



SEATTLE CITY COUNCIL

Land Use and Neighborhoods Committee

Agenda

Wednesday, February 12, 2020

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Dan Strauss, Chair
Teresa Mosqueda, Vice-Chair
Debora Juarez, Member
Andrew J. Lewis, Member
Alex Pedersen, Member
M. Lorena González, Alternate

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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February 12, 2020 - 9:30 AM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

(10 minutes)

D. Items of Business

1. [Appt 01546](#) **Reappointment of Nathan G. Torgelson as Director, Seattle Department of Construction and Inspections, for a term to January 1, 2024.**

Attachments: [Appointment Packet](#)

Briefing and Discussion (20 minutes)

Presenters: Deputy Mayor Casey Sixkiller; Nathan Torgelson, Director, Seattle Department of Construction and Inspections

2. [CF 314434](#) **Application of BarrientosRyan LLC, to rezone an approximately 20,000 square foot parcel located at 4544, 4550, and 4600 Union Bay PI NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2 55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2 65 (M1)) (Project No. 3030253, Type IV).**

Attachments: [Rezone Application](#)

Supporting

Documents: [Central Staff Memo
Presentation \(2/12/20\)](#)

Briefing, Discussion, and Possible Vote (30 minutes)

Presenter: Yolanda Ho, Council Central Staff

3. **Seattle Department of Construction and Inspections (SDCI) Tree Protections Update**

Attachments: [Presentation](#)

Supporting

Documents: [SDCI Report](#)

Briefing and Discussion (20 minutes)

Presenters: Chanda Emery and Mike Podowski, Seattle Department of Construction and Inspections; Sandra Pinto de Bader, Office of Sustainability and Environment

E. Adjournment



Legislation Text

File #: Appt 01546, **Version:** 1

Reappointment of Nathan G. Torgelson as Director, Seattle Department of Construction and Inspections, for a term to January 1, 2024.

The Appointment Packet is provided as an attachment.

City of Seattle



FILED
CITY OF SEATTLE
19 DEC 20 PM 1:49
CITY CLERK

Director Seattle Department of Construction and Inspections

Confirmation Packet
December 20, 2019

Nathan Torgelson



City of Seattle
Mayor Jenny A. Durkan

December 20, 2019

The Honorable Bruce A. Harrell
President, Seattle City Council
Seattle City Hall, 2nd Floor
Seattle, WA 98104

Dear Council President Harrell:

I am pleased to transmit to the City Council this confirmation packet for my reappointment of Nathan Torgelson as Director of the Seattle Department of Construction and Inspections (SDCI).

This packet contains Mr. Torgelson's appointment and oath of office forms, his resume, and the press release announcing his reappointment. His background check remains on file with the Seattle Department of Human Resources.

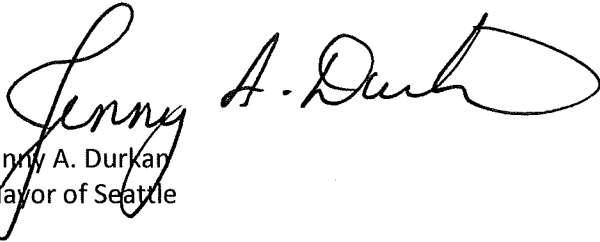
As Director of SDCI, Nathan has led the Department during four of the busiest permitting years in the City's history, overseeing the implementation of the Mandatory Housing Affordability program, launching prioritized permitting for all affordable housing projects and coordinating interdepartmental oversight of major projects such as the Seattle Center Arena, Northgate Mall redevelopment and the Convention Center expansion. Nathan led the overhaul of the Fee Ordinance in 2018, which will secure and stabilize SDCI's delivery of permit systems to meet customer expectations during future economic downturns and upturns. Nathan has pushed for more flexible permitting for housing solutions for the City's homeless, new regulations and procedures to address problematic vacant buildings, and continues to work with Seattle IT to improve the permit tracking system (Accela).

As Seattle has shifted to a city with more renters than homeowners and as rents have soared, SDCI's services to tenants and landlords have greatly expanded. Over the past four years, SDCI created the comprehensive and user-friendly Renting in Seattle website outlining the City's laws intended to protect tenants, expanded outreach to tenants and landlords, and revised the Rental Registration and Inspection Ordinance (RRIO) program to ensure compliance. Nathan advocated for a second annual Home Fair, a more public friendly website and Notice of Proposed Land Use Action signs, and the soon to be improved Shaping Seattle website.

Nathan has held a variety of positions at the City, including serving as the Deputy Director of the City's Department of Planning and Development (DPD) and leading long-range planning, working on community development issues at the Office of Economic Development (OED), and serving as a core member of the Waterfront Seattle team for the Department of Parks and Recreation. Nathan also served as the Economic Development Director for four years for the City of Kent.

If you have any questions about the attached materials or need additional information, please contact Deputy Mayor David Moseley at 206-684-3790, or via e-mail, at david.moseley@seattle.gov.


Sincerely,



Jenny A. Durkan
Mayor of Seattle



City of Seattle Department Head Notice of Appointment

Appointee Name: <i>Nathan Torgelson</i>		
City Department Name: <i>Seattle Department of Construction and Inspections</i>		Position Title: <i>Director</i>
<input type="checkbox"/> Appointment <i>OR</i> <input checked="" type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Specify appointing authority</i>		Term of Office: <i>City Council Confirmation to January 1, 2024</i>
Legislated Authority: <i>Seattle Municipal Code Section 3.06.020</i>		
Background: <p>As Director of SDCI, Nathan has led the Department during four of the busiest permitting years in the City's history, overseeing the implementation of the Mandatory Housing Affordability program, launching prioritized permitting for all affordable housing projects and coordinating interdepartmental oversight of major projects such as the Seattle Center Arena, Northgate Mall redevelopment and the Convention Center expansion. Nathan led the overhaul of the Fee Ordinance in 2018, which will secure and stabilize SDCI's delivery of permit systems to meet customer expectations during future economic downturns and upturns. Nathan has pushed for more flexible permitting for housing solutions for the City's homeless, new regulations and procedures to address problematic vacant buildings, and continues to work with Seattle IT to improve the permit tracking system (Accela).</p> <p>Before his appointment as SDCI Director, Nathan held a variety of positions at the City, working on community development issues, the waterfront project for the Department of Parks and Recreation, and strengthening Seattle's economy at the Office of Economic Development. Nathan also served as the Economic Development Director for four years for the City of Kent.</p> <p>Nathan has a Master's Degree in City Planning from the University of North Carolina at Chapel Hill and is a graduate of the Urban Land Institute Northwest Center for Sustainable Leadership.</p>		
Date of Appointment: <i>12/20/2019</i>	Authorizing Signature (original signature): 	Appointing Signatory: <i>Jenny A. Durkan</i> <i>Mayor</i>

NATHAN G. TORGELSON

SUMMARY:

25+ years of leadership, project management and policy development in land use and economic development.

EXPERIENCE:

City of Seattle, WA: Director, Seattle Department of Construction and Inspections, January 2016—present

- Lead staff of 400 responsible for City's development permitting, SEPA and design review, inspections, code compliance and City's Rental Registration and Inspection program and oversee budget of \$85 million.
- Currently experiencing largest construction boom in City's history; project intake valuation of nearly \$4 billion each year.
- Represent the Mayor at community and speaking events.
- Successfully led overhaul of Department's fee ordinance as part of 2019 budget.
- Work with City Council, residents, businesses, special interest organizations and the media to communicate Mayor's land use priorities.

City of Seattle: Deputy Director, Department of Planning and Development, May 2014—January 2016

- Lead Planning Division staff of 36, responsible for City's Comprehensive Plan (Seattle 2035), area and community development planning, and land use code amendments.
- Lead Community Engagement staff of five, responsible for public outreach materials, media and community outreach.

City of Seattle: Special Projects Manager for Seattle Parks and Recreation and Finance Department, October 2009—May 2014

- Parks Department co-lead on Waterfront Seattle Project; negotiated partnership agreements with Seattle Aquarium and Pike Place Market; staffed finance, partnerships and stewardship advisory groups.
- Led and supervised Parks staff team of 4 for real estate and strategic planning priority projects, including negotiating lease concession agreements for Sand Point/Magnuson Park, the Japanese Garden Teahouse, amendment to the Museum of History and Industry's (MOHAI) lease in the Armory Building at Lake Union Park, and Parks' Joint Use Agreement with the Seattle School District.

City of Seattle: Community Development Manager for Mayor's Office of Policy and Management, June 2006—October 2009

- Led and supervised team of 9 responsible for all land use and planning, housing and economic development policy and budget issues for Mayor Greg Nickels, and oversaw Mayor's Action Agendas for South Lake Union, Northgate, South Park, Southeast Seattle Transit Oriented Development (TOD) along Seattle's LINK light rail line and acquisition of surplus schools by master tenants.
- Mayor's designee on Governor's Container Ports Task Force and State Department of Commerce Regional Transfer of Development Rights Policy Advisory Committee.
- Worked with team of four to negotiate purchase and sale agreements from major property owner in South Lake Union for Mercer two-way corridor project, including review of TIGER grant application to federal government.

City of Kent, WA Economic Development Director, May 2002—June 2006

- Led City's economic development program, including attracting and retention of business, lobbying State legislators, and working with Kent business community.
- Negotiated joint use agreement with Sound Transit for use of parking garage next to Sounder commuter rail line.
- Managed downtown revitalization development of Kent Station, \$100 million town center project, including development agreement and purchase and sale agreement negotiation, appraisal review, and media and community relations and Council approval.
- Secured over \$650K in grants to start Center for Advanced Manufacturing.
- Managed \$11.5 million sale of City property to a single-family home builder.
- Wrote Kent's Strategic Economic Development Plan 2003-2008 (won 2004 International Economic Development Council (IEDC) Best Research Report).

City of Seattle, WA, Manager of Community Development for Office of Economic Development (OED), March 1997—May 2002

- Managed City's South Lake Union (SLU) economic development strategy, including sale of 4 acres of City property to Vulcan, Inc for \$21 million; Lake Union Park development, and transportation improvements.
- Supervised staff of four who oversaw City's neighborhood business district program and managed annual \$2.5 million OED CDBG program.
- Partnered with Downtown Seattle Association (DSA) to secure Council approval for downtown wide Metropolitan Improvement District (MID).

City of Seattle, WA, Department of Planning and Development (DPD); Land Use Planner, December 1990—March 1997

- Researched and wrote land use policies and codes, including university and hospital planning, mixed use development, billboards and accessory housing.
- Reviewed and managed development applications for compliance with SEPA, Shoreline Management Act, Land Use Code, transportation management.

EDUCATION:

The University of North Carolina at Chapel Hill, Chapel Hill, NC

- Master of City and Regional Planning, May 1990

Gustavus Adolphus College, St. Peter, MN

- Bachelor of Arts--*Magna Cum Laude*, Geography, May 1988
- Academic Assistant in Geography Department
- National Council for Geographic Education Award for excellence of scholarship
- Awarded Hollingsworth Key, given to male senior athlete with highest GPA

CERTIFICATIONS

American Institute of City Planners (AICP)

University of Washington: Certificate Program in Commercial Real Estate, 2007-08

National Development Council, Housing Finance and Economic Development

Professional Certification, 1997-99

**PROFESSIONAL
ACTIVITIES/
AWARDS:**

Urban Land Institute (ULI) Rose Fellow (2015)

Northwest ULI Center for Sustainable Leadership (2013-14)

Member: **ULI, American Planning Association**

Advisory Board, **UW Certificate Program in Real Estate** (2009- present)

Kent Chamber of Commerce Government Employee of the Year, 2006

**COMMUNITY
SERVICE:**

Northwest Choirs (Northwest Boychoir and Vocalpoint! Seattle), Board President (2014-2018) and Board Member (2012-2018).



**CITY OF SEATTLE - STATE OF WASHINGTON
OATH OF OFFICE**

STATE OF WASHINGTON

COUNTY OF KING

I, Nathan Torgelson, swear or affirm that I possess all the qualifications prescribed in the Seattle City Charter and the Seattle Municipal Code for the position of Director of the Seattle Department of Construction and Inspections; that I will support the Constitution of the United States, the Constitution of the State of Washington, and the Charter and Ordinances of the City of Seattle; and that I will faithfully conduct myself as *Director of the Seattle Department of Construction and Inspections*.

Nathan Torgelson

**Subscribed and sworn to before me
this _____ day of _____, 2020**

(affix seal)

Monica Martinez Simmons, City Clerk



Legislation Text

File #: CF 314434, **Version:** 1

Application of BarrientosRyan LLC, to rezone an approximately 20,000 square foot parcel located at 4544, 4550, and 4600 Union Bay PI NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2 55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2 65 (M1)) (Project No. 3030253, Type IV).

The Rezone material is provided as an attachment.

February 21, 2019

Carly Guillory
Land Use Planner
City of Seattle, Department of Construction & Inspections
700 Fifth Avenue, Suite 1800
Seattle, WA 98124-4019

CONTRACT REZONE APPLICATION - Project: 3030253
4600 Union Bay Place NE

Dear Ms. Guillory:

Please accept this contract rezone application for our project at 4600 Union Bay Place NE. Enclosed is our Rezone Application Submittal Info.

As background, the applicant, BarrientosRyan LLC (“applicant” or “Barrientos”) is in the process of entitling a six-story, mixed use structure on Union Bay Place. Barrientos has a history of developing responsible mixed-use projects in the City of Seattle.

Throughout the entitlement process, Barrientos has conducted and completed outreach with the community, both through established community review mechanisms (*e.g.*, Early Design Guidance), and through informal community review mechanism (*e.g.*, meeting with neighbors over coffee to discuss the project and any concerns) and with both the Ravenna Community Council and the Laurelhurst Community Council. The Master Use Permit (“MUP”) submittal strictly adheres to the Design Review Board’s guidance.

The project requires rezoning the subject property to C2-65 from the MHA city wide upzone of C2-55. Following below we provide SDCI with the Rezone Application Submittal Information as required by SDCI’s rezone application form. Following this information, we provide SDCI with a written analysis of rezone criteria that addresses the submittal requirements as set forth in the Seattle Municipal Code. The submittal also includes the following: (1) early design guidance from the Design Review Board, (2) letters of support from property owners and residents located near the project, and (3) six copies of scale drawings that conforms to the requirements in SDCI TIP #228.

Please do not hesitate to contact us if you have any questions regarding this submittal. Our contact information is included below.

Sincerely,
BARRIENTOS RYAN LLC
Attn: Maria Barrientos
maria@barrientosryan.com
(206) 369-6343

Rezone Application Submittal Information per TIP #228

This property consists of 3 parcels to be redeveloped into one multifamily residential project located at 4544, 4550 and 4600 Union Bay Place NE – Seattle, WA 98122 together called 4600 Union Bay Place NE

1. Summary of existing zoning classifications and proposed change:

The three parcels called 4600 Union Bay Place are currently zoned C2-40 and are scheduled to be upzoned in March 2019 to C2-55 as part of the city-wide MHA upzone that is currently in legislative review at City Council.

This proposal is to rezone all three (3) parcels from C2-55 to C2-65.

2. Approximate Size of property/areas to be rezoned: 20,300 sq. ft.

3. If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and CAM 103B:

This site is within an environmentally critical area (40% Steep Slope) and an ECA Exemption (relief from prohibition on development in a steep slope/buffer) has been granted by SDCI on April 25, 2018.

4. Applicant Information:

Owner: PCC Industrial Park, LLC
Attn: Skip Slavin
1421 – 34th Avenue, Suite 300
Seattle, WA 98122
(206) 369-6343

Developer/Owner's Representative: barrientosRyan LLC
1402 Third Avenue, suite 808
Seattle, WA 98101
maria@barrientosryan.com
(206) 369-6343

5. Property Legal Description

Legal description of property(s) to be rezoned:

- 4544 UBP NE: Tax Parcel No. 2436201000
- 4550 UBP NE: Tax Parcel No. 2436200990
- 4600 UBP NE: Tax Parcel No. 2436200975

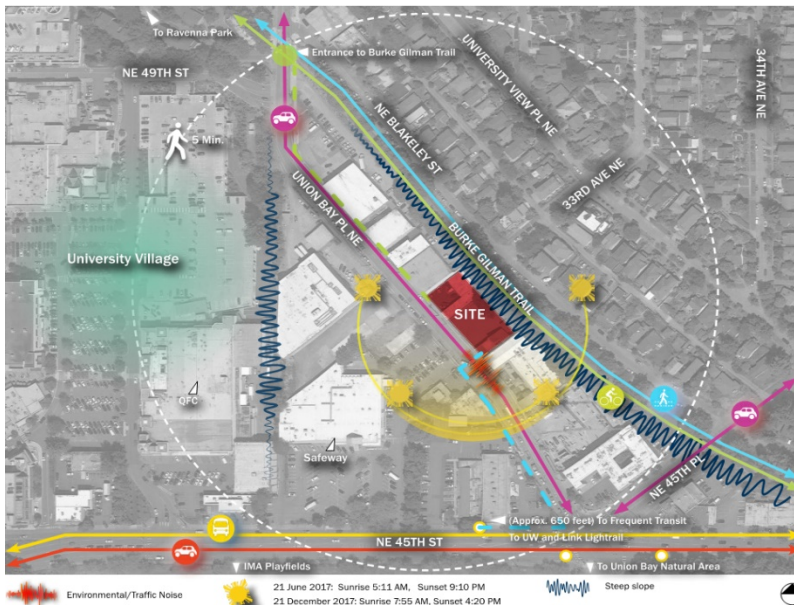
4550 Union Bay Place NE - Tax Parcel ID: 243620-0990
LOTS 16 AND 17, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

4544 Union Bay Place NE - Tax Parcel ID: 243620-1000
LOT 18, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

4600 Union Bay Place NE - Tax Parcel ID: 243620-0975
LOTS 14 AND 15, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN COUNTY OF KING, STATE OF WASHINGTON.

6. Present use of property

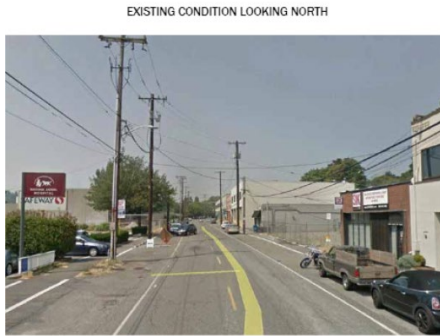
The project site is comprised of 3 consecutive midblock parcels along Union Bay Pl NE between NE 45th St and NE 49th St. There is a brush covered steep slope (gaining approximately 30' in elevation) directly to the east of the site leading up to the Burke Gilman Trail and NE Blakeley St. A portion of this steep slope is an unimproved alley with no access.



The parcel fronts approximately 200' along Union Bay Pl NE, extends approximately 107' east, and fronts approximately 200' along the unimproved public east alley. The site area is 20,300 SF. The highest elevations on the site are at 59.5' at top of NE retaining wall and the lowest elevations are at 44.3'.

The present uses shown on the page below include two nondescript single story warehouse/office buildings and an empty lot as described in item 7.

7. What structures will be demolished or removed?



Two existing warehouse structures are proposed to be demolished. The first located at 4600 Union Bay PI NE is occupied by an interior design company. 4550 Union Bay PI NE is a vacant lot, and a motorcycle repair shop occupies the structure on 4554 Union Bay PI NE, which is also to be demolished. The neighboring parcel to the north is a marine instrument warehouse / liquor bottle shop and tasting room , and to the south is the Union Bay Plaza, a mixed retail/office structure that houses a

primary care health facility operated by Swedish Physicians and owned by the same property owner as these three parcels. Approximately 125' to the east, approximately 35' up the hill, and across three existing rights of way (the unimproved alley, the Burke Gilman Trail, and Blakeley Avenue) there is a single family residential neighborhood. A new multifamily development is beginning construction to the west of the site, across Union Bay PI NE.

8. What are the planned uses for the property if a rezone is approved?

A six-story multifamily building of 98-units which will provide more affordable housing options in this neighborhood. 20% of units will be affordable at levels prescribe by the MFTE program ranging from 65%-90% AMI. Additionally, we will be participating in the MHA program at (M) designation. 3,956 square feet of neighborhood-oriented local retail, including two suites of micro-retail for small businesses. 1,745 square feet of publicly accessible open courtyard space with partial overhead weather protection.

The requested rezone would provide the underlying zoning needed to complete the development proposal that advances the neighborhood goals and the City's focus on creating more housing. The Union Bay Place project has undergone extensive review through the Early Design Guidance process. The applicant has also voluntarily reached-out to the community outside of the EDG process. Through this extensive outreach, the applicant has identified potential negative impacts and mitigated the same, as identified in item 11 below:

9. Does a specific development proposal accompany the rezone application?

Yes, we have a current Master Use Permit 3030253 in review with SDCl.
A Building Permit has also been applied for, #6631858, as well as a Street Use Permit #373138..

10. Reason for the requested zoning classification and/or new use.

The rezone would implement the affordability levels of the City's MHA/HALA proposal by upzoning the property and participating in Mandatory Housing Affordability. The rezone also implements the current Comprehensive Plan, which calls for the greatest density in

Urban Villages and Centers. The height increase would allow one additional story of residential use, permitting a reasonable amount of additional residential density in the neighborhood.

11. Anticipated benefits the proposal will provide.

The rezone would contribute to the City’s housing supply and would replace a vacant property with a pedestrian-oriented, highly-sustainable building, prioritizing work force housing with at least 20% of which will be set aside as affordable units. In general, this benefits the City by allowing more people to live in the City, closer to their places of work along existing transit infrastructure. The proposal will also implement the currently proposed MHA requirements. Affordable housing is a community benefit.

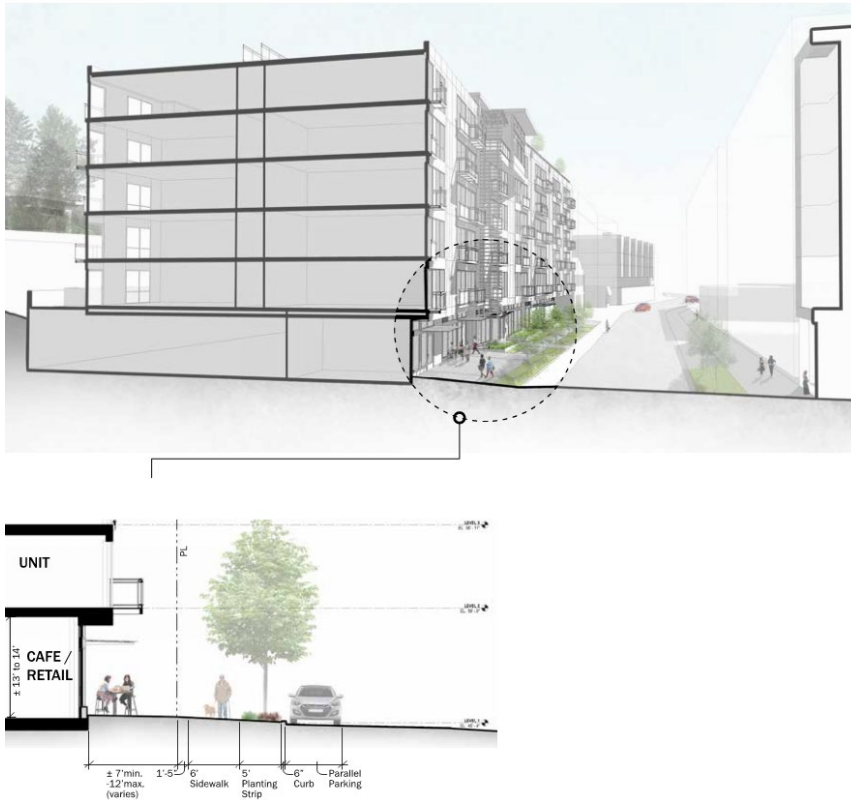
In addition, the ground-level design will benefit both the neighborhood and local small businesses. There will be 2,000 square feet of street facing commercial space with a high-degree of transparency, plus the proposal provides wider sidewalks in order to provide a more pleasant and safe pedestrian experience. As currently designed, Union Bay Place advances many of the Neighborhood’s goals, including, but not limited to the following,

- Encourage pedestrian activity along streetscapes;
- Encourage pedestrian-scaled mixed-use development;
- Promote compatibility between commercial and residential uses;
- Enhance the streetscape;
- De-emphasize the industrial strip nature of Union Bay Place NE by concentrating new commercial development.



See page xx for further zoomed out vicinity map with pedestrian connections.





This property is on the one-block street, Union Bay Place NE, adjacent to the Ravenna Bryant Neighborhood, which has no Neighborhood Plan. This property is sandwiched between the University Village planning area and Ravenna Bryant. The increased development potential as realized through the Develop high quality multi-family housing in this neighborhood, and provides the following:

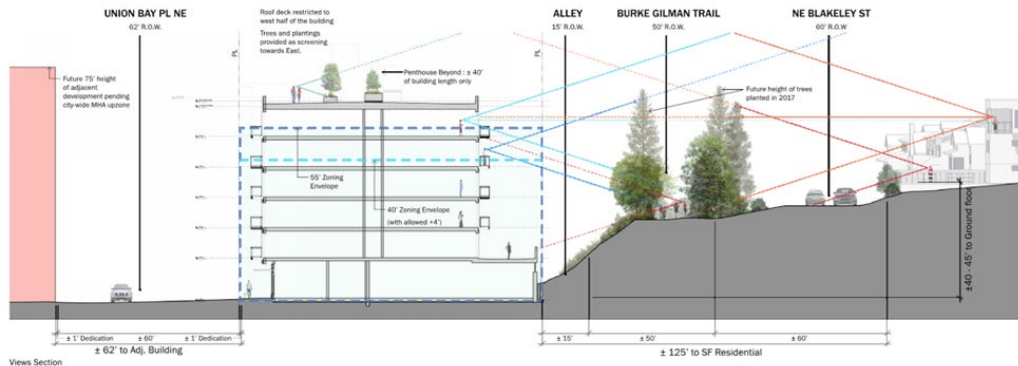
- a. Set back the building to create a vibrant open space along the front of the building to both activate the area and create space for neighborhood interaction;
- b. Provide opportunities for successful commercial tenant space that serves the neighborhood and also provides the opportunity for existing commercial tenants to return to this location;
- c. Enhance the streetscape environment with pedestrian-oriented commercial and to create landscaping along Union Bay Place to compliment the landscape that is developing from the two new multi-family developments on the block
- d. Provide an entry that co-mingles the residential entry with neighborhood use of the wider pedestrian frontage created by the building's setback to activate and create "energy" and "buzz" at the street-level.
- e. Step back the building along Union Bay Place, providing space for additional light to pedestrian zone and surrounding property; and

- f. Maximize day light and access to the outdoors through large floor to ceiling windows and decks for each unit.
- g. Design the east facing façade as a prominent elevation facing the Burke Gilman Trail (do not treat it as a secondary façade).

12. Summary of potential negative impacts of the proposal on the surrounding area.

The requested rezone would provide the underlying zoning needed to complete the development proposal that advances the neighborhood goals and the City’s focus on creating more housing. The Union Bay Place project has undergone extensive review through the Early Design Guidance process. The applicant has also voluntarily reached-out to the community outside of the EDG process.

Through this extensive outreach, the applicant has identified potential negative impacts and mitigated the same, as identified below:
Views. Some neighbors expressed concerns about potential view impacts of the proposed 65-foot structure. To address this concern, the applicant is following the Design Review Board’s (“Early Design Guidance”) guidance and submitted its MUP application in conformance with Massing Option Three (3). The DRB commented that this Massing Option does set back the building along Union Bay Place and between the steep slope leading to the Burke Gilman trail coupled with the existing dense tree canopy this project does not create additional view blockage. In addition, the applicant is treating the roof as a “fifth façade” by incorporating a compelling green roof design that maximizes existing views to the lake (see image to the right) and view from above. Below is a view of the proposed building height in context with the hill to the east.

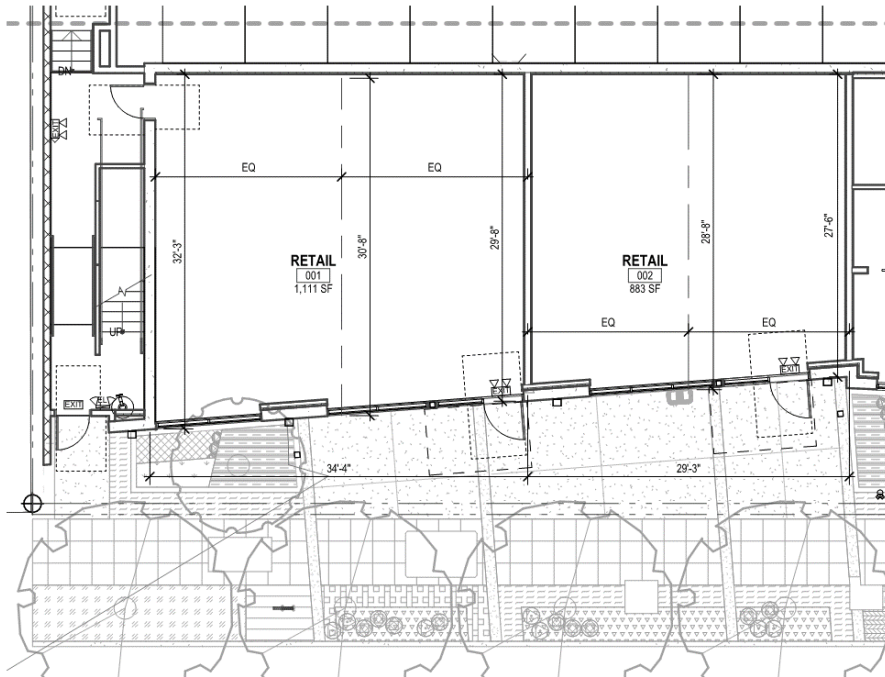


The façade facing the residential neighborhood is also provided with additional modulation and a visible podium deck with extensive planting.



Departure Request.

There is one departure request, for a for an average retail depth of 28'8" for retail space 2. The need for a shallower retail depth is created by the fact there is a high water table and parking is located on the east side of level 1.



The level 1 setback along Union Bay Place supports PL3-C-3 Ancillary Activities and CS2-B-2 Connection to the Street. This paired with a high water table that prevents deep excavations for required parking below grade and limited space/locations left over for other uses along this façade result in the depth available for Retail 002 being less than 30 feet on average. Although not required by code in C2 zones, the retail space is desired between the parking

and the facade to promote a pedestrian friendly street frontage (DC1-A arrangement of Interior Uses).

Sunlight on Union Bay Place The submitted design at the first EDG meeting (March 20, 2018), *i.e.*, Massing Option Three (3), maximizes sunlight onto Union Bay Place, mitigating concerns regarding sunlight. This decision also furthers the design review guidelines highlighted by the Design Review Board.

Transition to Residential Neighborhood. Finally, the submitted design addresses compatibility concerns primarily raised at the first Early Design Guidance meeting. For example, the project advances the “public life” design review guidelines, which include: “encourage human interaction and activity at the street-level with clear connection to building entries and edges.” To advance this priority, the primary entrance is off of the Union Bay Place and significant attention and discussion surrounded the commercial space on the edge of the project.

We have conducted a traffic and parking analysis with a transportation planner and have submitted our results through the SEPA and MUP documents. Impacts from our project to overall vehicular traffic volume will be minimal based on the project’s anticipated population and travel patterns. . Accordingly, there will be no significant adverse traffic or parking impacts.

- 13. List other permits or approvals being requested in conjunction with the proposal:**
No special permits or approvals are necessary other than code-required processes for a project this scale. Those processes include: SEPA determination, design review approval, and zoning approval. A Building Permit and Street Improvement Permit, as well as various other civil permits (side sewer permit, PSCAA permit, for example) will be required to actually construct the proposal.

14. Written analysis of rezone criteria (code criteria are in italics):

In order to obtain a rezone, the applicant must demonstrate that the rezone proposal will meet the applicable criteria of the Seattle Municipal Code, SMC 23.34.007.

Compliance with that section includes analysis of the following code sections:

- SMC 23.34.004 Rezone Criteria
- SMC 23.34.007 Rezone Evaluation
- SMC 23.34.008 General Rezone Criteria
- SMC 23.34.009 Height limits of the proposed rezone

SMC 23.34.004 Contract Rezones.

A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

The subject application is for a contract rezone; a PUDA will be developed as part of the City Council review.

B. *Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The applicant does not seek a waiver from bulk or off-street parking and loading requirements. Departures from Code standards will be addressed through the Design Review process.

SMC 23.34.007 Rezone evaluation.

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

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

No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the property.

- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.60.B.3.*

This application complies with every provision of ch. 23.34 SMC.

- D. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The proposal is located to the east of the University Community Urban Village Boundary, on a one block street sandwiched (and isolated) between this and the Ravenna Bryant Neighborhood Boundary.

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

The proposal is not located within any shoreline area.

- F. *Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The proposal is not a correction of a mapping error and so should not be evaluated as a Type VI Council land use decision.

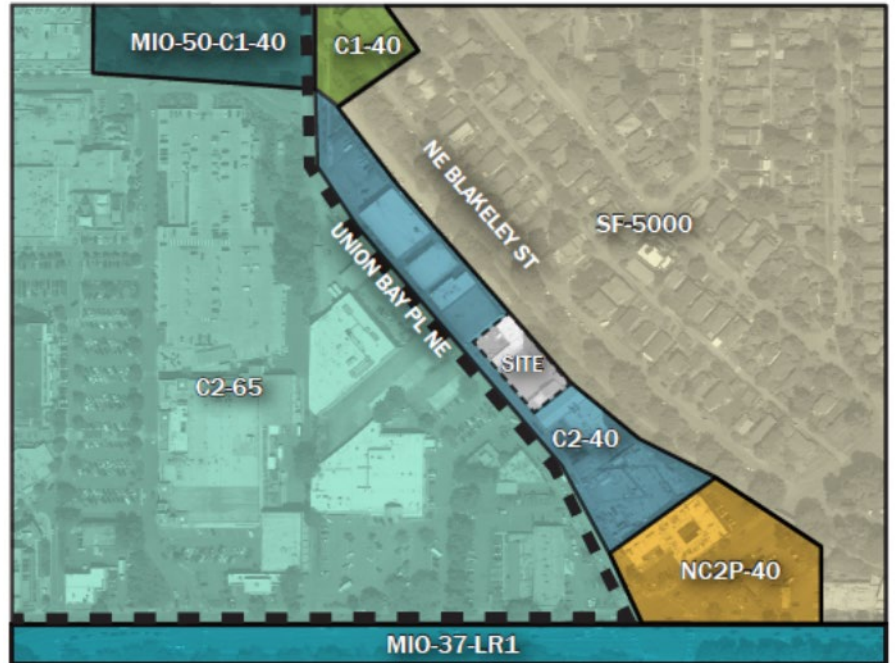
SMC 23.34.007 Conclusion: The Proposed rezone meets the requirements of SMC 23.34.007, per the analysis above

SMC 23.34.008 General rezone criteria.

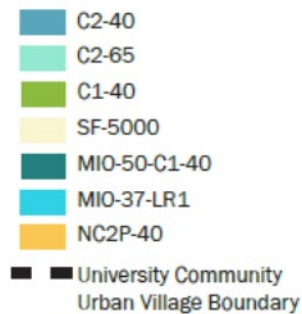
A. To be approved a rezone shall meet the following standards:

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.

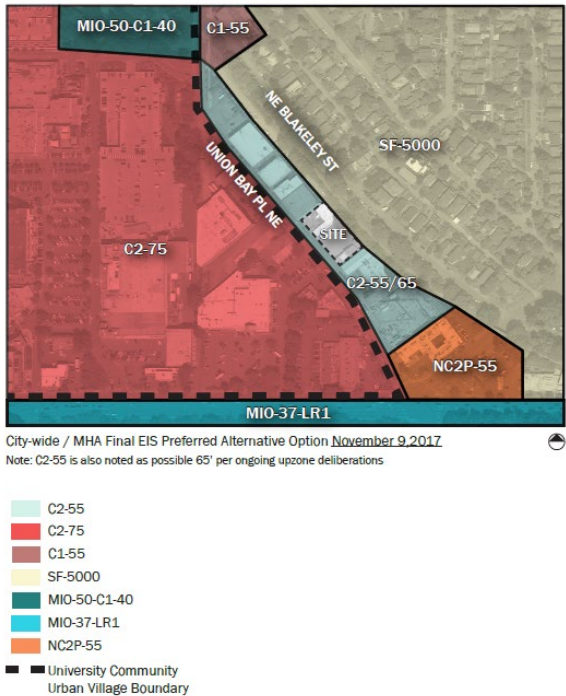
The proposal is to rezone three parcels of property (currently zoned C2-40, to be upzoned to C2-55 under the city-wide MHA upzone under current legislative review by City Council) to C2-65. The rezone would allow additional height and FAR, thereby authorizing the construction of a structure that cannot be developed under current zoning. The proposed structure will include 98 new residential units and 20 work force housing units. The proposal is to demolish the two existing single story commercial buildings at the site and build on the existing empty lot. Thus, this proposal will increase the City’s housing supply by a net of 98 residential units.



Current Zoning Map



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 not be less than the densities established in the Urban Village Element of the Comprehensive Plan.



The proposal is not located in a Residential Urban Village. The proposed zoning – C2-65 – is not more than the densities established in the (University Community Urban Village) Element of the Comprehensive Plan. In fact the entire west side of Union Bay Place. is already zoned C2-65 and is being upzoned to C2-75 in the city-wide MHA upzone that is under current legislative review by the City Council (The zoning map above identifies the project site. The map shows the entire west side of this one-block street with the proposed MHA upzone to 75 ft.).

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.

Analysis comparing the characteristics of the area to the location criteria show that all the property to the west side of the street (UBP) is currently zoned C2-65 and being upzoned to C2-75. The property to the east is a steep hill. This ½ of the street is sandwiched between a 75 ft. height zone and a steep hill.

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

The proposed rezone would slightly increase the zoned capacity of the neighborhood by one additional floor of housing which contains eighteen additional units. This increase does not reduce capacity below 125% of the Comprehensive Plan growth targets. Instead the rezone aids the City’s ability to meet the population growth targets and densities in the Comprehensive Plan.

The 2035 Seattle Comprehensive Plan, which became effective on November 16, 2016, did not change the underlying Comprehensive Plan designation of the project site.

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 project site does not lie within any Urban Village or Urban Center. It is across the street (to the east) of the University Community Urban Village Boundary. There is no Neighborhood Plan for this area.

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

There is no Neighborhood Plan for this area.

Based on meetings with Ravenna Bryant Community Association, below are Neighborhood Goals expressed:

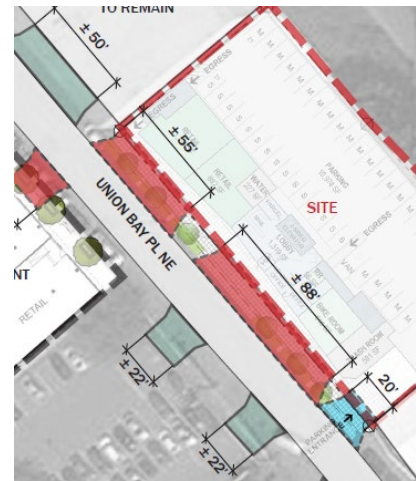
The neighborhood goals encourage pedestrian-scaled mixed-use development that provides neighborhood services.

The project seeks to improve and revitalize Union Bay Place NE with a pedestrian-scaled, mixed-use development that advances the Neighborhood's vision.¹ For example, the pedestrian plaza created by the building's setback provides a wider pedestrian space along Union Bay Place and the project's commercial space creates the opportunity for neighborhood services. Union Bay Place's design ensures compatible architectural styles of other buildings near the project site.

We address the specific neighborhood goals below:

Encourage pedestrian-scaled mixed-use development

- The rezone would enable Union Bay Place to diminish the auto-oriented nature of Union Bay Place by increasing pedestrian-interest and activity in the commercial node through the use of an engaging streetscape and density. For example, the open and neighborhood-scale pedestrian plaza will encourage pedestrian activity along the street, removal of existing large curb cuts (red) and construction of sidewalks where there are none currently.
- Union Bay Place design reflects the pedestrian-scaled mixed-use development envisioned by the neighborhood, with its pedestrian activated plaza, commercial storefront along Union Bay Place. and wider-than typical planting area to create a pedestrian-desirable experience.
- In addition to encouraging growth in urban villages, many physical edges surrounding the project site, thereby reducing any commercial encroachment onto residential uses. An unimproved alley, the Burke Gilman trail and at the top of the hill NE Blakeley Street are to the east. Union Bay Place NE is to the west. A tall two-story warehouse is to the north and a two story office building is to the south.
- Finally, with its street-front massing, with the rezone, at the same bulk, height and scale as the current opposite side of the street., Union Bay Place would mirror all of the projects across the street to the west, but step down one story from the future 75' zone. This, paired with the 30-40' hill between the project and the single-family zone to the east, create an appropriate zoning transition.
- Massing is two opposing bent forms reflecting the diverging street grid and the history of the old railroad spur line to Yesler Sawmill at nearby Lake Washington. Union Bay Place will have a strong base that anchors the building to the ground with light-colored exterior featuring large sections of glazing opening to street-level commercial and residential leasing/lounge spaces. Decorative art panels integrating maps of the region appear along the portions of the façade that cannot be as transparent. The upper-floors incorporate floor-to-ceiling windows grouped together and surrounded by high quality patterned metal cladding. Most of the units incorporate a variety of balconies and 'juliet' rails creating a façade that is further layered. Ultimately, Union Bay Place will be characterized by its lush landscape which and interactive street-level facade.



Encourage residential growth

- Union Bay Place will assist in accommodating projected comprehensive plan growth by providing 98 total residential units. More specifically, this rezone will allow up to 20 more units than are allowed by the new MHA zoning.

Neighborhood Goals - Transportation Element

Among other items, the Neighborhood goals includes a vision statement that seeks to create a safe environment, so community members are able to walk, bike and drive motor

vehicles without fear of injury or death. Union Bay Place is currently an unsafe street with no sidewalks thus limiting and discouraging pedestrian activity.

Neighborhood Goals Conclusion:

The neighborhood goals conclude that Union Bay Place is perceived as an industrial street and tends to lack a true commercial and residential identity. Union Bay Place does not provide its residents with a sufficient amount of retail and service-oriented businesses, which are prerequisites to the highly sought-after pedestrian activity. With the proposed rezone, Union Bay Place will link and extend the existing commercial/residential corridor that has begun to emerge with the two new multi-family projects, thereby contributing to a contiguous, ground-level commercial streetscape strengthening existing business and enabling future businesses to thrive. The increased density, engaging-streetscape, and open space will create opportunities for successful commercial businesses in this location. Union Bay Place seeks to be the catalyst for the transformation of Union Bay Place from a thoroughfare to a pedestrian friendly, active and interesting destination.

In response to the Design Review Board and neighborhood comments with concerns about massing and scale, Union Bay Place will have engaging street-oriented commercial uses with a light-colored exterior and maximum glazing on residential floors above the commercial. By virtue of the 30 to 35 ft. sloping grade from the old railroad grade on the east side of the property that is the Burke Gilman Trail, the east facing façade will provide a similar design experience as the west side. The proposed contract rezone will enable Union Bay Place to provide the neighborhood with new residents and retail customers, extending and linking together the existing commercial zone to increase and strengthening and supporting the commercial activity.

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.*

As background, the west side of Union Bay Place is currently zoned C2-65 and is in process of being upzoned to C2-75. The east side of Union Bay Place is currently zoned C2-40 and is in process of being upzoned to C2-55. To the south and north of the project site, predominantly zoned C2-40, being upzoned to C2-55. The proposal is to rezone these three parcels to C2-65.

The project site is immediately bordered by an unimproved alley that is part of a steep slope that creates the Burke Gilman Trail to the east.

The proposed 65-foot high mixed-use structure will incorporate the Design Review Board's guidance through the execution and recording of a Property Use and Development Agreement ("PUDA"). Specifically, the PUDA will include massing design and street scape elements that mitigate impacts to view, shading, while activating the street. Thus, the proposal is consistent with preferred zoning principles of gradual transitions between zoning categories, including height limits.

Additionally, placing rooftop equipment, solar array, greenhouse and other elements as far from single family lots as possible and set-back from edge of building, further reducing visibility from neighboring lots and street. This, along with placement of green roof along the western edge of the roof provides further set-backs from the lower zoned lots to the west, protecting their privacy from views and from shadows.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces.*

There are significant physical buffers that separate the project site in each direction where there is a different use and/or lower intensity of development. The topography slopes down from east to west. The topography on the

proposed parcel follows this pattern and slopes down to the site. There is very little topographic change from this site to the west along Union Bay Place.

3. *Zone Boundaries.*

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

Zone boundaries would continue to follow platted lot lines and/or street rights of way. Both sides of Union Bay Place are currently zoned for commercial-use. The proposed rezone to C2-65 would maintain the established orientation of commercial uses facing each other across Union Bay Place NE.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The proposal to increase the allowable height limit from the new MHA C2-55 feet to C2-65 feet is appropriate with the proposed new MHA 75 ft. height on the west side of this street and the 35 to 40 ft. hill on the east side of the property which increases to 40-45 ft. in height up to the yards of the single family homes along Blakely.

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 future project will have a positive impact on the supply of housing in the neighborhood and surrounding area by providing additional residential and commercial space where none currently exists. The rezone will add needed housing capacity and retail activity to this neighborhood taking pressure off rent escalation.

b. Public services;

Public services will be available to the project due to its location in a highly developed urban area. No appreciable impacts to public services are anticipated due to the additional one story of housing made possible by the zone change. The project has obtained confirmation that adequate water, sewer, transit, storm water, and electrical services exist to serve the proposed project. The Preliminary Assessment Report is part of the MUP record reflecting these adequacies.

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

No adverse impacts are anticipated from the change in zone.

The proposed rezone will allow one story of additional height. That additional story will contain eighteen new additional family-sized units. The additional story will not appreciably increase shadows as a result of set-backs and building design (See Exhibit D - comparative shadow study). The proposed materials do not produce glare. No odor- or noise-producing uses are proposed as part of the project.

Noise will be limited to that typically generated by neighborhood-commercial and residential activities. All construction-related noise will be conditioned through the MUP.

Terrestrial flora and fauna are largely inapplicable to this redevelopment project as the property is currently an empty lot with no vegetation and a one story commercial building with no vegetation. Aquatic flora and fauna are inapplicable here.

Energy consumption will be increased with the net gain of 98 new residential units. The project will comply with all relevant energy code and attain a Seattle Green Factor score of at least 0.3.

d. Pedestrian safety;

The proposed rezone will enable the development to enhance the streetscape with landscaping that will provide some buffering of the sidewalk (pedestrians) to the street (cars). Additionally, ample green-space and commercial-activity that will likely have a dampening effect on the speed of car-related traffic on the Union Bay Place arterial, thus making UBP a more pedestrian-friendly and safe environment.



Before and after image/rendering

e. Manufacturing activity;

Not applicable.

f. Employment activity;

Additional employment will occur on the site due to both the property management and maintenance staff to be added as well as the retail spaces proposed in the project.

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

There are no notable buildings with architectural character in the surrounding neighborhood as all the buildings are one to two story commercial buildings. There is one new multi-family building that was completed in 2018 and a new large multi-family project currently under construction across the street, on the west side of Union Bay Place.

h. Shoreline view, public access and recreation.

Not applicable.

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

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

The proposal has completed a detailed traffic, parking and transit study to address items (2a-2d). Those have been submitted with our MUP application. There is no parking,

capacity or access issues anticipated as a result of the proposal. Sufficient capacity exists for the total estimated daily trips created. The site has vehicular access only from Union Bay Place.

Union Bay Place will provide approximately 60-65 parking stalls. Per the Seattle Municipal Code, 53 parking stalls are currently required.

With respect to wet utilities, the Preliminary Assessment Report reveals no issues for domestic or fire water supply, nor sewer capacity given infrastructure upgrades implemented by SPU or otherwise generally required by this proposal.

Item (2f) Shoreline Navigation is not applicable.

Conclusion: There is an anticipated need for police and fire services for the 98 new residential units (of which 18 new units are attributable to the requested rezone) and commercial uses at Union Bay Place. There are no adverse environmental impacts associated with the project that are not mitigated below a level of significance by existing regulations. Positive impacts include pedestrian safety, improved pedestrian street-scape, commercial revitalization of Union Bay Place NE., and providing additional housing units. Adequate utility capacity exists to serve the site. Although there would be increased energy consumption, Union Bay Place, built in conformance with updated energy codes will be significantly more energy efficient per dwelling unit than the existing buildings at the project site.

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.

Two changed circumstances are relevant: the demolition and cleanup of the project site, opening it up for redevelopment, and the current MHA/HALA rezone proposal which proposes to upzone the C2-40 zone on the site to C2-55 then to C2-65 with this contract rezone application. There are also changed circumstances in the City generally with the gradual urbanization/densification strategy of sites along commercial and transit corridors. This upzone is consistent with those changed conditions, and proposed changed conditions.

Significant changes in state law, city planning, and population demographics have occurred since the City of Seattle last rezoned property in this neighborhood . In 1990, the State Legislature enacted the Growth Management Act ("GMA," Ch. 36.70A. RCW). The GMA directs planning jurisdictions, such as the City of Seattle, to encourage development in urban areas, encourage the development of housing, and to encourage

economic development.² The GMA directs local governments to advance these goals through coordinated comprehensive planning.

In 1994, in response to the GMA, the City of Seattle adopted a Comprehensive Growth Plan. The most recent comprehensive plan establishes four broad goals: (1) diverse housing and employment growth, (2) pedestrian and transit-oriented communities, (3) the provision of services and infrastructure targeted to support that growth, and (4) enhancements to the natural environment. The Comprehensive Plan also recognizes that compact urban growth has environmental benefits:

Locating more residents, jobs, stores and services in close proximity can reduce the reliance on cars for shopping and other daily trips and decrease the amount of fossil fuels burned and the amount of greenhouse gases emitted. Increasing residential and employment densities in key locations makes transit and other public services convenient for more people and therefore makes these services more efficient.³

The Comprehensive Plan allows Neighborhoods to have more autonomy and flexibility to accommodate growth.

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 in an 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 or adjacent to a critical area.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix, a rezone shall be approved only if one of the following conditions are met...

The site and area are not located in a zone with an incentive zoning suffix.

SMC 23.34.008 Conclusion: The Proposed rezone meets the requirements of SMC 23.34.008, per the analysis above. The Proposed rezone also substantively advances the Growth Management Act and the City's urban growth strategy.

SMC 23.34.009 Height Limits of the Proposed Rezone.

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 proposed rezone would allow an additional ten feet of height, thereby authorizing a structure that is sixty five feet . This height is consistent with the C2 zone classification. All of the property on the west side of Union Bay Place are currently zoned C2-65 and in process of being upzoned to C2-75 through the city-wide MHA Upzone that is before City Council..

The proposed rezone would allow the same multifamily residential uses that are allowed in the existing zone, so there is no potential to displace preferred uses.

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

The site is relatively flat to the west with a natural topography and steep slope of 40 to 45 ft to the east of the site with no access at the unimproved alley there. The project has the potential to block views of a handful of single family homes located 125 ft across 3 rights of way on the east side of NE Blakeley Street. The topography places the ground floor of these houses approximately even with the eye level of the 4th floor and the second floor of these houses is approximately even with the eye level of the top floor of the proposed building. The hill continues to rise up the hill so views from houses farther up are not blocked at all. To mitigate for this potential (and at the DRB's request), the roof has been designed to become the "fifth facade" of the structure, along with an attractive east facing façade and setbacks along the east side. The east facing façade incorporates additional modulation and detailing, plantings at level 2 and rooftop features are all located on the far side of the building away from the single-family zone.

SDCI HAS REQUESTED GRAPHIC REPRESENTATION OF THE FOLLOWING:

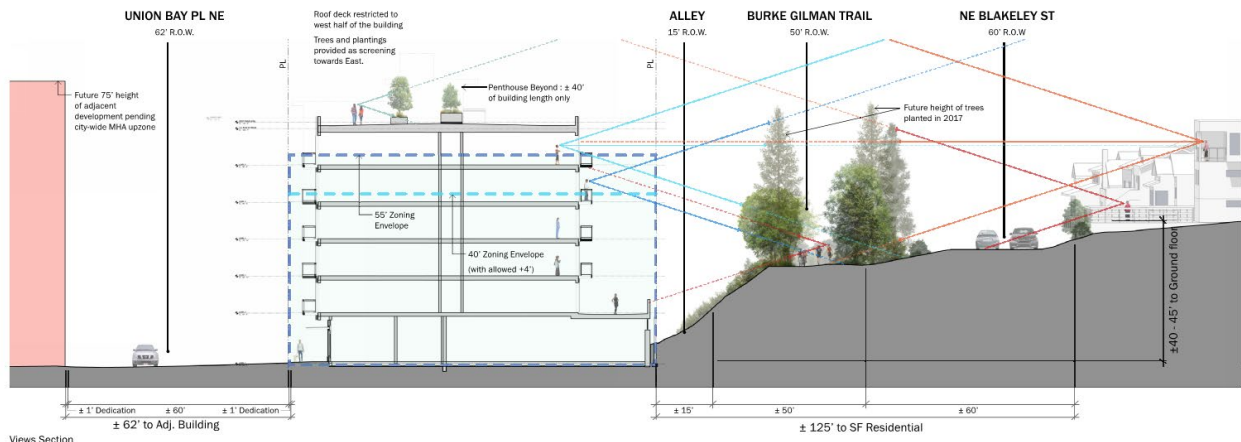
Address the likelihood of view blockage, and provide a graphic demonstration of the impacts of this project on views to Union Bay.

Demonstrate how views will be impacted by:

- a. Build out of current zoning at 40 ft.
- b. Build out of MHA zoning of 55 ft.

c. Build out to the proposed zoning of 65 ft.

Section, photos and East elevation photo-match view below show current 40' zoning envelope, 55' MHA Upzone zoning envelope and proposed building at 65' height. They also show the MHA Upzone 75' zone across Union Bay Place NE from the site and the topography change to the east of the project. The proposed increase of one floor still maintains a step-down zoning transition especially considering the 40+ foot elevation change between the ground floors of the project site and the houses to the east. Additionally any buildings built at current 65' or under the MHA Upzone height of 75' across the street will block any views of Union Bay (territorial view) that are currently enjoyed by the single family houses. Many of the views from these houses are already blocked by the trees and other landscaping along the Burke Gilman Trail. Finally the hill to the east of the site continues to gain altitude quickly making the houses further up the hill well above any possible view blockages.



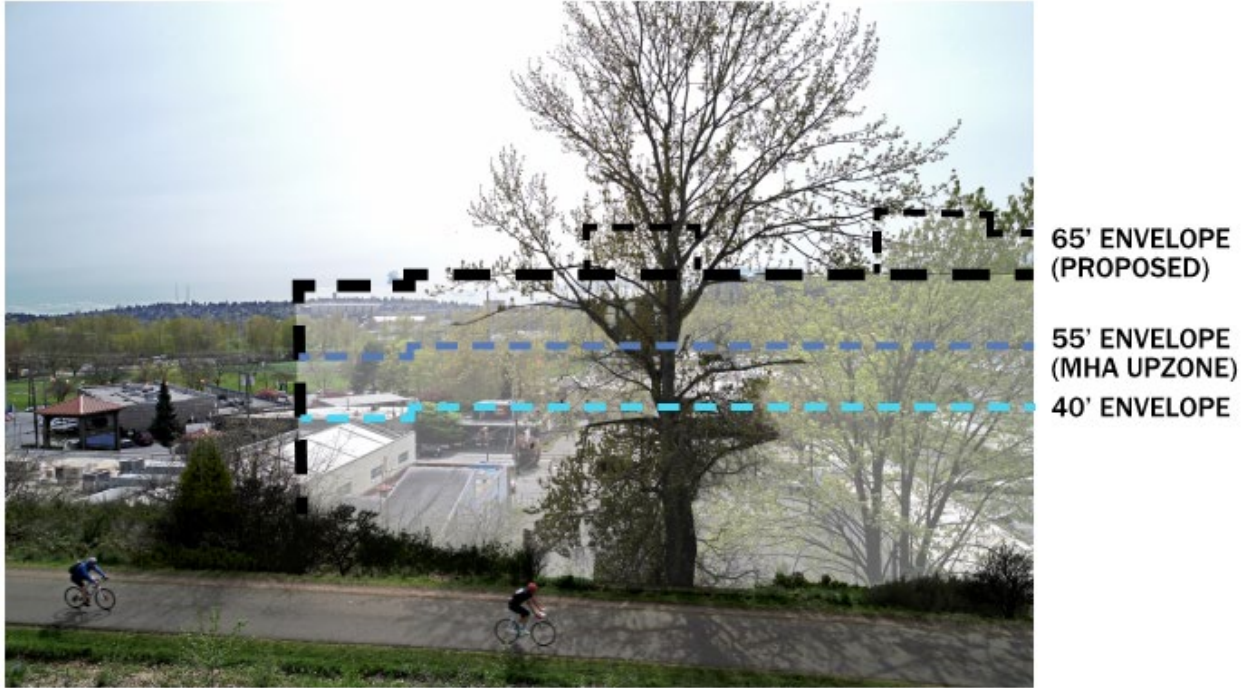


Photo above is at one of the few cleared areas along the Burke Gilman trail. See SDCI GIS map of tree canopy coverage below.



This photo shows the MHA Upzone to 75 ft. immediately across the street, to the west of our site.

C. Height and Scale of the Area.

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

The current zoning authorizes 40-foot heights, with an additional four-foot bonus for a mixed-use building subject to thirteen-foot floor to floor for the commercial uses and is in the midst of a city-wide MHA upzone to 55 ft.

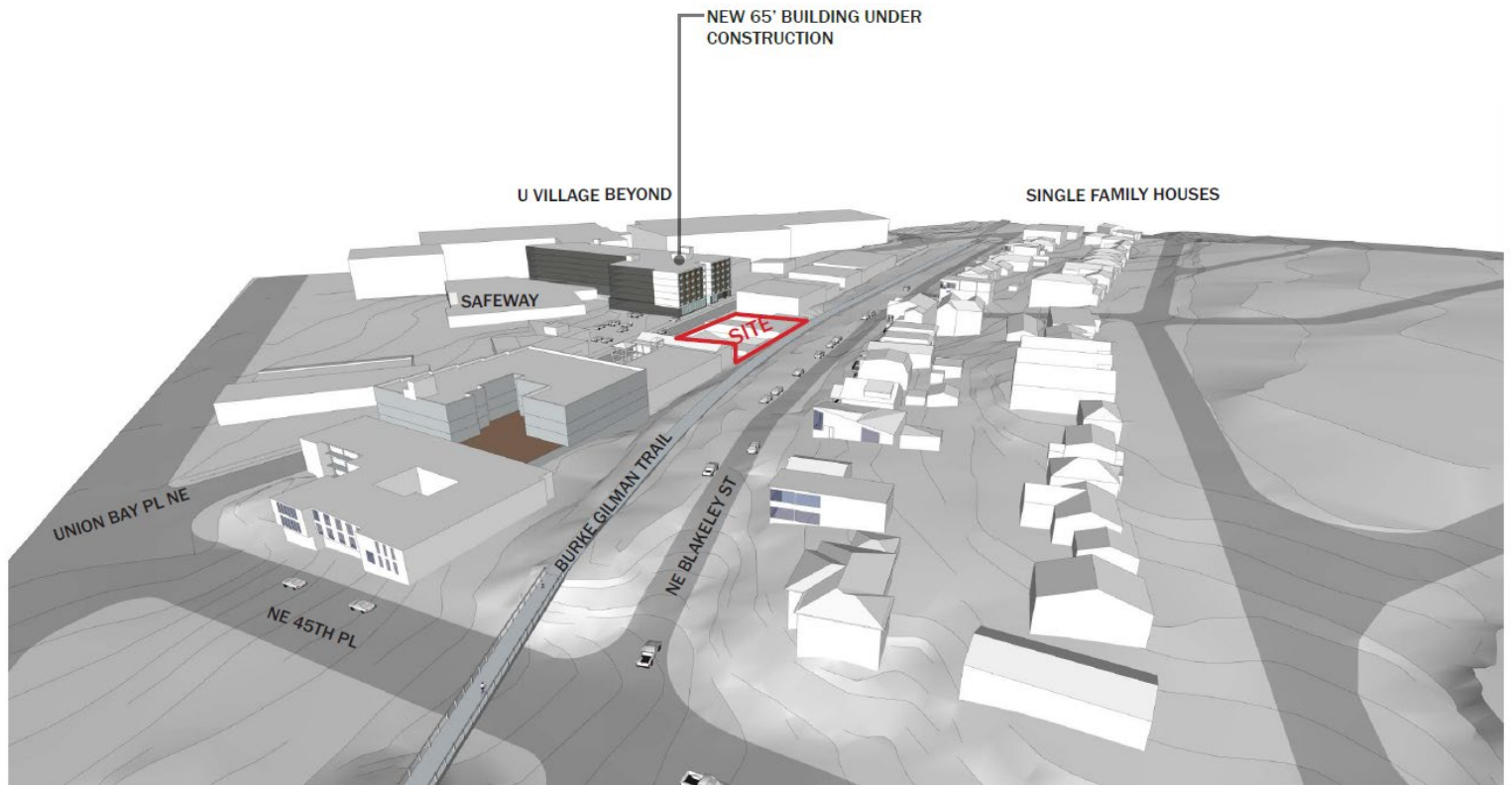
The proposed 65-foot height limit is consistent with existing zoning on the west side of Union Bay Place. In the immediate vicinity, a 65 ft mixed use apartment building is under construction and several properties along the west side are slated for redevelopment.

BELOW ARE SOME AXIOMETRIC VIEWS OF THE SITE:

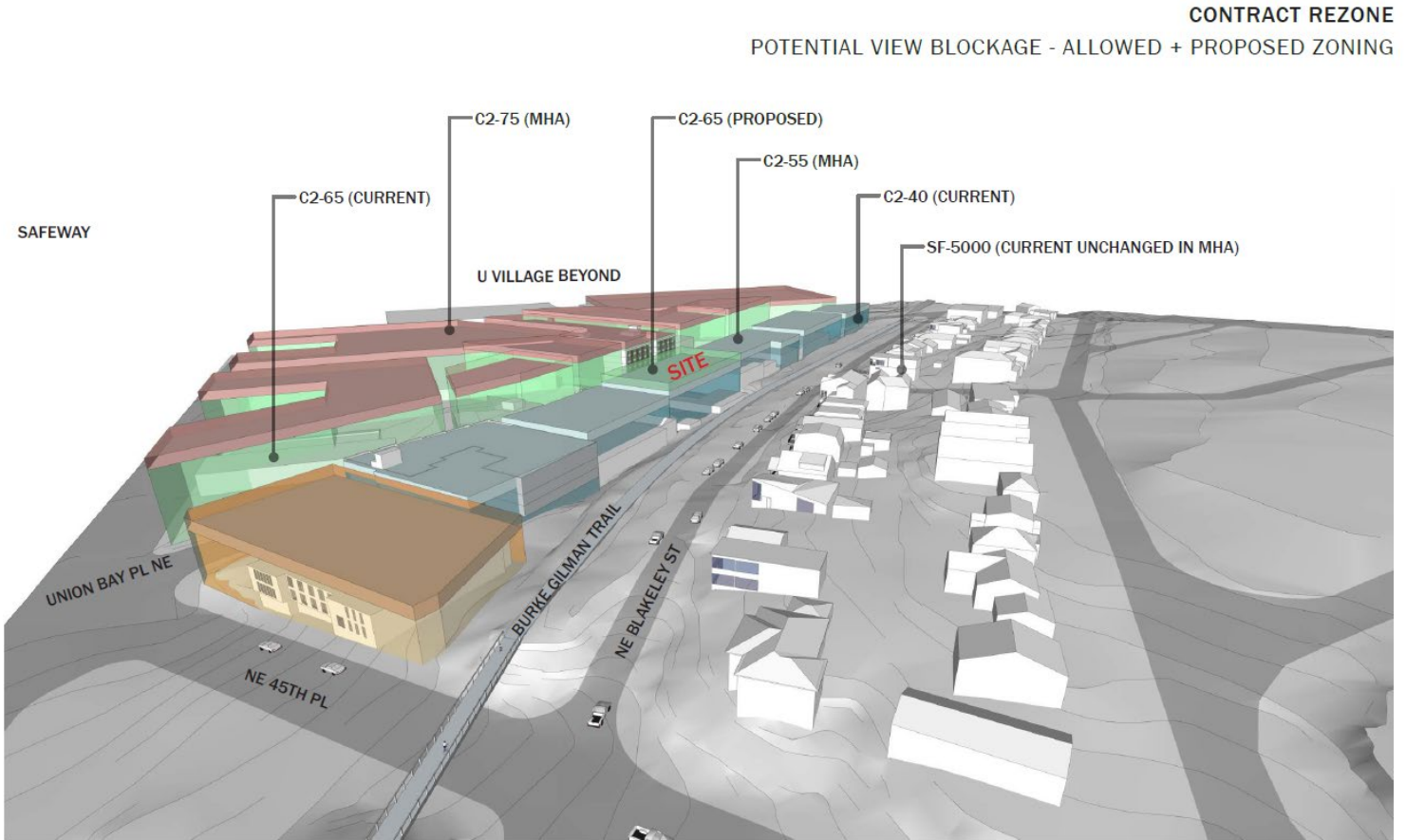
- a. An Axiometric of an area approximately 800 ft. around the site and should demonstrate the existing building envelope and topography

CONTRACT REZONE

POTENTIAL VIEW BLOCKAGE - EXISTING SITE CONDITIONS



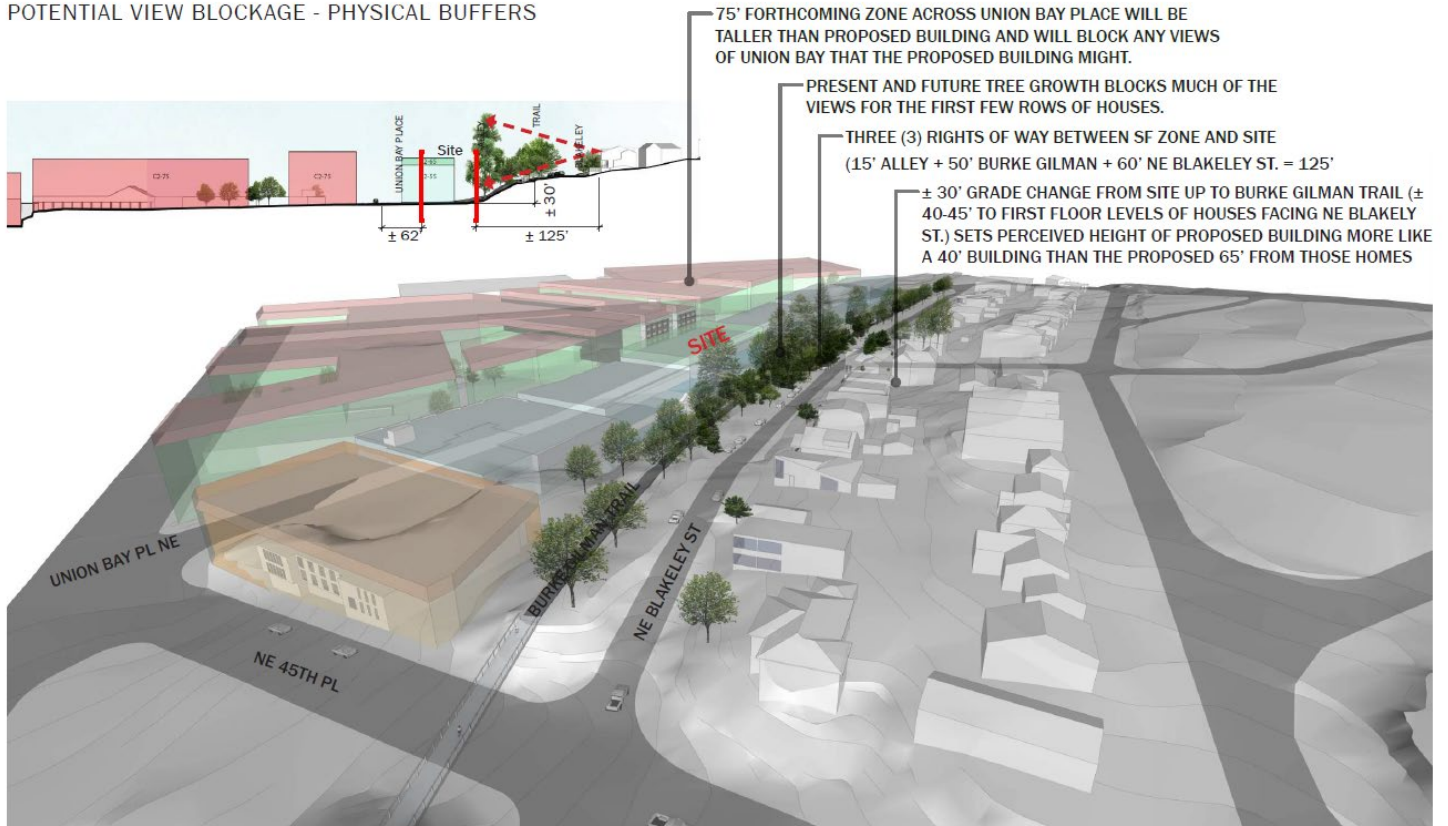
- b. A second Axiometric of the same area that shows the allowed zoning envelope and the proposed building envelope



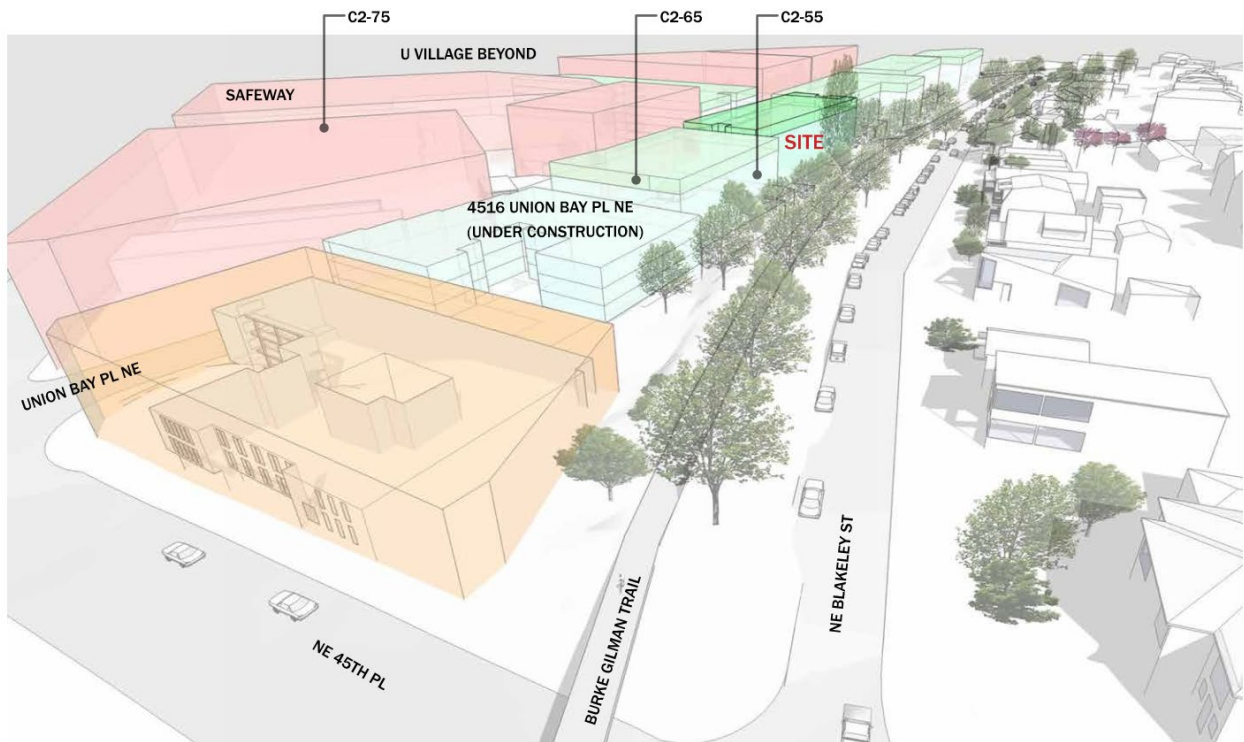
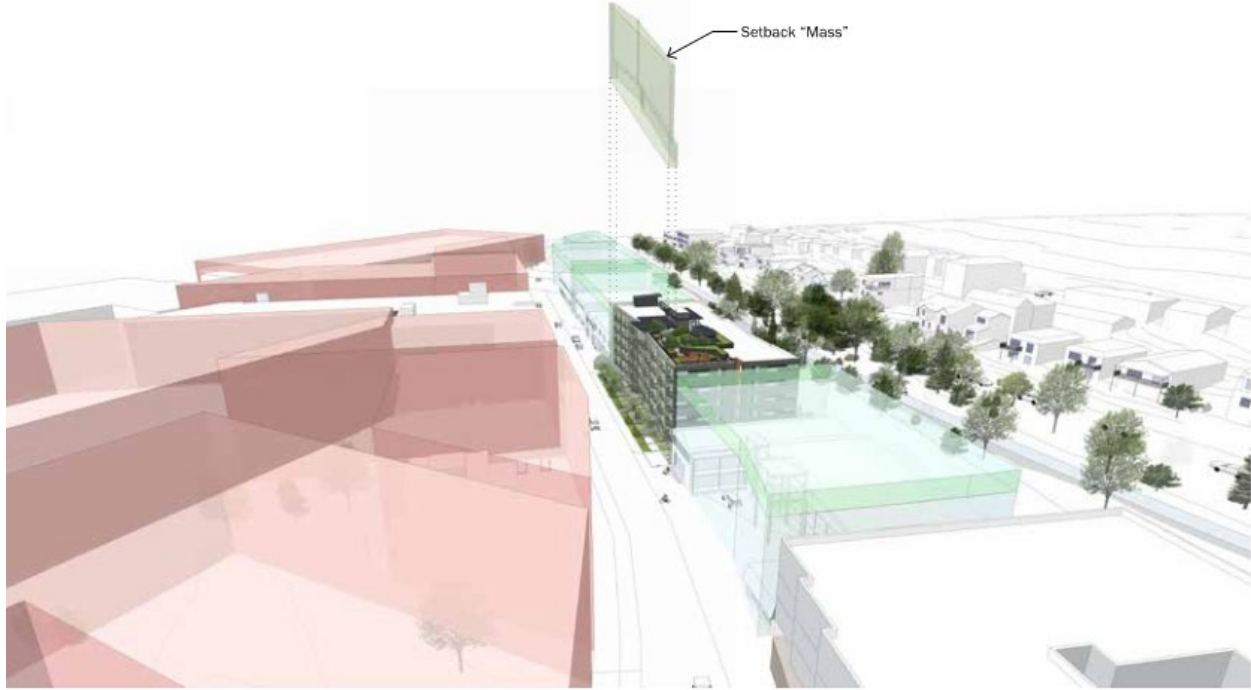
- c. The third Axiometric should show the info. in item b above and include reference to all physical buffers established in previous sections

CONTRACT REZONE

POTENTIAL VIEW BLOCKAGE - PHYSICAL BUFFERS



Axonometric views of the project vicinity below (from the DRB Recommendation package) show the proposed building, current 40' zoning envelope and city wide MHA upzone 55' zoning envelope.



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.*
- 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.*

As described above, the proposed 65-foot height limit is consistent with existing zoning on the west side of Union Bay Place. and with new projects under construction across the street. See the zoning map to the right.

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](#)*

There is no Neighborhood Plan so there are no specific height recommendations.

Conclusion: The increased height that would result from rezoning the property from the MHA C2-55 and satisfies the criteria of SMC 23.34.009, as described above. More specifically, the increased height is consistent with existing zoning on the west side of Union Bay Place, and it will authorize development and uses that are envisioned by Seattle's Comprehensive plan and the Ravenna Bryant's neighborhood goals.

SMC 23.34.076.A.

Raising the zoning to C2-65 results in a project that is consistent with the type and scale of development intended for the C2 zone. The proposal does not displace a preferred use but instead replaces a vacant lot and a single story office building that detract from the vibrancy of the neighborhood. Per the Neighborhood Plan, a mixed-use building in the form of the proposal is desired by the neighborhood in this location.

There are no topographical features present that make the rezone inappropriate.

Compliance with 2035 Relevant Comprehensive Plan Goals and Policies

Growth Strategy Goal 1: Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers (Greenwood/Phinney Residential Urban Village is slated for 30% Expected Growth Rate beyond the actual number of housing units present in 2015).

Policy GS 2.3: Accommodate a substantial portion of the city's growth in hub and residential urban villages.

The project supports the goal and policy to direct density and growth to the Urban Village and while this property is not in an urban village it is immediately across the street from one and there is a large hill immediately to the east which contributes to the appropriateness of the upzone.

Policy GS 2.4: Work toward a distribution of growth that eliminates racial and social disparities by growing great neighborhoods throughout the city, with equitable access for all and with community stability that reduces the potential for displacement.

The project includes affordable residential units in this neighborhood and the City.

Policy GS 3.3: Encourage design that recognizes natural systems and integrates ecological functions such as stormwater filtration or retention with other infrastructure and development projects.

The project will include green stormwater infrastructure techniques to the greatest extent feasible.

Policy GS 3.7: Promote the use of native plants for landscaping to emphasize the region's natural identity and foster environmental health.

The project will include native landscaping.

Policy GS 3.11: Use zoning tools and natural features to ease the transitions from the building intensities of urban villages and commercial arterials to lower-density developments of surrounding areas.

Please see our discussion of transitions and setbacks to appropriate to the steep slope adjacent to the proposed new building.

Policy GS 3.14: Design urban villages to be walkable, using approaches such as clear street grids, pedestrian connections between major activity centers, incorporation of public open spaces, and commercial buildings with retail and active uses that flank the sidewalk.

The project meets this policy and encourages walkability through the widened sidewalk and retail spaces.

Policy GS 3.16: Encourage designs for buildings and public spaces that maximize use of natural light and provide protection from inclement weather.

The project's design will protect and use natural light and provide appropriate overhead weather protection.

Policy GS 3.18: Use varied building roof forms and heights to enhance attractive and walkable neighborhoods.

The project's design will provide attractive roof forms and heights; the addition of some height to this project provides attractive variation in design adding to neighborhood walkability.

Policy GS 3.21: Limit the negative impacts of tall buildings on public views and on sunlight in public streets and parks by defining upper-level building setbacks and lot coverage or by using other techniques.

See discussion regarding transition and setbacks above.

Policy GS 3.25: Promote well-defined outdoor spaces that can easily accommodate potential users and that are well integrated with adjoining buildings and spaces.

The project includes a wider sidewalk for pedestrians well-integrated with adjoining buildings and the subject project to encourage usability.

Land Use Goal G1: Achieve a development pattern consistent with the urban village strategy, concentrating most new housing and employment in urban centers and villages, while also allowing some infill development compatible with the established context in areas outside centers and villages.

The project supports the urban village strategy by permitting additional density in this neighborhood, which is adjacent to the University Village area.

Police LU 1.1: Use the Future Land Use Map to identify where different types of development may occur in support of the urban village strategy.

The Future Land Use Map designates this parcel as "Mixed Use/Commercial" and is an appropriate place for additional density, consistent with the urban village growth strategy.

Policy LU 1.2: Promote this plan's overall desired land use pattern through appropriate zoning that regulates the mix of uses as well as the size and density of development to focus new residential and commercial development in urban centers and urban villages,

and integrate new projects outside of centers and villages into the established development context.

The project is consistent with new mixed use development in the city.

Policy LU 1.3: Provide for a wide range in the scale and density permitted for multifamily residential, commercial, and mixed use projects to generally achieve the following overall density and scale characteristics, consistent, at a minimum with the guidelines in Growth Strategy Figure 1:

- *In urban centers, a moderate to high-density and scale of development*
- *NI hub urban villages, a moderate density and scale of development*
- *In residential urban villages, a low to moderate density and scale of development*
- *Consider higher densities and scale of development in areas near light rail stations.*

The project self-limits its height to 65 feet, which is only 10 feet taller than the imminent C2-55 zone. The modest increase in density by a floor beyond existing zoning is consistent with the density and scale of development anticipated for this area.

Policy LU 1.4: Provide a gradual transition in building height and scale inside urban centers and urban villages where they border lower-scale residential areas.

See transition and setback discussion above.

Policy LU 1.5: Require Future Land Use Map amendments only when needed to achieve a significant change to the intended function of a large area.

No FLUM amendment is proposed or necessary for this rezone proposal.

Response to Additional Neighborhood Goals

Land use & community character goals

Our proposal provides a sidewalk and pedestrian-oriented frontages on Union Bay Place, where none currently exists. Retail strategy is for an inclusive and diverse array of uses throughout all times of day, with particular emphasis on providing for basic needs for families in the local community. The ground level design will have weather protection, public areas for seating that creates additional frontages and places to gather.

A neighborhood with streets that are green, tree-lined, pedestrian and bicycle friendly, and contribute to an integrated open space system.

Our proposal will improve our frontage to create new sidewalks and tree wells to provide the widest possible area for both pedestrians and new, large tree plantings. Where possible, we are keeping healthy mature trees, recommended by our arborist and landscape architects.

Our proposal is consistent with the overall growth of the neighborhood, concentrating new housing and services on the few larger parcels adjacent to the Urban Village. The redevelopment of our site into much needed residential mixed-use housing is consistent with the neighborhood growth pattern.

The character of our proposal is also designed to be compatible with the surrounding context. Our architectural strategy is to follow the lines of the street and the old railroad spur line which existed previously. Also, the scale of our façade material, window size and fenestration design are all designed to complement and reflect the existing character of the buildings in the neighborhood.

Our architecture team has a commitment to creating a building of high-quality design and identity. Our design strategy is to create a building with a timeless character.

The project is being reviewed through the Design Review process and will comply with the relevant Ravenna Bryant neighborhood design guidelines.

Our proposal is within a commercial zone (C2). The scale and character is consistent and compatible with the neighborhood as described above and again here:

Our proposal is consistent with the overall growth of the neighborhood, concentrating new housing and services on the few larger parcels adjacent to the University Urban Village. The redevelopment of our site into residential mixed-use housing is consistent with the neighborhood growth pattern.

Our project is located along Union Bay Place NE. We will be improving the ROW in our frontages to improve pedestrian, bicycle and transit access. We will maximize the

sidewalks and create new planter strips and landscaping along with overhead weather protection.

Appendix A – Community Support

We have engaged the community through many meetings, and we have met individually with neighboring landowners, retailers and attended scheduled meetings with community organizations, including the Ravenna Bryant Community Association and the Laurehurst Community Council.

Following are letters of support for our project.

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,


I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,


3503 47th Ave N.E.

Seattle, WA 98105

February 1, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Smith", written in a cursive style.

Scott Smith
5508 NE 55th ST.
Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northeast neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along the east side of Union Bay Place NE from a 55' height limit to a 65' height under the city-wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Glant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Glant
3532 45th Ave NE
Seattle, WA 98105

February 1, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

We have been residents in the northeast neighborhood of Seattle eleven years (east of University Village). We are aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along the east side of Union Bay Place NE from a 55' height limit to a 65' height under the city-wide rezone proposed by the City of Seattle.

We fully support this requested boundary extension to a **65' height** and believe it will encourage more housing development with the appropriate amount of density for this location, and also provide current residence with more street level amenities. My wife and I walk to the Village all the time in the summer and would love to see more restaurants, coffee shops, etc. along Union Bay Place.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Matt & Shannon Hermsen". The signature is written in black ink and is positioned above the typed name.

Matt & Shannon Hermsen

4546 East Laurel Drive NE

Seattle, WA 98101

206-898-2655

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height. This part of the neighborhood has always been underutilized and something of an eyesore. I believe the extension will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Thomas F. Johnson
4844 NE 42nd Street
Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



7700 Forest Drive NE
Seattle, WA 98115

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a **65' height** and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken B.", with a long horizontal line extending to the right.

7700 Forest Drive NE
Seattle, WA 98115

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

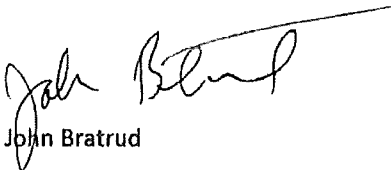
I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bratrud", with a long horizontal line extending from the end of the signature.

John Bratrud

6539 NE Windermere Road

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Handwritten signature of Darren Casey in black ink, consisting of a stylized 'D' and 'C' followed by a horizontal line.

Darren Casey

7522 Crest Dr NE

Seattle, WA 98115

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city-wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Scott Summers

3650 42nd Avenue NE

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

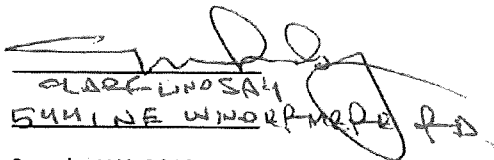
I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,


CLARK LINDSAY
5411 NE WINSTON RD.

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Peter Somers

2347 51st Ave NE

Seattle, WA 98115

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive name that is difficult to decipher but appears to start with a large 'R' or 'J'.

4047 Forest Dr. NE

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



JEFF Droselman
6536 53rd Ave NE

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



J. Bradley Scelfo

3143 W. Laurelhurst Drive NE

Seattle WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

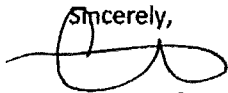
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I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Kip Prohaszka
4407 52nd Ave NE

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,


I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,


Stuart W. Oswald
4820 NE 44th St

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Steve DiPietro
5737 63rd Ave. NE
Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,


I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



5656 NE 55th St

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

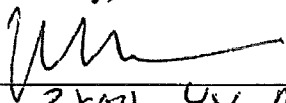
I was a resident in the northwest neighborhood of Seattle for many years (east of University Village) and continue to work in the Bryant neighborhood. I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a **65' height** and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,


3800 44 AVE NE
Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

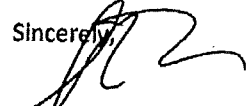
I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



SM FORD
435 4E 44TH ST

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

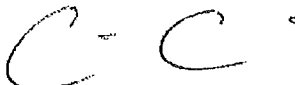
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I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,


Chet Crile
4316 NE 38th St.

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

Matt Christian

3203 43rd Ave NE

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

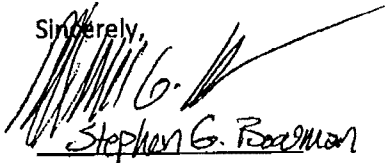
I have been a resident in the northeast neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along the east side of Union Bay Place NE from a 55' height limit to a 65' height under the city-wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Stephen G. Boorman
4640 Union Bay Pl NE.

Seattle, WA 98105

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northeast neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along the east side of Union Bay Place NE from a 55' height limit to a 65' height under the city-wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

Richard M. Staffman
4637 UNION BAY PLACE NE

Seattle, WA 98105

February 6th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northwest neighborhood of Seattle my entire life (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Grey', with a long, sweeping horizontal line extending to the right.

Mark Grey
District 4 Homeowner

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,

I have been a resident in the northeast neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a 65' height and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Bonipart", with a long horizontal flourish extending to the right.

Brian Bonipart
8209 20th Ave NE
Seattle, WA 98115

January 29th, 2018

Mr. Rob Johnson
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Re: Zoning Change to 65' along Union Bay Place NE

Dear Mr. Johnson,


I have been a resident in the northwest neighborhood of Seattle for many years (east of University Village). I am aware that there is a request to extend the upzone boundary across Union Bay Place, to the east (next to the Burke Gilman Trail). This would revise the proposed zoning along east side of Union Bay Place NE from a 55' height limit to a 65' height under the city wide rezone proposed by the City of Seattle.

I fully support this requested boundary extension to a **65' height** and believe it will encourage more housing development with the appropriate amount of density for this location.

Thank you in advance for your efforts to facilitate this change.

Let me know if you have any questions.

Sincerely,



Craig Timberlake

Seattle, WA 98105

January 27, 2020

MEMORANDUM

To: Land Use & Neighborhoods Committee
From: Yolanda Ho, Analyst
Subject: Clerk File 314434 – Application of Barrientos Ryan LLC, to rezone an approximately 20,000 square foot parcel located at 4544, 4550, and 4600 Union Bay Pl NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2-55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2-65 (M1)) (Project No. 3030253, Type IV).

On February 12, 2020, the Land Use & Neighborhoods Committee (Committee) will discuss an application to rezone the property located at 4544, 4550, and 4600 Union Bay Place NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2-55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2-65 (M1)) (Project No. 3030253, Type IV). This memorandum:

- (1) Provides an overview of the rezone application contained in [Clerk File \(CF 314434\)](#);
- (2) Describes proposed Council Findings, Conclusions, and Decision regarding the application, which would grant the rezone application;
- (3) Summarizes a bill, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development; and
- (4) Describes the actions the Committee may take to adopt the rezone.

Overview

Barrientos Ryan LLC (Applicant) has applied for a contract rezone for a 20,300 square foot site comprised of three parcels, addressed as 4544, 4550, and 4600 Union Bay Place NE. The Applicant plans to redevelop the site with a six-story, 98-unit apartment building with approximately 2,000 square feet of retail space and parking for 63 cars and 92 bicycles. Twenty percent of units are proposed to be affordable to households at 65 to 85 percent Area Median Income through the Multifamily Property Tax Exemption Program. The proposed structure height would be around 65 feet above average grade. The rezone would allow the Applicant to provide about 20 more units than would be allowed under current zoning.

The Applicant filed a rezone petition in February 2019. On November 12, 2019, the Director of the Seattle Department of Construction and Inspections (SDCI) issued an affirmative rezone recommendation, State Environmental Policy Act decision, and design review decision. The decision was not appealed. The Hearing Examiner held an open record public hearing on December 3, 2019, and issued a recommendation on December 13, 2019, to approve the rezone subject to a PUDA and the provisions of Seattle Municipal Code (SMC) [23.58B](#) and

[23.58C](#), and a requirement that development of the rezone area be consistent with the approved plans under SDCI [Project Number 3030253-LU](#). The Hearing Examiner's decision was not appealed. The Hearing Examiner's findings and recommendation are included as Attachment 1.

Type of Action and Materials

This rezone petition is a quasi-judicial action. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication. Council decisions must be made on the record established by the Hearing Examiner.

The Hearing Examiner establishes the record at an open record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. The entire record, including audio recordings of the Hearing Examiner's open record hearing are available for review in my office.

Committee Decision Documents

To approve a contract rezone, the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that is added to the Clerk File and grants the rezone application, and (2) a Council Bill amending the zoning map and approving a PUDA.

Findings, Conclusions and Decision

Attachment 2 is a draft of the proposed Council Findings, Conclusions and Decision, which:

1. Adopts the Hearing Examiner's findings and conclusions;
2. Adopts the Hearing Examiner's conditions; and
3. Grants the rezone subject to the recording of a PUDA requiring the owner to comply with the Hearing Examiner's conditions.

If the Committee agrees with the Findings, Conclusions and Decision document as drafted, it should vote to adopt the Findings, Conclusions and Decision, and vote to recommend that the City Council grant the rezone as modified subject to conditions.

Council Bill and the PUDA

If the Committee is supportive of the proposed rezone with the conditions laid out in the draft Findings, Conclusions, and Decision, I will work to prepare a Council Bill for introduction and referral to the City Council that would amend the zoning map and approve the PUDA. I will also work with the Applicant to have the final PUDA recorded with King County that reflects the Committee's direction. The PUDA would incorporate the following conditions recommended by the Hearing Examiner:

1. Development of the site would be subject to requirements of SMC Chapters 23.58B and 23.58C; and
2. Development of the property must substantially conform with the approved Master Use Permit plans.

Next Steps

Depending on Committee action, the Council Bill and PUDA could be introduced and referred to the City Council on February 24, and the Council may vote on March 2.

Attachments:

1. Hearing Examiner's recommendation to approve the rezone; and
2. Proposed Council Findings, Conclusions and Decision.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

Attachment 1 - Hearing Examiner's recommendation to approve the rezone**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

CF 314434**MARIA BARRIENTOS,
BARRIENTOS RYAN LLC**Department Reference:
3030253-LUfor approval of a rezone of property
located at 4600 Union Bay Place NE**Introduction**

Maria Barrientos, Barrientos Ryan LLC (“Applicant”), applied for a contract rezone of property located at 4600 Union Bay Place NE. The property is currently zoned Commercial 2 with a 55-foot height limit (“C2-55 (M)”), and the proposal is to rezone it to Commercial 2 with a 65-foot height (“C2-65(M1)”). The Director of the Department of Construction and Inspections (“Director”) issued a report recommending approval of the rezone. The Director’s report included a State Environmental Policy Act (“SEPA”) Determination of Non-Significance, design review approval, and an administrative conditional use permit, all of which were not appealed.

The public hearing on the rezone application was held on December 3, 2019 before the Deputy Hearing Examiner (“Examiner”). The Applicant was represented by Jessica Clawson, attorney-at-law, and the Director was represented by Carly Guillory, Senior Land Use Planner at the Department of Construction and Inspections (“Department”).

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. Having considered the evidence in the file, the Examiner enters the following findings of fact, conclusions and recommendation on the rezone application.

Findings of FactSite and Vicinity

1. The subject site is 20,300 square feet and consists of three parcels. It is addressed as 4544, 4550, and 4600 Union Bay Place NE. The site fronts Union Bay Place NE to the southwest and is bound on either side with commercial and industrial uses. The site generally slopes up from Union Bay Place NE to the alley in the rear. There is a brush-covered steep slope, gaining approximately 30 feet in elevation, directly to the east of the site, leading up to the Burke-Gilman Trail and the single-family neighborhood beyond. A portion of the steep slope is an unimproved alley with no access.

2. The subject site is presently developed with two one-story concrete structures and a surface parking lot. The surface parking lot was once occupied by Laurelhurst Oil Company. The Washington Department of Ecology had previously instituted a clean-up action for contaminants found on site. The Applicant obtained a “No Further Action” letter from Ecology, finding that the site had been sufficiently cleaned up to meet state standards.¹
3. The existing development along Union Bay Place NE consists of a range of uses and development including warehouses, surface parking lots, swaths of large curb cuts and underdeveloped sidewalk conditions, and new mixed-use development with retail at grade. Swedish Primary Care, Safeway, and the University Village are examples of uses in proximity of the site. The height of development ranges from two to six stories. To the east of the site and up the hill is an unimproved alley, the Burke-Gilman Trail, and a single-family neighborhood beyond.
4. The subject site is located on Union Bay Place NE, a collector arterial street with direct access to NE 45th Street, a minor arterial street, and State Route 513. State Route 513 is a regional arterial and is removed from connection to the state and interstate highway system. Interstate 5 is approximately 1.4 miles away and State Route 520 is 1.3 miles away.
5. Properties to the immediate north and south of the proposal along Union Bay Place NE are zoned C2-55(M). Properties across the street to the west are C2-75(M), and properties up the hill are single family with 30-foot maximum building height (SF5000). Single-family zoning to the east is separated from the subject site via 125 linear feet, and a grade change of approximately 30 feet.
6. Transit is available nearby at the corner of Union Bay Place and NE 45th Street, approximately one block away. The transit routes with stops in the vicinity are King County Metro Routes 31, 32, 65, 67, 75, and 78. The routes service the following neighborhoods:
 - a. Route 32/32: Magnolia to Fremont to University District
 - b. Route 65: Jackson Park to Lake City to University District
 - c. Route 67: Northgate TC to University District to Children’s Hospital
 - d. Route 75: Northgate TC to Lake City to Sand Point to University District
 - e. Route 78: Children’s Hospital to UW Light Rail Station

Zoning History and Potential Zoning Changes

7. The subject site is not located within an urban center, urban village, or neighborhood plan. Historically, the street has contained small-scale commercial and industrial uses.

¹ Exhibit 17.

8. The Housing Affordability and Livability Agenda (“HALA”) Advisory Committee delivered a set of recommendations to the Mayor and the City Council in 2015, that included mandatory housing affordability for residential (“MHA-R”) and commercial (“MHA-C”) development. Following the recommendations, the Seattle City Council adopted a city-wide rezone that took effect on April 19, 2019. The MHA legislation requires that commercial and multi-family residential developments either include affordable housing units in the building or pay into a fund to provide housing affordable to low-income households, in exchange for increases in development capacity.
9. The city-wide rezone included zoning map changes, expansions of some urban village boundaries, modifications to development standards, and other actions to implement MHA requirements for multi-family and commercial development in certain areas. The subject site was included in these zone changes and received an up-zone from C2-40 to C2-55(M) effective on April 19, 2019. Because the site is not located in an urban village or urban center, it was not targeted for higher zoning densities.
10. The City Council anticipated the need for individual contract rezones, and therefore to provide a tool to allow more density where appropriate on a case-by-case basis. The MHA legislation provides a method for allowing up-zones of properties already possessing an (M) suffix in SMC 23.34.006. A rezone that otherwise meets rezone criteria could allow for increased density in exchange for additional MHA requirements.
11. The Applicant proposes a height change from 55 feet to 65 feet. Under SMC 23.34.006, such a change requires the (M) suffix to become (M1). Director’s Rule 14-2016 provides a detailed explanation of the requirement.
12. The project will provide 20 more units than would have been available under the current zoning, with four of the units classified as affordable housing. In total, 20% of the units are designated as affordable, meeting MHA requirements.

Neighborhood Plan

13. The site is not within the boundaries of an adopted neighborhood plan. The boundary of the Ravenna Bryant Neighborhood is approximately one block away.
14. The Applicant met with the Ravenna Bryant Community Association and discussed the goal of the plan to encourage pedestrian-scaled mixed-use development that provides neighborhood services. The proposal will incorporate retail use with a pedestrian plaza area, thereby increasing pedestrian interest and activity in the commercial node through the use of an engaging streetscape and density.

15. The site is located across the street and to the east of the University District Urban Center boundary, which has a growth target of 3,500 new housing units in the 2035 Comprehensive Plan.

Proposal

16. The Applicant seeks a rezone from C2-55(M) to C2-65(M1), with a property use and development agreement (“PUDA”). The terms of the PUDA are not disclosed in the record before the Examiner. The Applicant plans to construct a six-story 98-unit apartment building with retail. Parking is proposed for 63 vehicles.
17. The existing structures on site are more than 50 years old. These structures were reviewed, for potential to meet historic landmark status, by the Department of Neighborhoods and found to be unlikely to qualify for historic landmark status.² The Applicant proposes that the existing single-story buildings be demolished, and the Department concurs with that recommendation.
18. Twenty percent of the units will be reserved as affordable, pursuant to MHA requirements. Those units will be priced at 60-80% of average mean income.
19. The proposed rezone would allow for a single story of additional height and will increase the unit yield by 20 units.
20. Existing vehicular access to the subject site is along Union Bay Place NE, and the proposal will continue to use the same access. The Seattle Department of Transportation (“SDOT”) granted the Applicant’s right-of-way improvement exception request to the requirement to dedicate land and improve the abutting alley. SDOT determined that it is impractical to open the right-of-way due to steep slope, disruption of drainage patterns, and destruction of significant trees.³
21. The design review packet submitted for the proposal was reviewed by the Northeast Design Review Board (“DRB”) at public meetings on March 26, 2018 (“Early Design Guidance”), and May 20, 2019 (“Recommendation”). The DRB considered massing, architectural concept, streetscape, and public realm. The Board was pleased with the development of the architectural concept from early design guidance. The Board approved the proposal subject to two Development Standard Departures, one concerning the width of blank walls and the other departure allowing a reduction of commercial depth from 30 feet to 28 feet and 8 inches. It recommended approval of the subject design and departures subject to conditions. The Director accepted the Design Review Board’s recommendations, and conditionally approved the proposed design and requested departures with conditions.

² Exhibit 37.

³ Exhibit 20.

22. The Applicant proposes 63 parking spaces for the 98-unit building. A traffic and parking analysis in May 2018 indicated a peak demand for approximately 88 vehicles from the proposed development, which would result in an on-street spillover of approximately 35 vehicles. The traffic consultant estimated the project's residential parking demand using the King County Right Size Parking model, an empirically-based regression model that provides estimates of peak parking demand for multi-family projects in King County. After the study for the project was completed, the County updated the Right Size Parking model, incorporating additional parking data. Using the updated model, the project is now forecast to have a peak parking demand of approximately 55 vehicles. The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation has been proposed by the department pursuant to SMC 25.05.675.M.⁴
23. The Traffic Impact Analysis indicated that the project is expected to generate a net total of 231 daily vehicle trips, with 22 net new PM Peak Hour trips and 18 new AM Peak Hour trips. The additional trips are expected to distribute on various roadways near the project site, including Union Bay Place NE, and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner who reviewed the information determined that no mitigation is warranted per SMC 25.05.675.R.

Public Comment

24. Comments were received during the design review process for the proposal.⁵ Comments received raised concerns related to height and bulk of the proposal, view impacts to the Burke Gilman Trail and the single-family neighborhood to the west, the need for sidewalk improvements on the entire street, and compatibility with the neighborhood character and zoning. There was also support for the project. Citizens commented that the proposal would provide needed housing near Seattle Children's Hospital, as well as better walkability and retail space along Union Bay Place NE.
25. No members of the public testified at the public hearing, and no additional public comments were received by the Hearing Examiner during the hearing process.

Director's Review

26. The Director's report, Exhibit 1, analyzes the proposed contract rezone and recommends that it be approved with conditions.
27. The Director analyzed the proposal's potential long-term and short-term environmental impacts, under the State Environmental Policy Act, and issued a

⁴ Exhibit 21 at p. 8.

⁵ See a summary of public comment at Exhibit 1 at 3-4, & 6-7.

- Determination of Non-Significance. The threshold determination was not appealed.
28. The Director granted an administrative conditional use permit allowing residential development in a C2-65 (M1) zone. That permit approval was not appealed.
 29. The Director accepted the Design Review Board's recommendations, and conditionally approved the proposed design and the requested departures with conditions listed at the end of the Examiner's Findings and Recommendations.

Applicable Law

30. SMC 23.34.008 provides the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers and boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas; and whether the area is within an incentive zoning suffix.
31. SMC 23.34.007.C provides that compliance with the requirements of Chapter 23.34 SMC constitutes consistency with the Comprehensive Plan for purposes of reviewing proposed rezones, but the Comprehensive Plan may be considered where appropriate.
32. SMC 23.34.006 governs the application of MHA suffixes in Type IV rezones, including rezones in which the subject site already has an MHA suffix.⁶

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation to the City Council on the proposed contract rezone pursuant to SMC 23.76.052.
2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC are to be weighed and balanced together, to determine the most appropriate zone and height designation. "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement" SMC 23.34.007B. The general rezone criteria, including "zoning principles," are set forth in SMC 23.34.008.

Effect on Zoned Capacity

3. SMC 23.34.008 requires that, within an urban center or urban village, the zoned capacity, taken as a whole, is to be no less than 125 percent of the applicable

⁶ For more information, see Director's Report Exhibit 1 at 15-16.

adopted growth target, and not less than the density established in the Comprehensive Plan. The subject site is not within an urban village, however, so this criteria does not apply. The site is located across the street from the University District Urban Center boundary, to the west, which has a growth target of 3,500 housing units. The proposed rezone is consistent with SMC 23.34.008.A.

Match Between Zone Criteria and Area Characteristics

4. In this case, the proposal does not seek a change in the existing C2-zone designation. The C2 zone criteria in SMC 23.34.076 continues to match the characteristics of the area better than any other zone designation. This site is a one-block street and borders the University District Urban Center boundary.⁷ The proposal does seek a change in height, which is addressed below.

Neighborhood Plan/Precedential Effect

5. The subject site is not located within the boundaries of any neighborhood plan.
6. The C2-65(M1) would allow a maximum height of 65-feet with a floor area ratio of 4.25. The proposal is consistent with development expectations for the area across the street, which is within the University District Urban Center. This proposal could have a precedential effect of increasing zoned heights on the same side of the street, outside the Urban Center boundary. With the height at 65 feet, the proposed zoning does serve as a transition between the single-family neighborhood perched 30 feet above the site and the C2-75(M) zone to the west.

Zoning Principles

7. The zoning principles listed in SMC 23.34.008.E are generally aimed at minimizing the impact of more intensive zones on less intensive zones, if possible. They express a preference for a gradual transition between zoning designations, including height limits, if possible, and potential physical buffers to provide an effective separation between different uses and intensities of development.
8. The predominant zoning pattern is C2-55(M) on the same side of the street as the proposal, and C2-75(M) for the opposite side of the street. To the west of Union Bay Place NE is University Village, a large urban shopping center. Essentially, the side of the street adjacent to the Burke Gilman Trail and outside of the urban center boundary acts as a transition to the single-family neighborhood above.
9. The subject site is in a transition area from the single-family neighborhood to the intense development of University Village. Several permanent features aid in that

⁷ Ex. 1 at 27.

transition. The grade of the single-family neighborhood sits approximately 30 feet above the grade of the subject site and is buffered by a park – the Burke Gilman Trail. The Trail is an old railway right-of-way and contains large trees and natural vegetation that provide an effective transition. In addition, the steep slope leading down to the site contains an unopened right-of-way, adding further distance between the single family residences and commercial development. Finally, the building across the street from the subject site will be 75 feet in height when completed. The 65-foot height of the proposal will step down from the 75-foot building.⁸ In addition, the street layout will change from an industrial area without sidewalks, to a pedestrian-friendly environment with retail.

Impact Evaluation

10. The proposed rezone would positively impact the housing supply, as it would add 98 new residential units with 20% as affordable units. The proposal would also have a positive effect by adding retail activity and pedestrian interest on a street that currently does not have any.
11. The proposal would create a minimal increase in the demand for public services. There is no evidence in the record that the demand would exceed service capacities. In particular, street access, transit service, and parking, were shown to be sufficient to serve the additional units that would be allowed by the rezone. The Director has evaluated impacts on public services and service capacities, as well as parking, height, bulk and scale, transportation and other environmental impacts, pursuant to SEPA, and has identified conditions to mitigate impacts that are not otherwise adequately addressed through existing regulations.
12. The project has obtained confirmation that adequate water, sewer, transit, storm water, and electrical services exist to serve the proposed project. The Preliminary Assessment report creates a record reflecting these adequacies.⁹
13. This project underwent Design Review, in which the Design Review Board and the Director considered height, bulk, and scale, transitions to lower zones, and response to existing context. The design that has been recommended by the Design Review Board, and approved by the Director, includes design strategies to address the project's height, bulk, and scale.
14. The site does not lie within a shoreline district, no public access is being impacted or removed with this proposal, and no existing recreational areas are being impacted or removed.

⁸ Ex. 1 at 19.

⁹ Ex. 25.

Changed Circumstances

15. Changed circumstances are to be considered but are not required to demonstrate the appropriateness of a proposed rezone. There are no changed circumstances to be considered in reviewing the proposal. The rezone does not propose to change the property from the existing C2 classification but will allow a height increase which is addressed under the review of other criteria.

Overlay Districts/ Critical Areas

16. The subject property contains a mapped erosion hazard area along the eastern boundary. The project was granted relief from prohibition on development in the steep slope area of the site pursuant to SMC 25.09.090.B (construction permit number 6631858-CN, April 25, 2018). Because the steep slopes were created to develop the railroad right-of-way, the project qualifies for "Relief from the Prohibition on Development in the Steep Slope Buffer," as described in SMC 25.09.090.B.2.b. For this reason, no steep slope variance is required, and development may occur within the steep slope buffer. The rezone will not impact a critical area.

Height Limits

17. The proposed rezone would allow an additional 10 feet in zoned height. SMC 23.34.009 addresses the designation of height limits for proposed rezones. The issues to be considered include the function of the zone; the topography of the area and its surroundings, including public and private view blockage; height and scale of the area; compatibility with the surrounding area; and neighborhood plans.
18. Function of the zone. Height limits are to be consistent with the type and scale of development intended for the zone classification. In addition, the demand for permitted goods and services, and potential for displacement of preferred uses resulting from the proposed development are to be considered. The site abuts the C2 zoning designation to the north, south, and west with height limits of 55 and 75 feet. The proposal's multi-family residential uses with commercial elements is be consistent with the type and scale of new development in the vicinity and the proposed C2-65(M1) zoning and would not change the variety and size of commercial uses that is presently allowed. There will be no displacement of preferred uses.
19. Topography of the area. Heights are to "reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage" is to be considered. The proposed structure may impact territorial views from adjacent properties. To mitigate this potential, the roof has been designed to become the "fifth façade" of the structure and incorporates additional modulation and detailing. A "no-build" easement has been secured from the neighboring property

to the south to ensure there is a permanent view corridor between this property and any future development on the parcel to the south. View blockage is minimized by the topography of the area and existing vegetation, including significant trees along the Burke Gilman Trail.

The existing zoning transition pattern in this area generally reinforces the natural topography of the area. Zoning allowing taller buildings is located along the west side of Union Bay Place NE. The proposed rezone does not change this pattern.

20. Height and scale of the area. The height limits established by current zoning in the area are to be considered. In general, permitted height limits are to “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.” SMC 23.34.009.C. The proposed development would be consistent with the predominant height and scale of nearby newer development, which is representative of the area’s overall development potential. Older mid-century buildings in the area are not representative of the development potential for zoning in this area. Height potential for this area is 55-75 feet, so this proposal fits into the height and scale of the area.
21. Compatibility with surrounding area. Height limits are to be compatible with actual and zoned heights in surrounding areas. In addition, a gradual transition in height, scale, and level of activity between zones is to be provided unless major physical buffers are present. The requested height limit of 65 feet, would be compatible with most of the potential zoned heights in the surrounding area. A large portion of the area to the west has a height limit of 75 feet. The proposed height of 65 feet is consistent with the transition of zoned heights and scale of development in the area. Moreover, there is a significant physical buffer between the single-family neighborhood and the subject site, which is approximately 125 linear feet in width and encompasses a 30-foot rise in height. It includes the unimproved alley, the Burke Gilman Trail, and NE Blakeley Street to the east of the Trail.
22. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the subject site is C2-65(M1) with a PUDA.

Recommendation

The Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA that incorporates the final approved Master Use Permit drawings for the proposal, with the following conditions:

1. *Prior to Issuance of a Master Use Permit*

The rezoned property shall be subject to the applicable provisions of Chapters SMC 23.58B and 23.58C.

2. *Prior to Issuance of a Building Permit*

Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3030253-LU.

The Director has recommended the following SEPA conditions:

3. *Prior to Issuance of Excavation/Shoring or Construction Permit*

Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at:

<http://www.seattle.gov/transportation/cmp.htm>

The Director has imposed the following design review condition on the proposal:

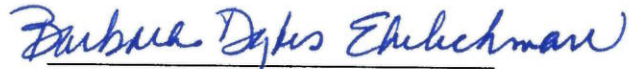
4. *Prior to Certificate of Occupancy*

The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Carly Guillory, carly.guillory@seattle.gov) or a Seattle DCI assigned Land Use Planner.

5. *For the Life of the Project*

The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Carly Guillory, carly.guillory@seattle.gov) or a Seattle DCI assigned Land Use Planner.

Entered this 12th day of December, 2019.



Barbara Dykes Ehrlichman
Deputy Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the

date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Planning, Land Use and Neighborhoods Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3
P.O. 94728
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.

Barbara D'Amico (Handwritten)

10/11/11 (Handwritten)

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

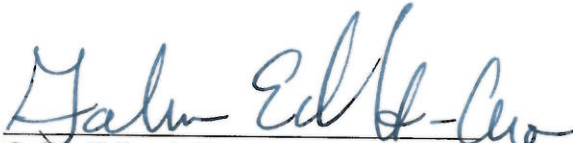
I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **MARIA BARRIENTOS, BARRIENTOS RYAN LLC**. Council File: **CF 314434** in the manner indicated.

Party	Method of Service
Applicant Maria Barrientos Barrientos Ryan LLC maria@barrientosryan.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant Legal Counsel Jessica Clawson McCullough Hill Leary, PS jclawson@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Carly Guillory SDCI carly.guillory@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
City Contacts Nathan Torgelson Director, SDCI nathan.torgelson@seattle.gov Roger Wynne City Attorney's Office roger.wynne@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

<p>Ketil Freeman City Council ketil.freeman@seattle.gov</p> <p>Public Resource Center PRC@seattle.gov</p> <p>SCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov</p>	
<p>E-mail slavin@incityinc.com jmarria@touchstonenw.com brianb@siteworkshop.net danr@workshopad.com kthaima@gmail.com carter@cone-arch.com annepaul01@comcast.net atlas@uw.edu betsy@floytag.com cfiori@htland.com davepeck@davepeck.org dbramer@hewittseattle.com SEPA@psc Cleanair.org separegister@ecy.wa.gov SEPA.reviewteam@doh.wa.gov annette.pearson@seattle.gov shirlee.tan@kingcounty.gov McCollD@wsdot.wa.gov lpa.team@kingcounty.gov drc6@uw.edu ejpowicke@gmail.com jeanamick@gmail.com jesse.giordano@seattlechildrens.org lizzys@psc Cleanair.org sslavin@newmarkrealtycapital.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger</p>
<p>U.S. Mail SUQUAMISH TRIBE PO BOX 498 SUQUAMISH, WA 98392</p> <p>DUWAMISH TRIBE 4705 W MARGINAL WAY SW SEATTLE, WA 98106</p>	<p><input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger</p>

<p>KAREN WALTER WATERSHEDS AND LAND USE TEAM LEADER MUCKLESHOOT INDIAN TRIBE FISHERIES DIVISION HABITAT PROGRAM 39015 172ND AVE SE AUBURN, WA 98092</p>	
<p>Inter-office Mail Public Review Documents Quick Information Center Seattle Public Library LB-03-01</p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid <input checked="" type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger</p>

Dated: December 13, 2019


 Galen Edlund-Cho
 Legal Assistant

Attachment 2: Proposed Council Findings, Conclusions and Decision (CF 314434)

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

In the matter of the Petition:)	Clerk File 314434
Application of Barrientos Ryan)	FINDINGS, CONCLUSIONS,
LLC, to rezone approximately)	AND DECISION
20,000 square foot parcel located at)	
4544, 4550, and 4600 Union Bay Pl)	
NE from Commercial 2 with a 55)	
foot height limit and M Mandatory)	
Housing Affordability (MHA))	
suffix (C2 55 (M)) to Commercial 2)	
with a 65 foot height limit and M1)	
MHA suffix (C2 65 (M1)) (Project)	
No. 3030253, Type IV).)	

Introduction

This matter involves a petition by Barrientos Ryan LLC (the “Applicant”), to rezone approximately 20,000 square feet of land located at 4544, 4550, and 4600 Union Bay Place NE (the “Property”) from Commercial 2 with a 55 foot height limit (C2-55 (M)) to Commercial 2 with a 65 foot height limit (C2-65 (M1)). Attachment A shows the area to be rezoned.

On November 12, 2019, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone, with conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on December 3, 2019. On December 13, 2019, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On February 12, 2020, the Land Use and Neighborhoods Committee of the Council reviewed the record and

the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the Full Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated December 13, 2019.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated December 13, 2019.

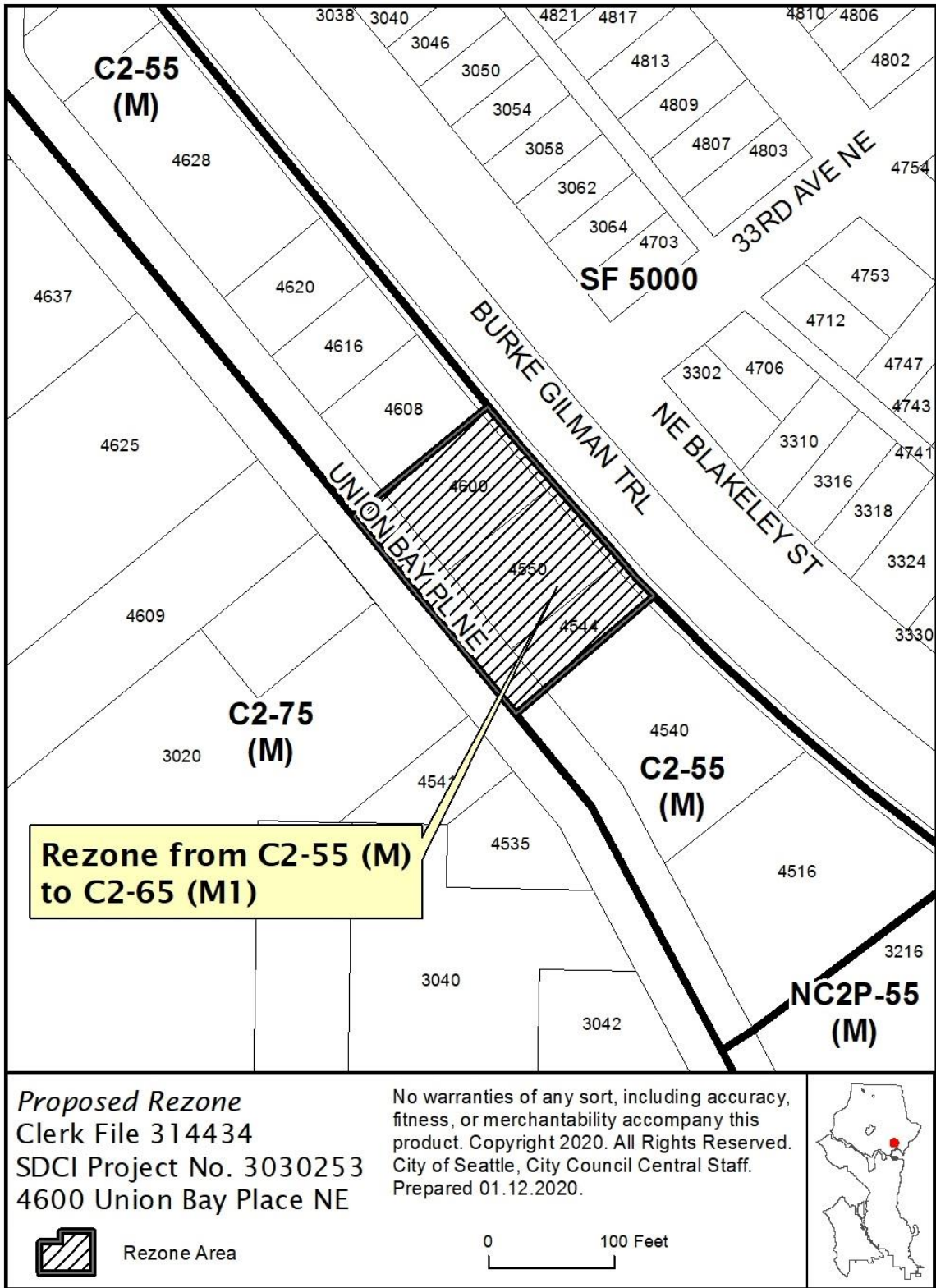
Decision

The Council hereby **GRANTS** a rezone of the Property from C2-55 (M) to C2-65 (M1) as shown in Exhibit A. The rezone is subject to the execution of a Property Use and Development Agreement requiring the owner to comply with the following conditions, consisting of the conditions found in the Hearing Examiner's recommendation adopted by the Council.

Dated this _____ day of _____, 2020.

City Council President

ATTACHMENT A





SEATTLE CITY COUNCIL
CENTRAL STAFF

4600 Union Bay Place NE Rezone (CF 314434) Excerpts from the Hearing Examiner's Exhibits

YOLANDA HO
COUNCIL CENTRAL STAFF

LAND USE & NEIGHBORHOODS COMMITTEE
FEBRUARY 12, 2020

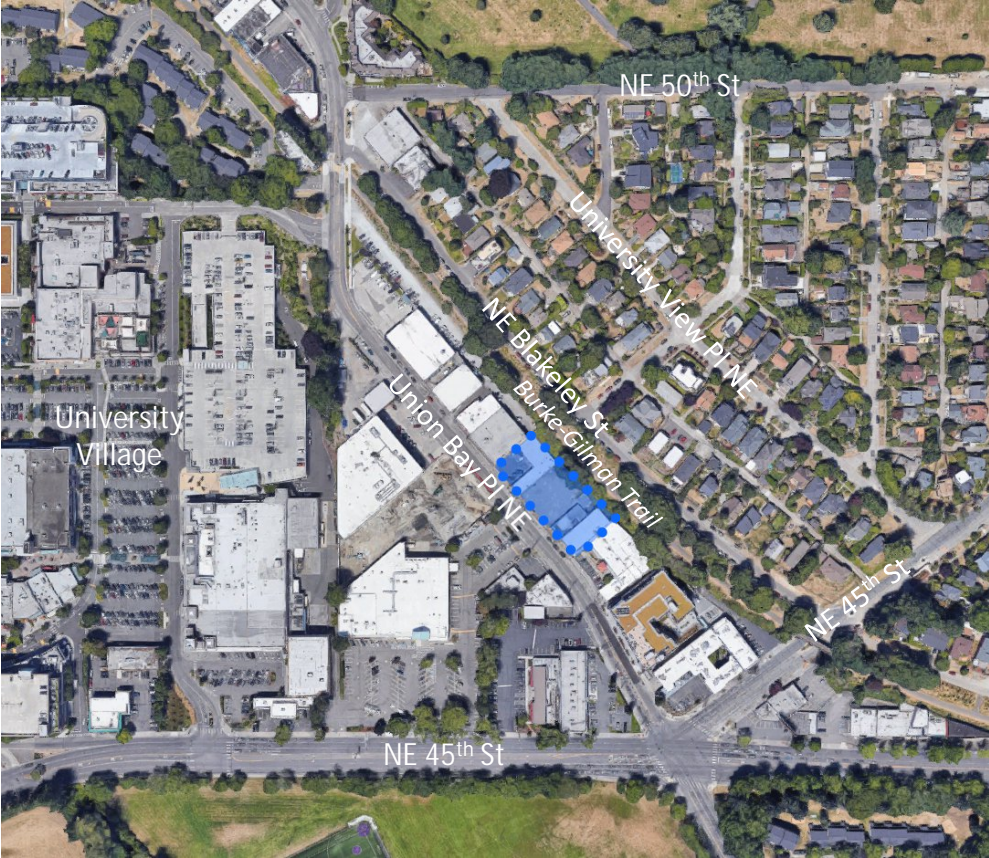
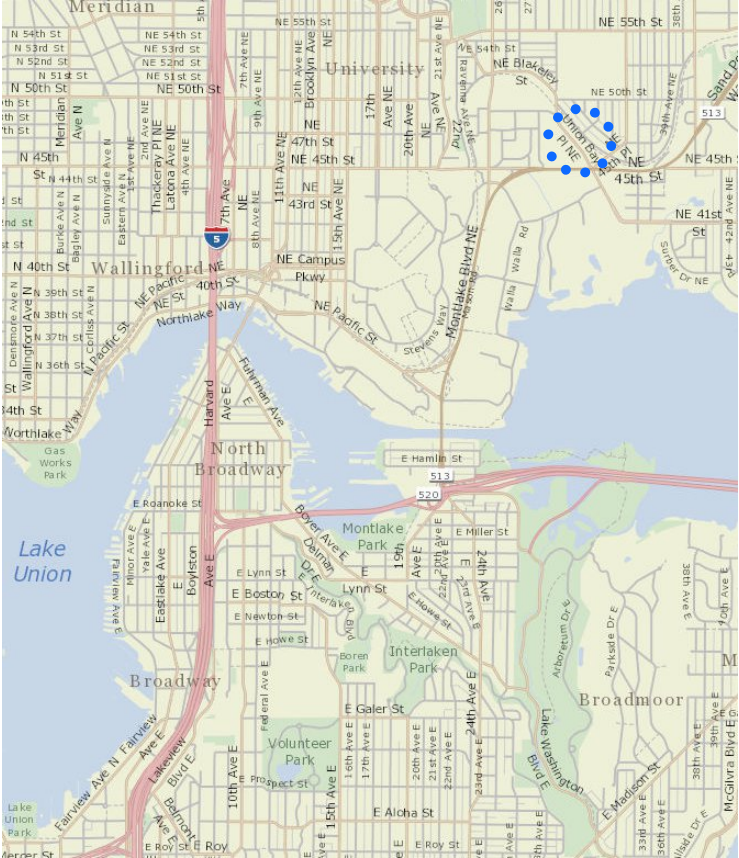
CLERK FILE 314434

Application of Barrientos Ryan LLC, to rezone approximately 20,000 square foot parcel located at 4544, 4550, and 4600 Union Bay PI NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2 55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2 65 (M1)) (Project No. 3030253, Type IV).

Development Proposal

- 98 dwelling units
- Six floors, approx. 65 feet above avg grade
- 20% affordable units (65%-85% AMI)
- Approx. 2,000 SF retail space
- Approx. 1,700 SF publicly accessible at-grade courtyard
- Parking for 63 cars and 92 bicycles

LOCATION

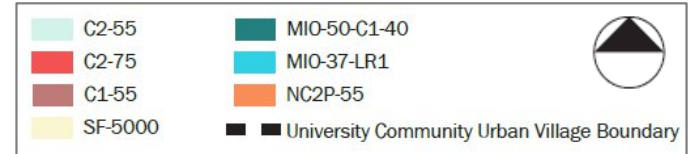
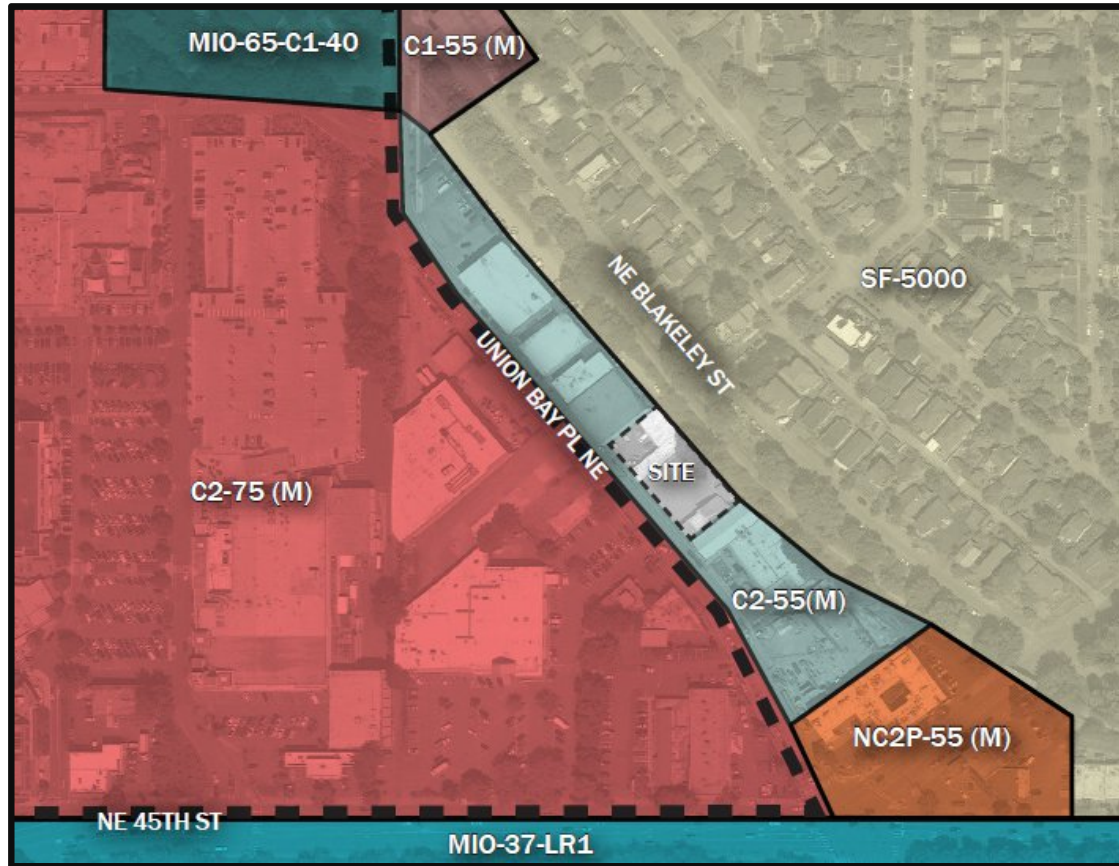


EXISTING CONDITIONS



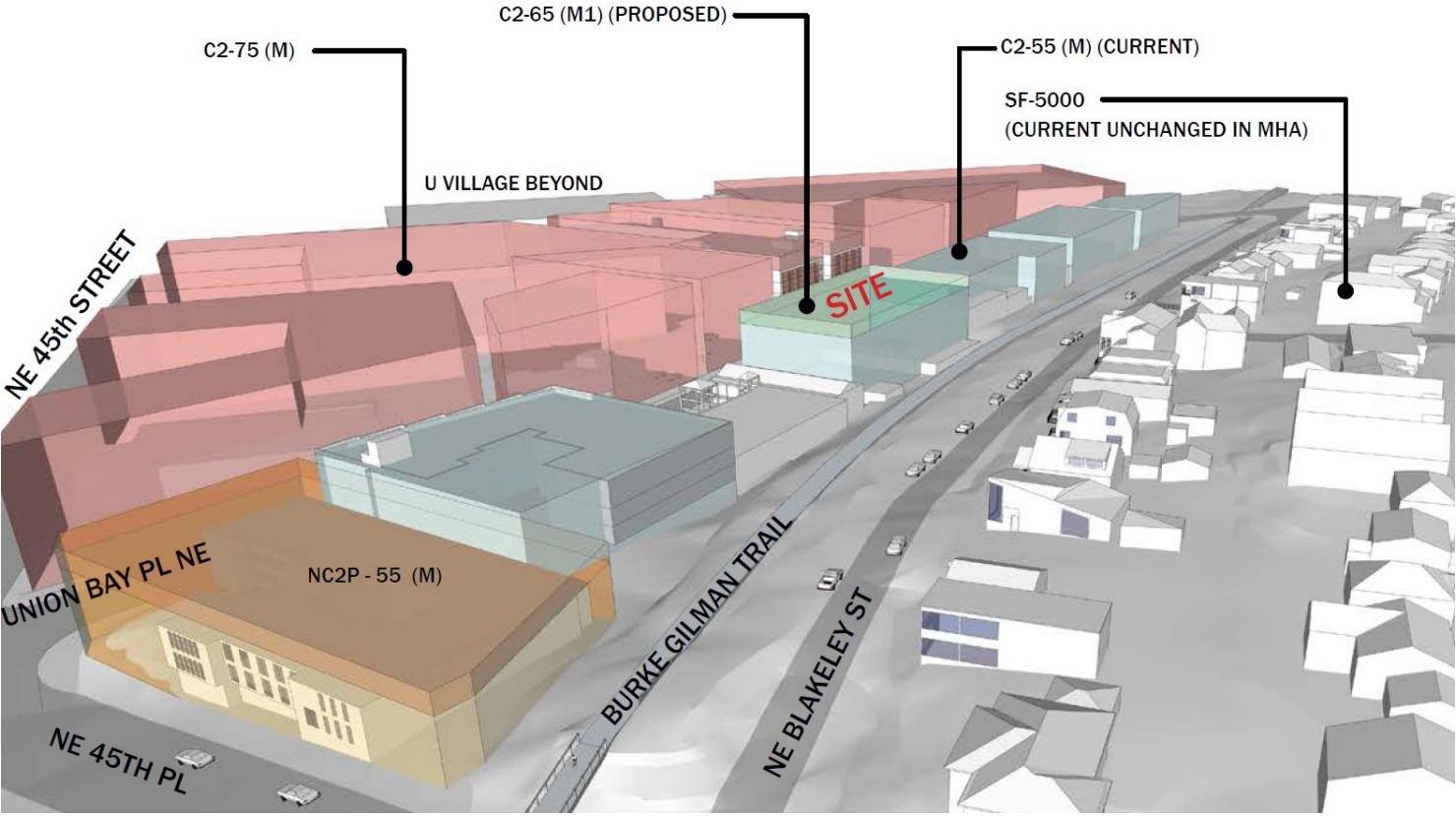
Source: Hearing Examiner Exhibit 1 – Hearing Examiner Presentation Graphic Package

CURRENT ZONING



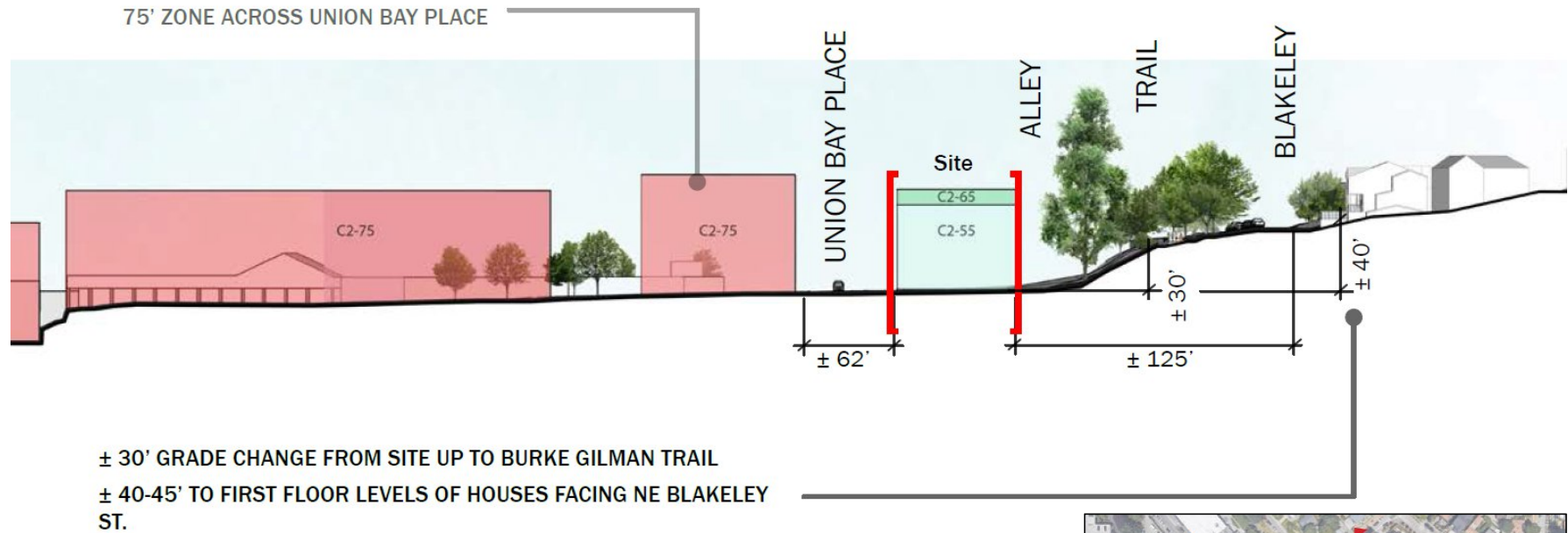
Source: Hearing Examiner Exhibit 28 – DRB REC Proposal Packet

PROPOSED MASSING



Source: Hearing Examiner Exhibit 1 – Hearing Examiner Presentation Graphic Package

ZONE TRANSITIONS AND BUFFERS



Source: Hearing Examiner Exhibit 1 – Hearing Examiner Presentation Graphic Package

PROPOSED FAÇADE AND STREETScape



Source: Hearing Examiner Exhibit 28 – DRB REC Proposal Packet

STREET LEVEL DESIGN



FORTHCOMING 75'
BUILDING

Source: Hearing Examiner Exhibit 1 – Hearing Examiner Presentation Graphic Package

Questions?



Legislation Text

File #: Inf 1610, **Version:** 1

Seattle Department of Construction and Inspections (SDCI) Tree Protections Update



Memo

Date: February 7, 2020
To: Councilmember Dan Strauss, Chair, Land Use and Neighborhoods Committee
From: Nathan Torgelson, SDCI Director and Jessica Finn Coven, OSE Director
Subject: Tree Protections Update

The City Council adopted [Resolution 31902](#) on September 16, 2019 with the Mayor concurring in the purpose. The resolution requests SDCI and OSE staff to explore strategies to protect existing trees, increase Seattle's tree canopy, and balance City goals to support future growth and density as provided in the City's Comprehensive Plan. The resolution also asks for quarterly reports to the Chair of the Land Use and Neighborhoods (LUN) Committee on progress made, including the anticipated timeline to complete outstanding actions, with the first report due on January 31, 2020.

This memo is our first progress report on the strategies Resolution 31902 requested departments to explore, including:

1. Retain protections for exceptional trees and expand the definition of exceptional trees
2. Adopt a definition of significant trees and trees at least six inches in diameter and create a permit process for the removal of these trees
3. Add replacement requirements for significant tree removal
4. Simplify tree planting and replacement requirements, including mitigation
5. Review and potentially modify tree removal limits in single-family zones
6. Establish an in-lieu fee option for tree planting
7. Track tree removal and replacement on both public and private land throughout Seattle
8. Require all tree service providers operating in Seattle to meet minimum certification and training requirements and register with the City

The resolution asks that these strategies prioritize the needs of low-income and low-canopy neighborhoods. Also, we are requested to develop and execute a culturally and linguistically appropriate community engagement plan that prioritizes engagement with residents of low-income and low-canopy neighborhoods and includes, but is not limited to, homeowners, renters, developers, neighborhood groups, environmental organizations, and climate and environmental justice organizations.

Progress Made

SDCI has been working to improve tree protections. We have made significant progress since 2017, including:

- *Increased education and information:* Staff have updated the SDCI website including tree protection best practices and advice in TIP Sheets to help inform the public about the value of trees and the tree protection regulations.
- *Improved enforcement:* SDCI has adopted a new [Director's Rule 17-2018](#) that clarifies how fees are calculated when trees are cut illegally and increased fines as a greater deterrent.

- *Increased resources and staff training:* SDCI hired two arborists to assist in the review of permit applications that involve tree protection or removal, advise on enforcement cases, and provide tree protection information and trainings to plan review and code enforcement staff.

Work Underway

SDCI is currently leading an effort to update tree protections for trees located on private property. During this update process, SDCI and OSE have been working closely to complete work outlined in [Executive Order 2017-11](#) to improve tree protections. Three outstanding work items, detailed below, have been the focus of work leading up to today. To date, subject matter experts from SDCI and OSE are working together and consulting with the Urban Forestry Commission (UFC) in deliberative sessions. This work includes:

- *Updates to the Exceptional Tree Director’s Rule 16-2008:* potential updates include strengthening definitions of tree groves, tree protection measures and mitigation for tree removal, appropriate requirements for tree service providers, and of significant and exceptional trees, including trees over 24 inches.
- *Tree Tracking:* SDCI has been working with Seattle IT staff to develop new business practices and technology updates to track tree removal and planting. This would allow for data driven analysis of the effectiveness of tree protection regulations.
- *Urban Forest Management Plan (UFMP) Update:* The UFMP update is currently underway. SDCI will work jointly with OSE and the City’s Urban Forestry Core Team to align plan update outreach and analysis to tree regulations update as much as possible.

We anticipate having recommendations for both work items in the coming months and in future progress reports to the LUN Committee.

Additional Ongoing Work

SDCI continues to explore the strategies outlined in the resolution for possible updates to existing policies, regulations and business practices. This work is proposed to continue according to the schedule below.

Schedule and Budget

The schedule outlined below intends for substantial progress on tree protection updates to be accomplished at various milestones throughout the year. This work is anticipated to be completed using existing resources.

Task	Milestone
<ul style="list-style-type: none"> - Complete work on Updates to Exceptional Tree Director’s Rule; - Technology updates to track tree removals and replanting 	March 2020
<ul style="list-style-type: none"> - Develop outreach materials; - Public outreach; 	April/May 2020 May/June 2020
<ul style="list-style-type: none"> - Summarize results of public outreach; - Prepare any additional strategies arising from outreach; - Conduct any necessary technical analysis; - Draft legislation/SEPA environmental review; - Prepare plans for technology and business practice updates; and - Assess resource needs to administer and enforce. 	July/October 2020
Draft recommendations to Mayor	October 2020

Issue SEPA decision	November 2020
Final recommendations to the Mayor and City Council*	December 2020

*Assumes no appeal of SEPA decision.

Anticipated Budget

SDCI expects to complete the tree protection updates to policies, regulations, and business practices using existing staff resources (cumulatively equivalent to approximately one and a half to two existing full-time employees from the Code Development, Land Use Services, Engineering Services, and Code Compliance work groups, and a half FTE from OSE). Technology-related work to accomplish tree tracking is already in the existing IT budget at \$30,000. Engaging stakeholders and the public, including underrepresented communities, homeowners, renters, builders and developers, as noted in the resolution, is also in the existing budget at \$20,000 to \$30,000 of staff or consultant time. This estimate is based on similar work conducted as part of the [Urban Forest Management Plan update](#).

Copy: Aly Pennucci and Yolanda Ho, City Council Central Staff



Tree Protections Update

Photo by John Skelton



Seattle Department of
Construction & Inspections



Seattle
Office of Sustainability
& Environment

Land Use and Neighborhoods Committee ¹¹⁷

February 12, 2020

Today's Presentation

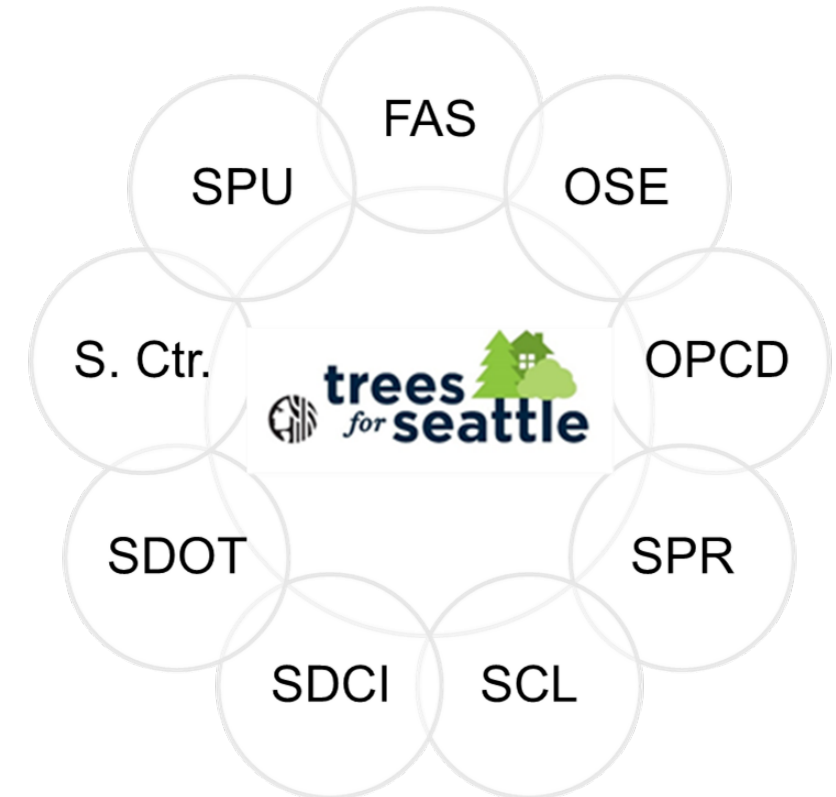
- Introduction
- Urban Forest Management Plan update
- Resolution 31902
- Tree protection progress
 - Work completed
 - Work underway
 - Scope, schedule, and budget



118

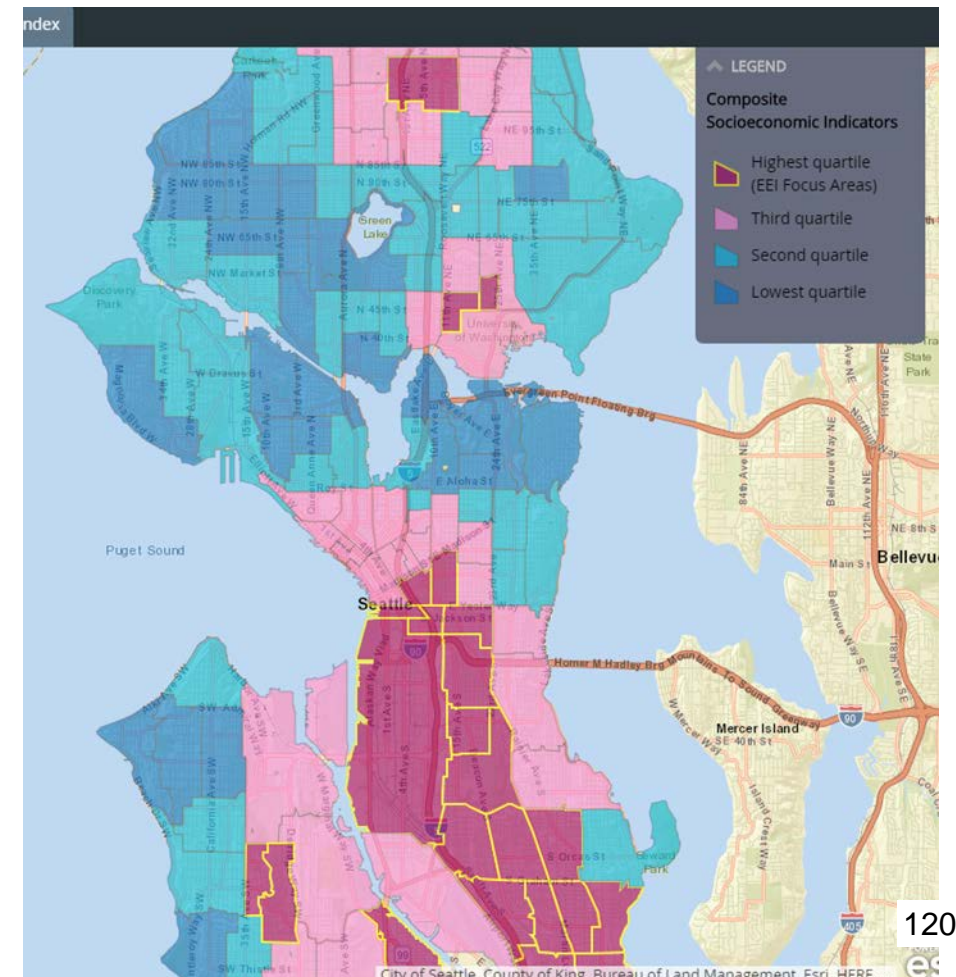
Seattle's Urban Forest

- Trees are fundamental to Seattle's character and our quality of life as we continue to grow
- The City's urban forestry team is currently updating Seattle's Urban Forest Management Plan
- SDCI and OSE have been working on tree protection



Urban Forest Management Plan (UFMP) Update

- Goals and framework for policies and programs
- Urban Forestry Core Team working on update
- 30% canopy cover goal by 2037
 - Assessment showed we are at 28%
 - Fewer trees in lower income communities and where people of color tend to live: 20%
 - 72% of our canopy is in residential areas
- Update's focus on inclusive engagement of underrepresented communities



Urban Forest Management Plan (UFMP) Work

Completed:

- Engagement Phase I
 - Community Connections
 - Listening Sessions
 - Initial Assessment
- First plan draft

Underway:

- Community report-backs
- Departmental input

Next Steps:

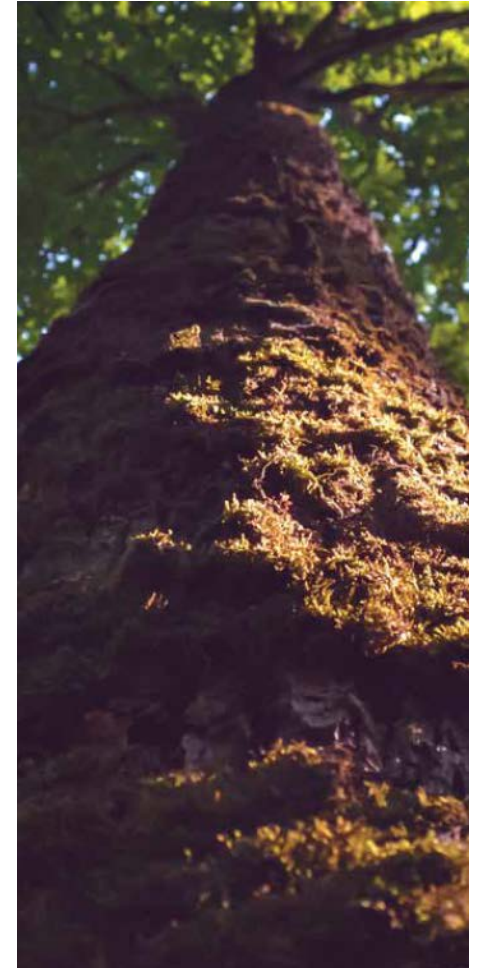
- Engagement Phase II
- Final draft plan
- SEPA
- Bring to Council in late 2020



Work Completed

Progress

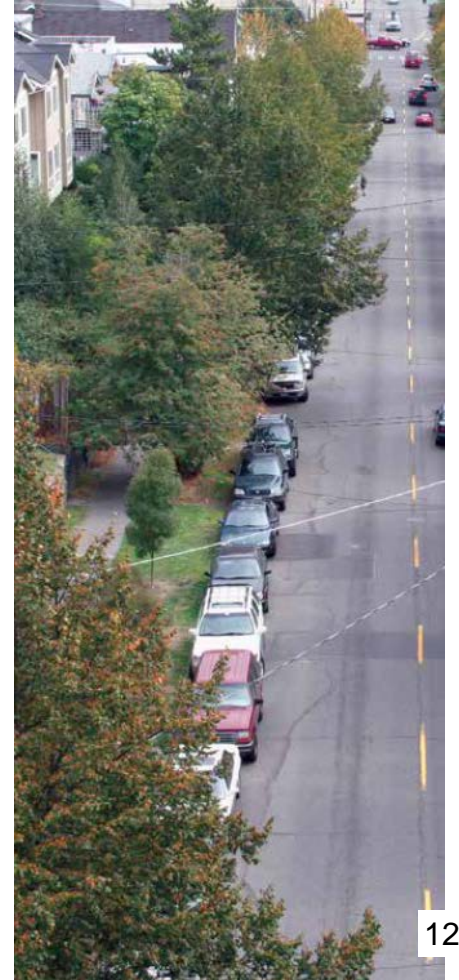
- 1. Increased Education and Information**
 - Updated SDCI website, Best Management Practices (BMPs)
 - Produced Tip Sheets
- 2. Improved Enforcement**
 - Issued new Director's Rule 17-2018 clarifying how fees are calculated when trees are cut illegally
 - Increased fines as greater deterrent
- 3. Increased Resources and Staff Training**
 - SDCI hired two arborists to assist in plan review for enforcement
 - Focused training around tree protection



122

Work Underway

1. Updates to the Exceptional Tree Director's Rule
Exploring:
 - Increases to tree protections for significant and exceptional trees
 - Strengthening the definition of groves
 - Updated mitigation for tree removal
 - Requirements for tree service providers
2. Tree Tracking
 - SDCI working with Seattle IT to develop new technology and business practices to track tree removal and planting
3. Working sessions with Urban Forestry Commission



123

Public Outreach

- Committed to:
 - Dedicating resources to prioritize the needs of low-income and low-canopy neighborhoods
- Public outreach to include:
 - Homeowners, renters, developers, builders, realtors, neighborhood groups, environmental organizations, climate and environmental justice organizations



124

Resolution 31902 - Scope

Council requested SDCI and OSE to explore the following strategies:

Tasks

Expand exceptional tree definition and retain protections

Create significant tree (6" & >) removal permit

Require replacement for significant tree removal

Simplify tree planting/replacement requirements

Maintain tree removal limits in single-family zones

Explore in-lieu fee option for tree replacement

Track tree removal and replacement

Provide adequate funding to administer/enforce



125

Proposed Schedule

Task	Milestone
Complete work on Exceptional Tree DR and tree tracking	March
Develop outreach materials	April/May
Public outreach	May/June
Summarize and respond to public outreach; conduct technical analysis; Draft legislation/SEPA environmental review; prepare plans for technology and business practice updates; and assess resource needs to administer/enforce.	Sept/October
Draft recommendations to Mayor	October
Issue SEPA decision	November
Final recommendations to Mayor and Council*	December

*Assumes no appeal of SEPA decision.

Questions?

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127