between Zone Criteria and Area Characteristics.

The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The area of the rezone is small and part of a NC1P-40 zoned site so the best match is to rezone the area to the same.

C. Zoning History and Precedential Effect.

Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

In 2001, the subject site was part of a legislative rezone related to planning for Station Area Planning and the Edmunds light rail station (Ordinance 120561). The portion of the site closest to the intersection of S. Alaska Street and MLK was zoned NC1-40 but was rezoned to include a Pedestrian overlay resulting in a NC1P-40 zone. A flag shaped area wrapping the commercial site at the corner was rezoned from Lowrise 2 to NC1-40 with a pedestrian overlay. Another portion of the site which directly correlates to the proposed rezone area under this application, a narrow strip running from S. Alaska Street to S. Snoqualmie Street was rezoned from Lowrise 2 to Lowrise 4 with a Residential Commercial overlay.

In 2001, SHA was planning for the construction of a seniors housing building (Gamelin House) along MLK north of S. Snoqualmie Street. The site was rezoned from Lowrise 2 to NC2 because the NC1 zoning would not have allowed the seniors housing due to the maximum size limits of the NC1 zone.

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.*

October
Other

The City Council adopted portions of the Columbia Neighborhood Plan as amendments to the Seattle Comprehensive Plan by Ordinance 119694 on 11, 1999. These portions constitute the adopted Neighborhood Plan. Other portions of the Neighborhood Plan constitute the vision and desires of the community but have not been adopted as City policy.

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

The proposal is consistent with the adopted Neighborhood Plan and does not include any specific reference to the subject area.

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.*

The adopted Neighborhood Plan includes the following policy; “Encourage housing as part of mixed-use development projects, including live/work spaces, within the business districts; consider rezoning appropriate areas within the urban village to NC/R designations.” Since the adoption of the Neighborhood Plan, the Land Use Code has been amended to eliminate the NC/R designation which was originally put in place to lift the residential density requirement and foster more housing without the need to provide non-residential use in buildings. The Commercial code has been amended to provide more flexibility with regard to residential uses in commercial zones. In this case, the subject site is within a station overlay zone and 100% residential use is allowed at street level. No other portions of the adopted Columbia City Neighborhood

Plan

establishes policy for rezones.

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

The adopted Neighborhood Plan does not specifically address the rezone of the project site.

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 request would have little or no impact on the transition from NC1-40 to L4 in that the area of land is small and narrow and part of a commercial site.

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 green spaces.*

No significant physical buffers exist that would effectively separate the different uses and intensities of development. However, the neighboring apartment does have open space along the east property line.

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.*

The request would align the zone boundary with a platted lot line as compared to the existing split zoned lot.

- 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.*

Not Applicable

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;*

The rezone would have a positive impact on the availability of low-income housing as well as contributing to the diversity of housing type because it would simplify the zoning by requiring the development to comply with one set of development standards.

- b. *Public services;*

No impacts to public services are anticipated.

- c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

Environmental impacts will be fully analyzed and appropriate mitigation imposed in connection with SEPA review of the project.

- d. *Pedestrian safety;*

No impacts to pedestrian safety are anticipated.

- e. *Manufacturing activity;*

The proposal will not impact manufacturing activity.

- f. *Employment activity;*

The proposal will not impact employment activity.

- g. *Character of areas recognized for architectural or historic value;*

The area is not recognized for architectural or historic value.

- h. *Shoreline view, public access and recreation.*

The proposal is not located in the shoreline area.

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;*

The proposal will not impact street capacities.

b. *Street capacity in the area;*

Street capacity will not be adversely affected by the anticipated development.

c. *Transit service;*

The proposal will not impact transit service.

d. *Parking capacity;*

The proposal will not impact parking capacity

e. *Utility and sewer capacity;*

Utility and sewer service are available to serve the proposal and are not expected to be exceeded as a result of this proposal.

f. *Shoreline navigation.*

The proposal is not located in the shoreline area.

G. *Changed Circumstances.*

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

Yes, there are changed circumstances. The zone boundary between L-4 and NC zones does not align with the lot lines. Assumptions about the future lot lines were made during the legislative rezone process but the resulting lots do not match those assumptions because it was prior to the vacation and dedication of streets and the subdivision. In light of that, the L-4/RC zoned portion of the property is part of the commercially zoned site and not part of the residential site located to the west.

H. *Overlay Districts.*

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

The site is located in the Edmunds Light Rail Station overlay district. The station is located about 1 block south on Martin Luther King Way.

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.

The site is within the Seattle Fault zone which is defined as a seismic hazard area which means the area is subject to ground shaking from seismic activity. SMC 25.09 does not regulate these areas in that the design of structures must meet the requirement of the Building code. The site is also within a liquefaction area which is defined as a geologic hazard area and means areas typically underlain by cohesion less soils of low density, usually in association with a shallow groundwater table, that lose substantial strength during earthquakes. Both designations are important to consider in the design of buildings, but have little or no effect on the rezone under consideration.

SMC 23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

A. *Function. An area that provides moderate density multifamily infill development in residential neighborhoods already characterized by moderate density residential structures, with good vehicular circulation, adequate alleys, and on-street parking.*

The area could theoretically provide moderate density development with good vehicular circulation, adequate alleys and on-street parking; however, the area of the rezone is small and narrow and would not be a viable development site on its own.

B. *Locational Criteria.*

1. *Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L4 designation are limited to the following:*

a. *Properties already zoned L4;*

This property is already zoned L-4

b. *Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established;*

The Rainier Vista development is not developed to the permitted L-4 density in that the zoning restricts density to L-2. The scale of development comports with L-4 scale in that the height, bulk and scale standards of L-4 are permitted.

c. *Properties within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or*

The property is within the Columbia City Residential Urban Village.

d. *Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-*

income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

Not applicable.

2. *Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.*

The property is in an ECA and is not predominantly developed to the intensity of the L4 zone in that density is limited to L2.

3. *Other criteria. The Lowrise 4 designation is most appropriate in areas generally characterized by the following:*

- a. *Development Characteristics of the Area.*

(1) *Either:*

- (a) *Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established;*

The area is not developed to L4 density but the area is zoned L4 with an L2 density limit. The L4 height and bulk limits are well established.

- (b) *Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village, or*

The property is within the Columbia City Residential Urban Village.

- (c) *Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

Not applicable.

- (2) *Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;*

The area is not of sufficient size or configuration to promote high quality, higher density residential in that it consists of a 14-16 foot wide strip of land.

- (3) *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;*

The area is generally platted with alleys and was designed to create a pedestrian friendly streetscape without conflicts from driveways.

- (4) *Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.*

South Snoqualmie Street north of the site does provide curbside parking. Martin Luther King Jr. Way South contains the light rail lines and has limited curbside parking.

b. *Relationship to the Surrounding Areas.*

- (1) *Properties in areas adjacent to concentrations of employment;*

The property is not adjacent to concentrations of employment.

- (2) *Properties in areas that 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;*

The property is within walking distance of the Edmunds light rail station

- (3) *Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;*

The property is within walking distance of the Edmunds light rail station and bus stops with excellent transit service. The site has good pedestrian connections to public open spaces within the Rainier Vista which has several active and passive parks. The Boys and Girls Club now under construction is located across the street. There are limited connections to commercial areas or other residential amenities. The close by commercial zoning has not been fully developed.

- (4) *Properties 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.*

The property does not have a well defined edge but is adjacent to similar intensity zoning.

A. Function

1. *Purposes. Areas that serve as the following;*
 - a. *As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*
 - b. *As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*
 - c. *To provide opportunities for needed parking in areas where spillover parking is a major problem;*
 - d. *As a means of supporting an existing commercial node.*
2. *Desired Characteristic. Areas that provide the following;*
 - a. *Physical appearance resembling the appearance of adjacent residential areas;*
 - b. *Mixed use with small commercial uses at street level.*

The site is part of the commercial node not at a location that should be supporting the node. The area of the rezone does not meet the intended function of the RC zone.

B. Location Criteria.

1. *Requirement. A residential-commercial designation shall be combined only with a multifamily designation.*
2. *Other Criteria. Residential-commercial zone designation is most appropriate in areas generally characterized by the following;*

a. Existing Character.

- (1) *Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or*

The area is not primarily residential in character in the site is within the commercial node.

- (2) *Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.*

Not applicable

b. *Physical Factors Favoring RC Designation.*

(1) *Lack of edges or buffer between residential and commercial uses;*

There is not a strong edge or buffer present.

(2) *Lack of buffer between major arterial and residential uses;*

The NC zone acts as a buffer between the major arterial (MLK) and the residential uses.

(3) *Streets with adequate access and circulation;*

The abutting streets provide adequate access and circulation.

(4) *Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.*

The site is located 1 block from the Edmunds Light Rail Station. The NC zone has not been fully developed but spillover parking on residential streets is not expected.

SMC 23.34.009 (Height Limits of the Proposed Zone)

Where a decision to designate height limits in Commercial 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 goods and services and the potential for displacement of preferred uses shall be considered.

The surrounding zones and anticipated development are expected to result in building heights of about 40 feet. Additionally, the Lowrise 4 standards allow a base height of 37 feet and 42 feet for structures with pitched roof.

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.

There are no topographic features that would make the 40-foot height limit inappropriate.

C. *Height and Scale of the Area.*

1. *The height limits established by current zoning in the area shall be given consideration.*

See above

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.*

See above

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; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*

A 40 foot height designation will be compatible with actual and zoned heights in the area.

2. *A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.*

The site is surrounded by the same zone or zones that allow the same height.

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 adopted Columbia City Neighborhood Plan does not make recommendations regarding height limitations.

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.*

The adopted Columbia City Neighborhood Plan does not make recommendations regarding height limitations.

SMC 23.34.072 (Designation of Commercial Zones)

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

The rezone request is on a site planned for commercial development and does not usurp land expected to be used solely for residential use.

- B. *Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

The site does not meet the locational criteria for a single-family designation.

- C. *Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011, of the Seattle Municipal Code.*

The nearest single family zoning is across South Alaska Street on another block.

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

The site is in a commercial node.

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

The rezone request will not result in a new business district.

SMC 23.34.074 (Neighborhood Commercial 1 (NC1) Zone, Function and Locational Criteria).

- A. *Function: To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*

- 1. A variety of small neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot lines;*
- 3. An atmosphere attractive to pedestrians;*
- 4. Shoppers walk from store to store.*

The rezone request would make the site better able to meet the function of the zone. The strip of L-4/RC zoned land would likely be used for access, parking or open space for the commercial mixed use project that is anticipated on this site if the rezone was not approved. Rezoning the strip to a commercial zone would better enable the developer to meet the function of the zone by providing more flexibility in the design and make the project more successful overall.

- B. *Locational Criteria.*

A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*

The site is within an urban village, not part of the primary business district and adjacent to low density residential.

2. *Located on streets with limited capacity, such as collector arterials;*

South Alaska Street and MLK are principal arterials.

3. *No physical edges to buffer the residential areas;*

There is no physical edge to buffer the residential site to the west.

4. *Small parcel sizes;*

The site is 33,246.5 square feet and is not considered small.

5. *Limited transit service.*

The site is across the street from the Edmunds light rail station and has excellent transit service.

SMC 23.34.076 (Neighborhood Commercial 2 (NC2) Zone, Function and Locational Criteria).

- A. *Function: To support or encourage a pedestrian oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*

1. *A variety of small to medium sized neighborhood-serving businesses;*

2. *Continuous storefronts built to the front lot lines;*

3. *An atmosphere attractive to pedestrians;*

4. *Shoppers can drive to the area, but walk from store to store.*

The rezone request would make the site better able to meet the function of the zone. The strip of L-4/RC zoned land would likely be used for access, parking or open space for the commercial mixed use project that is anticipated on this site if the rezone was not approved. Rezoning the strip to a commercial zone would better enable the developer to meet the function of the zone by providing more flexibility in the design and make the project more successful overall.

If evaluating the entire commercial site, the NC2 zone could be considered in that a broader range of commercial activity and sizes are allowed. The NC2 zone could enable the siting of more neighborhood serving amenities like a grocery or drug store. The NC1 zone function is meant to provide “convenience” retail on minor arterials, on small parcels with limited transit service. Opportunity for more neighborhood serving retail like a grocery store could be beneficial at this location.

B. Locational Criteria.

A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts outside of urban villages, that extends for more than approximately two blocks;*

The primary business districts in the Columbia City Urban Village are Columbia City and Hillman City business districts. The site is not in a hub urban village.

- 2. Located on streets with good capacity, such as principal or minor arterials, but generally not on major transportation corridors;*

Both abutting streets are principal arterials.

- 3. Lack of strong edges to buffer the residential areas;*

There is a lack of a strong edge to buffer the residential area on the west.

- 4. A mix of small and medium parcel sizes;*

The parcel would likely be categorized as medium size for a neighborhood commercial site.

- 5. Limited or moderate transit service.*

The site has excellent transit service.

SMC 23.34.086 Pedestrian designation (suffix P), function and locational criteria.

A. Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:

- 1. A variety of retail/service activities along the street front;*
- 2. Large number of shops and services per block;*
- 3. Commercial frontage uninterrupted by housing or auto-oriented uses;*
- 4. Pedestrian interest and activity;*

5. Minimal pedestrian-auto conflicts.

The rezone request would make the site better able to meet the function of the zone. The strip of L-4/RC zoned land would likely be used for access, parking or open space for the commercial mixed use project that is anticipated on this site if the rezone was not approved. Rezoning the strip to a commercial zone would better enable the developer to meet the function of the zone by providing more flexibility in the design and make the project more successful overall.

B. Locational Criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas and/or major activity centers; or a commercial node in an urban center or urban village;

The site is a large residential area and contains a commercial node.

2. NC zoned areas on both sides of an arterial, or NC zoned block faces across an arterial from a park, major institution, or other activity center;

Property fronting on MLK has NC zoning both north and south of the subject site.

3. Excellent access for pedestrians, transit, and bicyclists.

The site has excellent access for pedestrians, transit and bicyclists.

Summary

The small area of the rezone is situated between a recently developed apartment building and a site planned for a non-residential and residential mixed use building. The zone boundary established during the legislative rezone process was meant to align with future lot lines but the resulting boundary does not align. The area of the rezone is part of a NC zoned site. Retention of the L-4/RC zone would hamper development of the commercial site, and would not result in the creation of more medium density multifamily housing contemplated by the L-4 zone function. Application of two different zoning standards to one development makes design of these buildings overly complex. The site meets the general and specific rezone criteria for a NC1 zone with a pedestrian designation and should be approved.

If a rezone of the entire development site were contemplated then it would be appropriate to consider a NC2 zone to allow for more neighborhood serving commercial like a grocery store. The maximum size limits of the NC1 zone could limit the commercial portion of the development to small retail that would not serve the larger Rainier Vista community.

RECOMMENDATION – REZONE

The proposal to rezone from Lowrise 4/Residential Commercial to NC1P-40 is sufficiently consistent with applicable criteria to warrant approval. Accordingly, DPD **recommends approval** of the rezone request.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated January 8, 2008 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800); therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal, which meets the definition of action and is not categorically exempt.

Short-term Impacts

As a non-project action, the proposal will not have any short-term impact on the environment in that construction is not a direct result of this action.

Long-term Impacts

Ultimate impacts would only be realized through the specific project action. SEPA regulations will be applied on a project basis, and appropriate mitigation required where necessary.

The project-level impacts of the particular development would be mitigated by application of Land Use Code standards of the new zone during specific project review. Specific project impacts subject to environmental review could be additionally mitigated through SEPA if the Code does not sufficiently mitigate adverse impacts.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that “*the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*”

In addition, the SEPA Height, Bulk and Scale Policy states that “*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*”

The future project application will be subject to the Design Review Process and conditions, if necessary, will be imposed to mitigate for height, bulk and scale impacts.

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.

- 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.

CONDITIONS – SEPA

None

RECOMMENDED CONDITION – REZONE

None

Signature: _____ (signature on file) Date: June 19, 2008
Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

JEH:lc