



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

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

Application Numbers: 3011490
Applicant Name: Mary Hanna Murphy for Paul Sharma
Address of Proposal: 6300 Seaview Avenue NW
Clerk File Number: 311196

SUMMARY OF PROPOSED ACTION:

Council Land Use Action to rezone 6,400 square feet of land from SF-5000 to C-1 40'. The property is bounded by Seaview Avenue NW and by parcel #102503915913704 on the west and on the north, south and east by former railroad right-of-way now under the control of the City of Seattle Department of Transportation.

Rezone – to rezone 6,400 sq. ft. from SF5000 to C-1 40'. (Seattle Municipal Code Section 23.34.004)

SEPA – Environmental Determination (SMC 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site, at 6300 Seaview Avenue NW in the Shilshoe Bay area of Ballard in Seattle, is split zoned C-1 40' and SF 5000. The overall site, consisting of 3 parcels of land, contains approximately 11,400 square feet. The site is long and narrow with an irregular tapering shape, with nearly 265 feet of frontage along Seaview Avenue NW, but barely 50 feet in width at its widest. There are three existing wood-frame, structures currently in commercial uses on the subject site.

The site is located in a transitional geographical region where the lowland shore area meets a steep wooded bank. Residential development is concentrated on the upland area to the east, separated from the shore by a wide swath of railroad right-of-way and former railroad right-of-way. Along the east side of Seaview Avenue NW there is a well-established greenbelt that merges with an extensive area of forested land in Golden Gardens Park to the north. There is virtually no direct vehicular connection between the upland residential development and the shoreline area between NW 57th Street and NW 100th Street. What development exists along the ribbon of road that winds itself beneath the bluffs and the shore is primarily commercial and the commercial development is primarily along the west, shoreline side of the road.



Directly across from the subject site on the west side of the road are located the Shilshoe Bay Landing and the Ballard Elks Club. Two large restaurants, each with extensive parking areas, Anthony's Homeport and Ray's Boathouse, are located just south and west of the site. To the north and west is the large Sunset West condominium complex. The western edge of the subject site is perhaps 250 feet from the actual high-water shoreline at its closest point.

Seaview Avenue NW is a 100 foot right-of way at this point, improved with a 55-foot roadway, and with curbs and sidewalks on either side of the roadway. Street trees have been planted on the west side of the street.

The site topography is generally flat. There are some trees located just east of the site, between the property line and the railroad tracks. The terrain ascends east of the site and the railroad tracks. There is a mapped gully wetland in the unopened NW 65th Street right-of way east of the site. It terminates in a culvert approximately 90 feet east of the subject site.

Proposal Description

Council Land Use Action to rezone 6,400 square feet of land from SF-5000 to C-1 40'. The property is bounded by Seaview Avenue NW and by parcel #102503915913704 on the west and on the north, south and east by former railroad right-of-way now under the control of the City of Seattle Department of Transportation. The northernmost portion (approximately 576 square feet in area) and the southwest portion (approximately 2,443 square feet in area) of the larger parcel proposed to be rezoned are already zoned C-1 40'.

The proposal is to rezone a portion of the subject site so that the entire site is in the Commercial 1 40' zone. Presently, the subject site is split-zoned. Approximately 6,400 square feet of the eastern portion of the site is zoned Single Family 5000. One commercial building lies entirely, or almost entirely, within the SF 5000 zone and parts of two other commercial buildings encroach into the SF 5000 zone. The purpose of the rezone is to enable consolidation of the entire development site under the Commercial 1 standards.

Public Comment

No public comments were received during the comment period that ended on December 29, 2010.

ANALYSIS - REZONE

Rezoning is subject to the procedures outlined in (SMC 23.34.002). A rezone from SF 5000 to Commercial 1 requires several stages of analysis. This analysis of the rezone criteria includes code sections of General rezone criteria (SMC section 23.34.008), Designation of single-family zones (SMC section 23.34.010), where the code states that “single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City council determines that the area does not meet the criteria for single-family designation.” Any analysis must also consider the function and locational criteria of single-family zones (SMC section 23.34.011) as well as an analysis of the criteria for function and location of the proposed Commercial 1 (C1) zone (SMC section 23.34.080). All rezoning is subject to the provisions of Sub-chapter II, and the general provisions contained in SMC section 23.34.007.

The following analysis will discuss the code criteria and the merits of the proposal. Code language is in italics followed by a discussion of the criteria and site-specific information. This analysis follows the code citations in their numerical order as mentioned above.

The proposed rezone must meet the General rezone criteria of SMC section 23.34.008).

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.*
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 of the Land Use Element of the Comprehensive Plan.*

The site is not located within the boundaries of an urban center or urban village.

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 location criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

Analysis of the match between zone criteria and area characteristic follows in the summary at the end of the rezone analysis section. The analysis more logically follows an evaluation of the site and the proposed project’s fit with single family zoning (SMC 23.34.010 and SMC 23.34.011) and C-1 zoning (SMC 23.34.080).

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 lies near the margin of the Seattle Shorelines platting done in 1895 and the platted City of Ballard, annexed to the City of Seattle in 1907. The general zoning pattern was to provide a general commercial zone west of the east margin of Seaview Avenue NW and a single family zone east of the east margin of the street right-of-way, incorporating into that zone the undevelopable railroad tracts as a buffer area. (See the fuller historical account under *Zoning History and precedential Effect*, on p.6, below.)

ANALYSIS, DECISIONS, RECOMMENDATIONS AND CONDITIONS

I. REZONE – ANALYSIS AND RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. 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.

A. General Rezone Criteria -23.34.008

1. Urban Village or Urban Center Zoned Capacity (SMC 23.34.008A1-A2)

As the proposal site is in neither an urban village nor an urban center, criteria relating to zoned capacity and growth targets do not apply.

2. Match between Zone Criteria and Area Characteristics (SMC 23.34.008B)

Subsection SMC 23.34.008.B states as follows: “The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.” In this instance, the current zoning designation is split between Commercial 1 and SF5000. The proposal is to designate the entire parcel in the Commercial 1 zone, so it is the function and locational criteria for the Commercial 1 zone that are the focus of this analysis. These criteria are stated in SMC 23.34.080.

The function criterion for the Commercial 1 zone is *“to provide for an auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods and the larger community, citywide, or regional clientele.”*

The locational criteria for a 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, having a C1 designation and either abutting a state highway, or in use as a shopping mall; 2. Retail activity in existing commercial areas; 3. Readily accessible from a principal arterial; 4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern; 5. Predominance of parcels of 20,000 square feet or larger; 6. Limited pedestrian and transit access.*

The subject site does not meet the first locational criterion except insofar as it is a portion of a site is already zoned C-1 and part of a larger area along Seaview Avenue NW already identified as C-1 and presumed to have met the criteria for C-1 zoning. The nearest state highway is a considerable distance away and there are no shopping malls as such in the immediate vicinity.

Relative to the second of the locational criteria, there is existing retail activity on either side of Seaview Avenue NW.

The third locational criterion specifies the Commercial 1 designation as being most appropriate for those areas characterized by the availability of access from a principal arterial. All the parcels are immediately accessible from Seaview Avenue NW, the arterial that serves the shoreline area.

The fourth locational criterion calls for the presence of edges that buffer residential or commercial areas. The developed commercial and single-family residential areas are well defined with clear topographical edges, with the large area of single-family development stretching eastward from the top of the bluff above the strip of commercial development along the shoreline. The edges are further defined by the railroad right-of-way and former right-of-way at the foot of the bluff which, being undevelopable properties, were included in the single-family zoning designation as buffers between the commercial zoning and the developable single family platted areas to the east.

The fifth locational criterion calls for a predominance of parcels of 20,000 square feet or larger. While the parcels along the east side of Seaview Avenue NW are generally quite small in size, many of those on the west (water) side of the avenue exceed 20,000 square feet in extent.

Finally, the fifth set of criteria for Commercial (C1) zones specifies the C-1 designation as being most appropriate for those areas that have only limited pedestrian and transit access. Pedestrian access has been facilitated by the extension of the public pathway in the former railroad right-of-way, but primary access to the marinas, restaurants and retail establishments along this stretch of Seaview Avenue NW remains by private vehicle. There is transit service along Seaview Avenue NW, but it is limited.

3. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone are to be considered.

The area lies at the junction of the area where Seattle Tidelands, which became a part of the City of Seattle in 1895 and the City of Ballard, annexed in 1907, are conjoined. It is also an area characterized by reshuffling of the railroad right-of-ways and city streets. Generally the area west of the railroad right-of-ways was in a commercial designation. In 1982, the general commercial (CG) designation was changed to C-1. In 1957, with the adoption of the new Land Use Code the portion of the subject site proposed for a rezone was zoned, Single Family Residential (RS 5000). In 1982 a new code was adopted and that portion of the site zoned RS 5000 was zoned to a comparable single family zone, SF 5000.

DPD zoning maps indicate that a piece of land within the railroad right-of-way that includes the northern portion of the overall site, a piece of land measuring overall 92.6 feet in length along the Seaview Avenue NW right-of-way, commencing at the north edge of the nub of NW 65th Street right-of-way and varying in width from 32.76 feet at the south to 25 feet in width at the

north, was rezoned from Residential Single-family 5000 to General Commercial in October of 1971 (Ordinance 100313). This area was enlarged in June 1986 (Ordinance 112777) and again in October of 1986 (Ordinance 114011), after the current zoning designations were put in place, to its current dimensions which include the northern portion of the site. The latter two ordinances extended the C1 zoning north as far as the projected southern edge of the NW 65th Ct right-of-way. The reason for locating the southern zoning boundary at its present location, with the Commercial 1 zoning bisecting the commercial structure that, according to King County Assessor records was erected there in 1972, has not been ascertained.

A parcel of approximately 6,500 square feet, lying entirely within the single family (SF 5000) designation, was created through the instrumentation of a Lot Boundary Adjustment in 1986 (LBA #8605858) and added onto assessor parcel # 1025039300. The resulting parcel contained a total of some 9,419 square feet in area. Combined with parcels #1025039159 and #10225039076, already zone C1, these comprise the entire subject site.

Neighborhood Plans

There is no neighborhood plan covering the proposal site.

4. Compliance with Zoning Principles

SMC 23.34.008.E, regarding Zoning Principles, calls for consideration of the following issues:

a. 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 height limit for Commercial 1 40'. At 40 feet the height limit is greater than the limit set for single family structures in the single family zone, although the latter zone does allow a maximum height for structures with pitched roofs to be 35 feet high. The dimensional and bulk standards for Commercial 1 development are greater than that allowed for single family development since a single family structure would be restricted by greater yard requirements and lot coverage restrictions. The subject site is adjacent to single family zoning on its east side and if rezoned to Commercial 1 would be subject to the upper level setbacks for structures abutting property lines in a residential zone (23.47A.014).

b. 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.

The single-family zoned area immediately to the east of the proposed rezone is the track bed of what formerly was railroad right-of-way. This former right-of-way has been developed and is being developed as an extension of the Burke-Gilman Trail, an extensive public pedestrian and bicycle pathway. The area containing the public pathway abuts existing railroad right-of-way belonging to the Burlington Northern Santa Fe Railroad, thus creating a distinctive physical buffer of between 230 and 240 feet before there are any single family platted and developed lots.

Primarily along the eastern edge of the open space for pathway and railroad tracks is a substantially wooded, undeveloped steep slope area that provides additional physical buffers.

c. Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E (2) above; (2) platted lot lines.

The proposed rezone would remove split-zoning on the subject site, making the zone boundary consistent with platted lot lines. As discussed under 23.34.008 E2 above, there are substantial physical buffers provided by railroad tracks, open spaces and greenspaces.

5. Impact Evaluation

Regarding Impact Evaluation, SMC 23.34.008F states that “the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.” Following are the factors and service capacities to be examined.

Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing

In general, multifamily housing, in buildings with commercial uses on the ground floor would be the likely housing type provided. This type of housing is generally thought to be more affordable than detached single family housing. Since there are no housing plans associated with this application is it unknown whether any housing that might later be proposed would be low income. The rezone would foster the development of multifamily housing as compared to single family.

b. Public services

No negative impact on public services is expected from the proposed action. All utilities required for the proposed project can be provided by existing connections or extensions thereof. Little additional burden on public safety services is anticipated.

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

While there is likely to be more impervious surface and resulting storm water runoff with any future proposals for commercial or mixed commercial and multifamily development than would occur on a lot zoned half single family, any proposed development would be required to provide landscaping and open space. Current code requirements would limit to a good degree water quality impacts (Stormwater, Grading and Drainage Control Ordinance) and any new construction would require a high degree of energy conservation (Energy and Building Codes).

d. Pedestrian safety

The impact would be favorable since future development would likely require fewer and narrower curbcuts and improvements to sidewalks.

e. Manufacturing activity

There are no manufacturing activities in the immediate area.

f. Employment activity

The proposed project would be expected to have no negative effect on area employment activity. To a small degree any additional commercial development or multifamily housing in the area could be expected to encourage economic activity and housing for workers.

g. Character of area's recognized for architectural or historic value

There is no known applicability of this provision.

h. Shoreline view, public access and recreation

The shoreline would be visible and would be an asset for development that responded to the full vertical height allowable if rezoned to C-1 with a forty foot height limit.

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

Access to the proposal site is via Seaview Avenue NW, a designated arterial. The street lies within a hundred foot right of way. Development of the site would trigger right-of-way improvements. There would be no negative impact on street access.

b. Street capacity in the area

The proposal site is accessed from an existing arterial, Seaview Avenue NW. No development is proposed as a part of this rezone. Future development would be relatively limited on this narrow and restricted site. Even with new development traffic generated by the rezone is not anticipated to have measurable effect.

c. Transit service

The proposed site is located on an arterial served by public transit. Transit service is available on Seaview Avenue and stops for METRO route #46 in either direction are located less than a block to the north of the site.

d. Parking capacity

Any future development is not likely to substantially impact parking capacity on the street; however, this would be examined if future development required review under SEPA.

e. Utility and sewer capacity

No negative effect is anticipated. Existing capacities of utility and sewer services in the area can reasonably be expected to accommodate development enabled by this rezone.

f. Shoreline navigation

This consideration is not applicable.

7. 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.

The one clear set of changed circumstances involves the progressive shifts in the demarcation line of the C-1 zoning eastward into the Railroad right-of-way at the northern portion of the subject site, although it is unclear from the record exactly what the intended outcome of the three rezone ordinances has been.

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

The area does is not located within an overlay district, so this section is not applicable.

9. 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 lies approximately 380 feet east of the shoreline habitat buffer and approximately 170 feet west of a the steep slope buffer. This consideration is not applicable.

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

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.*
- 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.*
- 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.**
- 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.**

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.*
- 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 proposal would essentially maintain the height limit of 40 feet already prevailing in the Commercial 1 zone. Any restriction on heights, say rezoning to C1-30', would be without clear purpose, would introduce new anomalies onto the subject site, and would not provide for buffering functions which are already provided for in the Land Use Code and unnecessary given the actual separation of the site from single family development. The proposal is consistent with all applicable height rezone criteria.

B. Designation of Single Family Zones

SMC 23.34.010 provides that areas not within adopted boundaries of an urban village are to be rezoned to zones more intense than SF 5000 only if an applicant can demonstrate the area does not meet the criteria for single-family designation.

SMC 23.34.011 provides the function and locational criteria for single family zones.

The functional criterion for single family zones is "an area that provides predominately detached single family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods." Substantial single family development in the immediate area is confined to the top of the ridge that lies to the east of the site and separated from the site by the existing and abandoned railroad right-of-ways. The west side of Seaview Avenue NW is developed with large commercial buildings, accessory commercial parking lots, multifamily buildings and large marinas. These are located on large waterfront lots that are zoned Commercial 1 with a 40 foot height limit.

The east side of Seaview Avenue NW between NW 60th Street and NW 65th Street is developed with approximately 20 structures. Approximately half of these are, or were originally, single-family structures, mostly of the beach cabin variety. Two of these structures have clearly been converted into retail commercial uses. There are two larger multifamily condominium structures just north of NW 60th Street. Only the three commercial buildings located on the subject site are located totally or partially within the Single Family zone. All the other structure along this stretch of Seaview Avenue NW are located within in the C-1 zone. The area is not characterized by the functions of a single family area in that it is neither predominately developed with single family structures nor does existing development epitomize a pattern of development typical of single family areas.

NW 60th Street is northernmost street within the grid system that connects more or less directly with the shoreline. Between NW 60th Street and the snub end bracket of NW 65th Street right-of-way, which would constitute the last definable "block" along Seaview Avenue NW, the east side of the block contains approximately 1090 lineal feet of frontage along Seaview Avenue NW, of which 53% is developed with single family structures.

Subsection B.3 of SMC 23.34.001 provides that single family zoning is appropriate in areas which consist of blocks with less the 70% of existing structures in single family residential use but in which an increasing trend toward single family residential use can be demonstrated, for example where: construction of single family structures in the last five years has been increasing; or the area shows an increasing number of improvements and rehabilitation efforts to single family structures; or the area's location is topographically and environmentally suitable for single family structures. Most of the more recent development along this block has been the consolidation of smaller lots for multifamily housing; there has been no trend towards the construction of single family structures. While the area could be said to be topographically moderate and environmentally benign making it suitable for single family development, the size and proportions of the platted lots cannot be said to be condign with single family development.

Subsection C of SMC 23.34.001 an area which meets at least one of the criteria of subsection B should also satisfy the following size criteria in order to be designated a single family zone. This criterion is met in that the site abuts a single family zone.

Subsection D of SMC 23.34.001 provides that half blocks at the edges of single family zones which have more than 50% of structures in single family use are subject to a policy of favoring their inclusion in the single family area. This is not the situation in this instance.

Generally the site does not meet the functional or locational criteria for single family zones.

Through the instrument of a Lot Boundary Adjustment (LBA #8605858), a strip of land 25 feet in width and 280 feet in length, at one time a part of Great Northern right-of-way, was added to a thin wedge-shaped piece of land adjoining it to the west. Located on that piece of land was a structure the King County Assessor records identify as a commercial office building constructed in 1970. At the north end of the subject site there is a smaller building also identified by the Assessor as an office building and constructed in 1972. A significant portion of this structure lies within the single family 5000 zone. Midway between the two is another building in commercial use as a drive-in restaurant. The structure that holds that use is said to have been constructed in 1961. A portion of the rear of the building appears to overhang the single family zone.

A rezone of a portion (approximately 6,400 square feet in total) from Single Family 5000 (SF 5000) to Commercial 1 with a forty foot height limit (C1-40') would not appreciably diminish the effect of providing a buffer to the single-family development to the east of the site. It would do away with anomalies between uses and zoning on the site and provide an opportunity for future, more orderly small scale commercial development on the site while still ensuring adequate buffering of the single family development to the east of the site. The rezone would not be without historical precedent since three earlier rezones had expanded the area of Commercial 1 zoning at the north end of the subject site, but in this instance would be executed with clearer sense of resolving anomalies between actual development and desirable zoning outcomes.

RECOMMENDATION – REZONE

Approve the rezone to change 6,400 square feet of property from SF7500 to Commercial 1.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist dated submitted by the applicant and dated November 23, 2010 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. Specific project action will require environmental review if the proposed development consists of more than 8 residential units or exceeds 4,000 square feet of commercial development.

Long-term Impacts

The proposal would modify development standards and density on the subject property. 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. However, land use impacts and density related impacts resulting from the rezone, such as height, bulk and scale, traffic and parking are discussed further below.

The proposal 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.”

Any future project application if more than 8 residential units will be subject to the Design Review process and conditions, if necessary, will be applied to the project to mitigate for height, bulk and scale impacts.

The height limits for the proposed Commercial 1 40' would exceed the limits set for single family development but no development is likely to occur in the areas zoned single family 5000 immediately to the east of the site. The dimensional and bulk standards for Commercial 1 40' likewise would exceed that allowable in the single family zone. The subject site would continue to be adjacent to single family zoning on its east side. Future development of the site would be required to provide a rear setback from the single family property line as required by 23.47A.014. The former railroad right-of-way developed as a public trail and the existing railroad right-of-way would provide an adequate transition to the single family developable area to the east which sits atop a ridge that is substantially higher topographically than the subject site, a condition that helps provide for compatible transitions between zones as well.

Traffic and Parking

The size and proportions of the subject site as well as height limits would not allow for any large development on the site. Impacts due to development that would increase traffic and add to parking on the site would be expected to be minor. Existing traffic on Seaview Avenue NW does not burden roadway capacity and impact to the surrounding traffic network is not of concern. Parking impacts would be further evaluated if there were to be a specific project review.

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 REZONE CONDITIONS

None.

Signature: _____ (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: April 28, 2011