



City of Seattle

---

Gregory J. Nickels, Mayor  
**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 Number:** 3003886  
**Clerk File Number:** 307757  
**Applicant Name:** Stephanie Spar, Arellano Christofides Architects for Inter Im  
Community Development Association  
**Address of Proposal:** 3908 South Kenyon Street

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to Rezone 34,366 sq. ft. of area from L-2 to L-4. Property is bounded on the South by S Kenyon St., East by 39th Avenue S, the North by 3951 and 3957 S Chicago St., and the West by 3925 S Bozeman St.

The following approvals are required:

**Rezone** - Chapter 23.34, Seattle Municipal Code

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

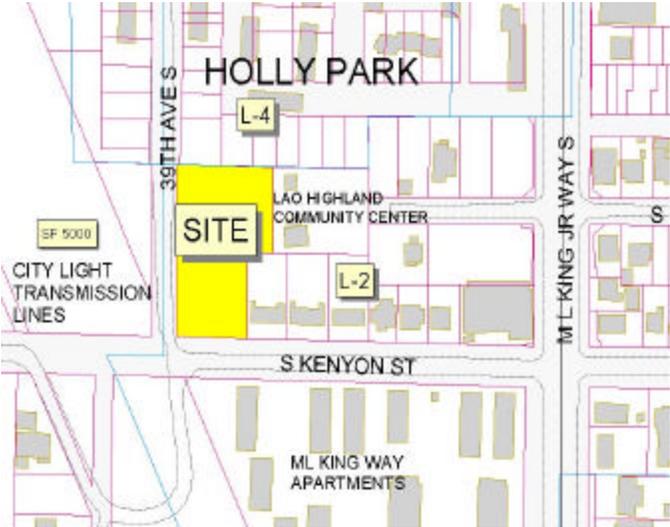
DNS with conditions

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

**BACKGROUND DATA**

Site and Vicinity Description

The 34,366 square foot subject site is located at the northeast corner of South Kenyon Street and Holly Park Drive South. The site is bordered by the Seattle Housing Authority Holly Park development to the north, a Seattle City Light transmission line right of way to the west, a duplex to the east, and a large 2-story apartment complex (Martin Luther King Way Apartments) to the south. The site is zoned Lowrise 2 and developed with vacant single family homes. Most of the site is undeveloped, highly vegetated and seems to be used as an illegal dumping ground.



The site does not contain any mapped Environmentally Critical Areas, but the northwest corner of the site contains a moderate slope according to applicants’ information. The remainder of the site is generally flat with a gentle slope. There are many mature trees on the north portion of the site.

Holly Park Drive South is unimproved but is passable since it has been used as a construction road for the Holly Park development. South Kenyon Street is partially improved with curb, gutter and sidewalk on the south side of the roadway, but no improvements exist on the north side of the roadway.

The character of the area is in transition because of the new development taking place at Holly Park. Most of the development on South Kenyon Street between the transmission lines to Martin Luther King Jr. Way consists of poor kept multifamily housing.

The South Othello light rail station is located within walking distance to the north and excellent bus service is provided along Martin Luther King Way Jr. South with stops at South Kenyon Street.

Project Description

The project consists of a Land Use Map Amendment (rezone) to change the zone from Lowrise 2 to Lowrise 4. The applicant has stated a goal to construct 40 dwelling units for low income residential but no formal plans for this project have been submitted with this application. The applicant has requested a change to Lowrise 4 development standards with Lowrise 3 density to accommodate their proposed development goal of 40 units.

Public Comments

Two written public comments were received during the comment period which ended on February 13, 2006. The letters are from Homesight, a non-profit community development corporation and the Chair of the Othello Neighborhood Association; both letters support the rezone request and the project. The file also contains three more letters of support; from the Seattle Housing Authority (property owner), and two neighboring organizations- Lao Highland Association of King County and Lu Mien American Association.

**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 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.018 (Lowrise 2 (L2) zone, function and locational criteria), and 23.34.022 (Lowrise 4(L4) zone, function and locational criteria). 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 Martin Luther King at Holly Street Residential Urban Village. The request would increase housing capacity and not decrease it. The Comprehensive Plan Urban Village appendix states a growth target of 590 more households per acre by 2024.

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 would result in an increase of 11 dwelling units; therefore it's likely to be within 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 character of the area is changing with the completion of the Holly Park redevelopment and the light rail station at South Othello Street. In light of that, the Lowrise 4 zone is an appropriate zone based on the area characteristics.

C. Zoning History and Precedential Effect.

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

A large area to the north was part of a legislative rezone related to Othello light rail station (Ordinance 120457). As part of that rezone, property abutting to the north was rezoned from Lowrise 2 to Lowrise 4, but the density was restricted to Lowrise 2.

The subject site and most of the surrounding property was rezoned to Lowrise 2 from RM in June 1982. The RM zone allowed a density of 1 unit per 800 square feet of lot area which is comparable to Lowrise 3 density. Most of the surrounding properties were likely developed under the RM zoning with the exception of the Holly Park redevelopment.

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 City Council adopted portions of the Martin Luther King Jr. at Holly Street Neighborhood Plan as amendments to the Seattle Comprehensive Plan by Ordinance 119298 on December 14, 1998. 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. The adopted Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones. The goals and policies of the Neighborhood Plan generally focus on creating housing opportunities for a diverse people. The proposal will contribute towards meeting the following goals and policies of the Neighborhood Plan:

*“Land use & housing goals- MLK-G1, a neighborhood that has a broad range of land uses to respond to the diverse needs of the community and to encourage neighborhood sustainability, including residential, commercial, retail, service, cultural, and open space uses; MLK-G2 a balance of both for rent and owner-occupied.*

*Land use & housing policies- MLK-P1, Encourage well designed residential infill development to increase the housing supply;*

*Transportation goals- MLKG10 there are safe and convenient pedestrian and bicycle transportation alternatives to and from residential areas, parks, schools, civic buildings, and commercial and employment areas*

*Community building goals- MLK-G12 develops a clear identity of the MLK@Holly Street Residential Urban Village that reflects the diverse cultural and ethnic mix of residents and businesses.*

*Community building policies- MLK-P22 encourage property and business owners to enhance and maintain the cleanliness and appearance of residential and commercial areas”.*

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes polices 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 polices of such neighborhood plan.*

The adopted Neighborhood Plan does not establish policies expressly for the purpose of guiding future 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 only impact to less intensive zones would be on the east side where the site abuts property zoned L-2. The planned multifamily development could be conditioned either as a condition of the rezone or via the Neighborhood Design Review program to provide appropriate transition. Concept plans for the development show a landscaped buffer and the structures setback from the property line.

Property to the north is already zoned L-4, property to the south is separated from the site by South Kenyon Street and property to the west is zoned Single Family 5000 but is mostly within the transmission line right of way. There is a small odd shaped parcel, owned by SHA which is adjacent to the transmission line right of way, but will likely never be developed because of its size and topography.

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.*

Physical buffers do exist to the south and the west. South Kenyon Street is a 60 foot right of way and provides an adequate transition from the subject site to the properties across the street. Holly Park Drive South is a 40 foot right of way and abuts a 200 foot wide right of way for transmission lines. The single family homes west of the site are about 66 feet higher in elevation as compared to the site elevation and about 240 feet away.

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 zone boundary would be established along a platted lot line and/or along the centerlines of rights of way, which is typical throughout the city.

- 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.

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;*

Pedestrian infrastructure would be improved in connection with the construction of a future project.

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 and will likely result in one curbcut from South Kenyon Street.

b. *Street capacity in the area;*

Street capacity will not be adversely affected by the anticipated development based on the traffic impacts discussed in the SEPA analysis.

*c. Transit service;*

The proposal will not impact transit service.

*d. Parking capacity;*

The proposal will result in the construction of street infrastructure which will include curbs and street parking.

*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.*

Holly Park has been rezoned from Lowrise 2 to Lowrise 4 as described under the zoning history section in this document.

*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 not located in an overlay district. The site is located about 2 block south of the boundary of the light rail station overlay.

*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 not located in a critical area and should have no impact on the adjacent steep slope.

**SMC 23.34.018 Lowrise 2 (L2) zone, function and locational criteria.**

- A. *Function. The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.*

The surrounding housing is generally compatible with L2 housing with the exception of the Martin Luther King Way apartments. The Holly Park redevelopment includes ground related housing units that are generally compatible with single-family; although many of the structures are near 42 feet in height.

- B. *Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:*

1. *Development Characteristics of the Areas.*

- a. *Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty (30) feet;*

The area features a mix of single-family structures and small to medium multifamily structures but there is more prevalence of multifamily structures. In Holly Park, the allowed height limit is 42 feet to the top of a pitched roof.

- b. *Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;*

Topography of the site is predominantly lower than adjacent streets, and the rezone would not impact views from other within the area.

- c. *Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.*

South Kenyon Street which provides access within 1 block to the major arterial of MLK Way South is wider than City of Seattle standards and congestion is not a problem. The proposed project will require street improvements that will complete recent streetscapes including widening Holly Park Drive to match the street pattern created by New Holly. The Holly Park area has recently been redeveloped to expand the grid to improve access and circulation.

2. *Relationship to Surrounding Areas.*

- a. *Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block*

*pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;*

There is a well-defined edge between this property and single family zoned property in that the transmission line right of way and significant topographic change abuts this site to the west. The single family properties are located uphill towards the west.

- b. Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;*

The area is not a definable pocket.

- c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;*

The site is suitable for higher density multifamily development without limiting height and bulk, as there are no views to protect and the topography benefits single family housing and public open space uphill to the west.

- d. Properties where vehicular access to the area does not require travel on “residential access streets” in less intensive residential zones.*

Access to this area does not require travel through single family zoned areas in that the site is only about 500 feet away from a major arterial street (MLK).

**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 Holly Park redevelopment once complete will provide 1,392 units of housing with most development constructed to Lowrise 4 development standards which can reach a height of 42 feet. However, the density in the Holly Park redevelopment is limited to Lowrise 2 levels (1 unit per 1200 square feet). The Holly Park redevelopment includes both Seattle Housing Authority rental housing and for sale market rate housing.

The apartments south of the subject site were developed under RM zoning which permitted densities comparable to Lowrise 3 levels (1 unit per 800 square feet). The apartment buildings to the south do not likely meet current bulk development standards for Lowrise 2 zones, and they certainly do not reflect a development that participated in the Design Review Process. However, the height of the structures would seem to meet the limits set for Lowrise 2.

The area provides good vehicular circulation, but no alleys service properties on South Kenyon Street. On-street parking is available on South Kenyon Street and would be increased as a result of this development because street improvements are required.

*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;*

Not applicable.

b. *Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; Holly Park is developed to a L4 scale but not L4 density.*

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 located within the MLK @ Holly Street 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.*

Not applicable.

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 New Holly area directly to the north of the site is zoned L4 with an L2 density limit. Within the New Holly area to the north, L4 height and bulk limits are well established. The L3 density that this project requests would only slightly increase the density beyond the adjacent L2 limits and within a design scheme that is appropriate to the site and entirely consistent with New Holly design characteristics.

- (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 located within the MLK @ Holly Street 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 property at 34,366 square feet would promote a high quality, higher density residential environment with excellent pedestrian access to amenities including the light rail station at MLK and Othello and all of the amenities and services within New Holly, in addition to schools, city parks, and a p-patch.

- (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;*

While the property does not have alley access to parking, the future project will be designed to provide only one driveway on South Kenyon Street to access the project parking. The project also would include pedestrian and street improvements along South Kenyon Street and Holly Park Drive which will foster pedestrian activity and connect the site to pedestrian improvements associated with the New Holly development to the north.

- (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.*

The widths of streets in the area are of sufficient width to allow for two way traffic and on-street parking. The future project as described by the applicant would require street improvements that will complete recent streetscapes including widening Holly Park Drive to match the street pattern created by New Holly. The area has recently been redeveloped with regular street patterns to improve access and circulation.

*b. Relationship to the Surrounding Areas.*

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

The property is not adjacent to concentrations of employment but is close to the large commercial node around the intersection of Martin Luther King Way and South Othello Street. This commercial area likely has some concentration 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 MLK @ Holly light rail station and is one block from MLK Way South, a major arterial with excellent Metro bus service. Street capacity along South Kenyon Street and Holly Park Drive which access the site is sufficient to accommodate the proposed project density. Vehicular access to the site does not require use of streets passing through less intensive residential areas. Vehicles would either access the site via South Kenyon Street which already serves the large apartment complex just to the south or via Holly Park Drive which leads through New Holly which is zoned L4 and has a mix of multifamily and single family housing types.

- (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 in close proximity to services and neighborhood commercial areas including the developing MLK @ Othello town center, the MLK @ Othello light rail station, Metro service along MLK Way South, schools, and public open spaces including city parks, open spaces within New Holly and a p-patch. The property lies directly across the street from open space and a pedestrian/bicycle trail connecting to New Holly amenities, the light rail station, and beyond. The proposed development includes pedestrian street improvements that will connect with and extend pedestrian improvements in New Holly.

*(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 is separated from the single family zone to the west by the transmission line R.O.W., the open space beneath the transmission lines, and by steep topography. The future building plan shows a buffer (landscaping and surface parking lot) between the future buildings and the existing homes in the L2 zone. Smaller facades lines are planned along the northern edge of the site adjacent to single family homes within New Holly which is zoned L4.

Summary

The proposed rezone meets the general rezone criteria in that the growth targets in the Comprehensive Plan will not be compromised, it does not conflict with the goals of the neighborhood plan, the future buildings will be designed to fit within the neighborhood and service and utility capacities will not be adversely affected.

The height, bulk and scale of the buildings in the area most closely match Lowrise 4 zoning. However, there could be adverse impact on Lowrise 2 properties abutting this site to the east. In light of that, the Director recommends that a condition of approval be imposed requiring appropriate setback, landscaping, massing or other design solution be provided and reviewed by the Southeast Neighborhood Design Review Board to address the transition from this site to the less intense Lowrise 2 zone towards the east.

The Holly Park development is zoned Lowrise 4 with a Lowrise 2 density whereas the request is for Lowrise 4 zoning with Lowrise 3 density. Because the site is relatively small the net increase in number of units is not substantial and is slightly less than Lowrise 3 density levels as described in the following table:

Zone/. Request	Lowrise 2	Requested	Lowrise 3	Lowrise 4
Density	1 unit per 1200 S.F. of lot area	1 unit per 859 S. F. of lot area	1 unit per 800 S.F. of lot area	1 unit per 600 S.F. of lot area
No. of Units	29	40	43	57
Difference as compared to L2 Density	-	11	14	28

The future project will provide housing to low-income persons as compared to the Holly Park development which provides housing to both low-income and median income persons. Impacts related to density that are most prevalent in the City, traffic and parking would not be as severe in that census data suggests low income households have lower rates of vehicle ownership. This means that vehicle trips and parking demands would not be as great as compared to market rate housing. In light of that and considering the modest increase of only 11 dwelling units, the Lowrise 3 density is appropriate.

However, the Director recommends that a condition be imposed that the future development consists of only low-income housing (less than 100% of median income).

It should be noted that this application is not linked to a specific project. It is possible that future owners would attempt to proceed with a proposal that is under the thresholds for design review and would not be subject to full street improvements. In light of that the Director recommends that any future project built in compliance with L4 zoning be subject to design review and that full street improvements be required. These conditions should ensure high quality design and adequate infrastructure desired in the L4 zone.

### **RECOMMENDATION – REZONE**

The proposal to rezone from Lowrise 2 to Lowrise 4 (with Lowrise 3 density) is sufficiently consistent with applicable criteria to warrant approval. Accordingly, it is recommended that the rezone proposal be **CONDITIONALLY APPROVED**.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated November 21, 2005 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**

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.”*

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.

The development standards for side setbacks account for the depth and height of buildings so that a building taller and with more depth (longer) requires a greater setback. In this case, the future plans indicate a building depth of 70 feet and anticipated height would be in the range of 31 to 37 feet; therefore, the side setback requirement would be 8 feet. A building in a Lowrise 2 zone of the same depth could only obtain a height of 25 feet so that setback requirement would be 6 feet. The standards do not specifically address the juxtaposition of a Lowrise 4 zone abutting a Lowrise 2 zone so this condition should be addressed through the design review process.

#### Traffic and Parking

The traffic and parking impacts of the rezone would be the difference between the existing Lowrise 2 density and the proposed density of 40 units which results in a net increase of 11 units.

The parking impacts cannot be evaluated without knowing the parking supply and demand, but can be sufficiently analyzed under the future project action.

The amount of additional vehicle trips generated and impact to the traffic network would likely be very minor for an increase of 11 units and no mitigation is necessary.

Additionally, census data indicates that low income residents generate less parking demand because they have lower rates of vehicle ownership. As a result, the number of vehicle trips is likely to be less.

#### **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**

1. Any future development proposed under the Lowrise 4 zone is subject to Neighborhood Design Review as described in SMC 23.41.
2. Any future development proposed under the Lowrise 4 zone is subject to provide full street improvements as describe in SMC 23.53 and the Street Improvement Manual.
3. To mitigate impacts of traffic and parking, future development shall consist of only low-income housing (less than 100% of median income).
4. To mitigate height, bulk and scale impacts, appropriate setback, landscaping, massing or other design solution must be provided and reviewed by the Southeast Neighborhood Design Review Board.
5. Any future development proposed under the Lowrise 4 zone is limited to a Lowrise 3 density.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: April 3, 2006  
Jess E. Harris, AICP, Senior Land Use Planner

JEH:bg

H:\DOC\Rezones\Kenyon\3003886d.doc