



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Wednesday, February 9, 2022

2:00 PM

Public Hearing

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

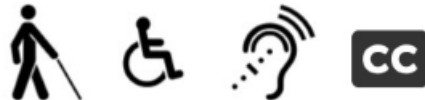
Dan Strauss, Chair
Tammy J. Morales, Vice-Chair
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member

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

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Committee Website:

<https://www.seattle.gov/council/committees/land-use>

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.

Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.

Register online to speak during the Public Comment period and Public Hearing at the 2:00 p.m. Land Use Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Land Use Committee meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment and Public Hearing period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at Dan.Strauss@seattle.gov

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

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Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

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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. [CB 120253](#) **AN ORDINANCE relating to floodplains; second extension of interim regulations established by Ordinance 126113 for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency’s Flood Insurance Program; and amending Section 25.06.110 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)
[Central Staff Memo](#)
[Presentation \(2/9/22\)](#)

Public Hearing, Briefing, Discussion, and Possible Vote

Presenters: Maggie Glowacki and Mike Podowski, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

2. [CB 120207](#) **AN ORDINANCE relating to land use and urban forestry; adding a tree service provider registration procedure and requirement; adding a new Section 25.11.095 to the Seattle Municipal Code; and amending Sections 25.11.020, 25.11.050, 25.11.090, and 25.11.100 of the Seattle Municipal Code.**

Attachments: [Full Text: CB 120207](#)

Supporting

Documents: [Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Presentation \(2/9/22\)](#)

Briefing and Discussion (30 minutes)

Presenter: Yolanda Ho, Council Central Staff

3. [CF 314441](#) **Application of Wallace Properties - Park at Northgate, LLC for a contract rezone of a site located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability (MHA) suffix (LR3 (M)) to Midrise with an M1 MHA suffix (MR (M1)) (Project No. 3033517; Type IV).**

Attachments: [Rezone Material](#)
[Hearing Examiner Findings and Recommendation](#)
[Draft Environmentally Critical Areas Protection Covenant](#)
[Exhibit List](#)
[SDCI Recommendation Ex. 1](#)
[Public Comment Ex. 42-67](#)

Supporting

Documents: [Presentation \(2/9/22\)](#)
[Central Staff Memo](#)
[Rezone Analysis 2.3.21 Ex. 10](#)

Briefing and Discussion (30 minutes)

Presenter: Ketil Freeman, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 120253, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to floodplains; second extension of interim regulations established by Ordinance 126113 for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency's Flood Insurance Program; and amending Section 25.06.110 of the Seattle Municipal Code.

WHEREAS, through Ordinance 126113 in July 2020, the City adopted interim floodplain development regulations to regulate development in special flood hazard areas in accordance with standards established by the National Flood Insurance Program and the Washington State Department of Ecology and areas identified as flood-prone in subsection 25.09.012.B of the Seattle Municipal Code with an effective date of August 24, 2020, and an expiration date of February 24, 2021; and

WHEREAS, through Ordinance 126271 in January 2021, the City extended the interim floodplain development regulations for 12 months with an effective date of February 22, 2021, and an expiration date of February 22, 2022, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, in July 2021, the City published its State Environmental Policy Act (SEPA) decision on the proposed permanent regulations that included amendments to the interim code and additional amendments; and

WHEREAS, in July 2021, the City's SEPA decision was appealed by the Port of Seattle, which has delayed the adoption of the proposed permanent regulations because the Port and City staff have been working on amendments to the proposed permanent regulations, Director's Rules, Tips, and a memorandum of

understanding (MOU) to address the Port's concerns; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council makes the following legislative findings of fact and declares as follows:

A. The Council incorporates by reference the findings of fact contained in Ordinance 126113.

B. In July 2020, the City Council passed and the Mayor signed Ordinance 126113, establishing interim floodplain development regulations to maintain the City's standing in the Federal Emergency Management Agency's National Flood Insurance Program, enabling residents to continue to be eligible for flood insurance while preventing development incompatible with City goals related to development in the floodplains.

C. Since that time, the City has proposed permanent floodplain development regulations that included the amendments proposed in the interim regulations and additional code amendments, and published its State Environmental Policy Act (SEPA) decision on this proposal; however, due to factors detailed below, the work necessary to complete the permanent regulations will not be completed before the expiration of the interim regulations on February 22, 2022.

D. The City's SEPA decision published in July 2021 was appealed to the Hearing Examiner by the Port of Seattle and Port and City staff have been working to resolve the appeal with code amendments, Director's Rules, Tips, and a memorandum of understanding (MOU). However, there are additional outstanding issues that must be resolved. If the parties are not able to reach agreement on all issues, the parties may need to proceed to hearing.

E. Additionally, included in this extension is a correction to the interim regulations. In Ordinance 126113, the City erroneously reduced the standard for the elevation for non-residential structures constructed above base flood elevation from 2 feet to 1 foot. This change was a code drafting error and has resulted in a lower standard of protection from flooding for 18 months. There was no intention to decrease this standard. The intent of the interim regulations was to keep the standard of 2 feet that existed in the regulations prior to the adoption of the interim regulations. Section 2 of this ordinance contains amendments to Seattle Municipal Code

(SMC) Section 25.06.110 to correct the error of the elevation standard for non-residential structures by changing the standard back to 2 feet.

F. Revised Code of Washington (RCW) 36.70A.390 authorizes the City to renew interim regulations by ordinance for a six-month period.

Section 2. Section 25.06.110 of the Seattle Municipal Code, last amended by Ordinance 126113, is amended as follows:

25.06.110 Standards involving base flood elevations

In all special flood hazard areas and flood-prone areas as defined in subsection 25.09.012.B, where base flood elevation data has been provided under Section 25.06.050 or subsection 25.06.090.C, the standards of subsections 25.06.110.A through 25.06.110.H apply.

* * *

B. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall meet the requirements of subsection 25.06.110.B.1 or 25.06.110.B.2.

1. a. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated (~~((one foot))~~) 2 feet or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least (~~((1-foot))~~) 2 feet above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an AO zone, the structure shall meet the requirements in Title 22 under Section 25.06.040.

c. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least 2 feet above the highest adjacent grade.

d. If located in a VE zone, the structure shall meet the requirements in Title 22 under Section 25.06.040.

e. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. Have a minimum of two openings with a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher than 1 foot above grade;
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; or a registered engineer or architect may design and certify engineered openings, provided that they permit the automatic entry and exit of floodwater; and
- iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

2. If the requirements of subsection 25.06.110.B.1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. Be dry floodproofed so that below ~~((1-foot))~~ 2 feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry ~~((flood proofed))~~ floodproofed to the elevation required by ASCE 24, whichever is greater;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this

subsection 25.06.110.B.2 based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 25.06.070.C.

d. Non-residential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as set out in subsection 25.06.110.A.5.

* * *

Section 3. Pursuant to RCW 36.70A.390, the interim regulations first set forth in Ordinance 126113, and as amended by this ordinance, shall be extended and in effect for a period of six months from the date this ordinance becomes effective, and shall automatically expire after the six-month period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 4. This ordinance, which is not subject to referendum, shall take effect and be in force after its approval by the Mayor, but if not returned and approved by the Mayor within ten days after presentation.

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved by me this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SDCI	Margaret Glowacki/206-386-4036	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to floodplains; second extension of interim regulations established by Ordinance 126113 for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency’s Flood Insurance Program; and amending Section 25.06.110 of the Seattle Municipal Code.

Summary and background of the Legislation:

This legislation extends the interim floodplain development legislation adopted by Ordinance 126113¹ for a second time with a public hearing as allowed by state growth management laws. Without adoption of this legislation the interim regulations would expire on February 22, 2022. This legislation amends a section of the interim regulations and extends the interim regulations an additional 6 months so that the City’s floodplain mapping and development regulations will continue to be consistent with federal law. These regulations will continue to be in place while SDCI works to resolve a SEPA appeal on the permanent regulations filed by the Port of Seattle in July 2021. The additional time is needed for City staff and Port staff to work on additional code amendments, Director’s Rules, Tips, and a Memorandum of Understanding to clarify code requirements and procedures.

Additionally, included in this extension is a correction to the interim regulations. The standard for the elevation for non-residential structures constructed above base flood elevation was unintentionally reduced from 2 feet to 1 foot in the interim regulations. This change was a code drafting error and has resulted in a lower standard of protection from flooding for 18 months. There was no intention to decrease this standard. The intent of the interim regulations was to keep the standard of 2 feet that existed in the regulations prior to the adoption of the interim regulations. Section 2 of the legislation contains amendments to SMC Section 25.06.110 to correct the error of the elevation standard for non-residential structures by changing the standard back to 2 feet.

The extension of the interim regulations applies to permit applications for construction on property within floodplain areas mapped by the Federal Emergency Management Agency (FEMA). FEMA has required these types of updates across the country. FEMA published the final updated floodplain map for King County in February 2020. This map (called the Flood Insurance Rate Map) identifies properties that are at risk of flooding and is used to determine which properties are required to have flood insurance. The updated FEMA map is considered final and took effect on August 19, 2020.

¹ <http://clerk.seattle.gov/search/ordinances/126113>.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No. While the updated mapping in the interim legislation, Ordinance 126113, includes approximately 185 additional properties, the number of permit applications that are being reviewed using the interim regulations is minimal. Existing SDCI staff is sufficient to review permit applications and costs are recovered by existing permit fees. The updated maps have already been prepared.

Is there financial cost or other impacts of *not* implementing the legislation?

No financial costs to the City are anticipated. If the City does not extend the interim regulations, property owners in the FEMA mapped floodplain areas may not be able to purchase flood insurance or renew an existing policy.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, SPU, Parks, SDOT, and any other department that is proposing development in the floodplain will need to comply with these regulations.

b. Is a public hearing required for this legislation?

Yes, there will be a public hearing in December 2021 and there were public hearings for the adoption of the interim regulations and 1st extension of the interim regulations in September 2020 and January 2021, respectively,

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, a hearing notice is required in the Daily Journal of Commerce and this information will be sent prior to the public hearing.

d. Does this legislation affect a piece of property?

The legislation will continue to apply to approximately 2,190 properties along the Puget Sound coast, the Duwamish River, and certain streams. This number includes the additional 185 properties included in the interim regulations.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
Nationally, areas with more minority residents tend to have a greater share of unmapped flood risk. While FEMA’s February 2020 maps better reflect that risk, some property owners will need to purchase flood insurance, which low-income property owners may struggle to afford. The City’s floodplain regulations meet the federal requirements for flood insurance and in some instances are more protective. The more protective standards will result in lower insurance rates over the long term.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**
No
 - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**
The interim floodplain regulations are intended to increase resiliency to climate change in Seattle by identifying areas that are at risk of flooding and requiring building standards that either keep development out of the areas that are at the highest risk of damage or require structures to be floodproofed to decrease the risk of damage.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**
N/A

List attachments/exhibits below:

None

February 2, 2022

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 120253 – Extension of Interim Floodplain Development Regulations

On February 9, the Land Use Committee (Committee) will have a briefing, hold a hearing, and may vote on [Council Bill \(CB\) 120253](#), which would extend for six months interim floodplain development regulations initially established through [Ordinance \(ORD\) 126113](#).

This memo (1) provides background information on the update to the City’s floodplain regulations and (2) describes what CB 120253 would do.

Background

In February 2020, the Federal Emergency Management Agency (FEMA) finalized a flood insurance study and updated Flood Insurance Rate Maps (FIRMs) for King County. Federal regulations require local governments to update local floodplain regulations within six months of the FEMA update to ensure ongoing participation in the [National Flood Insurance Program \(NFIP\)](#). Participation in the NFIP allows owners of property in FEMA-mapped flood zones to purchase federally-backed flood insurance, which is required for federal loans.

To ensure continued participation in the NFIP, in July 2020, the Council passed ORD 126113, which approved interim development regulations and maps for flood prone areas. For more detail on the NFIP and interim development regulations approved by ORD 126113 see the attached memo from the Seattle Department of Construction and Inspections (SDCI) dated July 8, 2020.

Those interim development regulations were extended for an additional year in January 2021 through [ORD 126271](#) to allow SDCI to continue developing permanent regulations. In July 2021, SDCI published a State Environmental Policy Act (SEPA) threshold determination on permanent regulations. The Port of Seattle appealed SDCI’s threshold determination to the City Hearing Examiner. A hearing on the appeal is scheduled for April 2022.

What CB 120253 Would Do

CB 120253 would extend the interim development regulations initially approved through ORD 126113 for an additional six months while the SEPA appeal at the Hearing Examiner is pending. The bill would also amend a drafting error in CB 126113, which inadvertently reduced the height a non-residential structure must be above the base flood elevation.

Attachments:

1. SDCI Memo on Interim Floodplain Regulations, July 8, 2020

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Land Use Team Lead



Date: July 8, 2020
To: Councilmember Dan Strauss, Chair, Land Use and Neighborhoods Committee
From: Mike Podowski, Manager; Maggie Glowacki, Senior Planner
Subject: FEMA Floodplain Interim Legislation

Proposal Summary

SDCI recommends that the City Council adopt the Federal Emergency Management Agency (FEMA) required map and development standard updates as interim regulations as allowed by the Washington State Growth Management Act. These provisions allow for regulations to be in place for six months, while SDCI develops recommendations for permanent regulations. Environmental review would not be conducted for the interim regulations, as allowed by SEPA, due to FEMA's required deadline and penalties, and would be conducted for the permanent regulations.

A second phase is required to prepare permanent regulations. This second phase would also be an opportunity to address additional measures including social justice, equity, and likely sea level rise and other impacts of climate change. As part of this process SDCI would provide notice to all impacted properties and conduct public outreach in preparing its recommendations to the Mayor and City Council. Recommendations are anticipated in six months.

Background

On February 19, 2020, FEMA published a Flood Hazard Determination finalizing the adoption of new Flood Insurance Rate Maps (FIRMs) and a Flood Insurance Study (FIS) for all jurisdictions in King County, including Seattle. FEMA's adoption of the new FIRM and FIS requires that each jurisdiction must update their regulations within six months with this new information in order to comply with the National Flood Insurance Program (NFIP). August 19, 2020 is the required date for all jurisdictions within King County to adopt the new FIRM and FIS.

Local FEMA officials also completed an audit of Seattle's floodplain regulations and issued a 32-page report in mid-March that directs the minimum updates for Seattle by their deadline. This June, FEMA provided final direction to the City on the content for legislation to update Seattle's floodplain regulations for compliance with their requirements.

In addition to adopting the new FIRM and FIS, the City of Seattle must have floodplain regulations that apply to the new maps that did not apply to the existing 1995 FIRM and FIS. These requirements come from the NFIP regulations in Title 44 of the Code of Federal Regulations (CFR). Specifically, 44 CFR 60.3 (d & e) contains regulations for coastal high hazard flood zones, which were not identified on the 1995 maps. These coastal flood zones are designated as VE* zones on the new FIRM.

*Definitions of FEMA Flood Zone Designations: <https://snmapmod.snco.us/fmm/document/fema-flood-zone-definitions.pdf>

What this Means for Seattle Property Owners

Flood Insurance. Flood Insurance for FEMA mapped property is required by lenders for mortgages that are backed by the federal government and for mortgages that are issued by federally insured lending institutions for residential property owners and for commercial property owners, respectively. Flood insurance is available from insurance companies for; 1) policies that are backed by FEMA; 2) policies that are not; and 3) an option from Washington state. Coverage and rates vary; however, industry provided information states that FEMA backed coverage is generally less expensive and more comprehensive than

other options. The average cost of a FEMA backed floor insurance policy for residential property owners in Washington state is reported as an average of \$699 per year nationally in 2019.

If Seattle is deemed by FEMA to be out of compliance with their requirements FEMA would consider the City on probation or suspended. Communities under probation could be suspended from participation in the National Flood Insurance Program as described in 44 CFR 59.24 with the following implications:

- The penalty for not adopting the 2020 FIRM and FIS by August 19, 2020 is that the City would be considered by FEMA to be on probation and could be suspended from participation in the National Flood Insurance Program as described in 44CFR 59.24.
- While on probation, existing flood insurance policies still in effect will be subject to an additional premium of \$50 per year for residential property.
- Properties in flood hazard areas not being eligible for new grants, loans, mortgage insurance or other services provided through HUD, SBA, FHA, VA, and other Federal programs.

Development Standards. Requirements for New Development. Properties within areas mapped as special flood hazard areas are required to meet standards intended to protect the lives of occupants and mitigate damage to property and buildings. The standards vary by the specific flood zone designations, characteristics of the property, and the nature of the development proposed. Generally, the requirements include:

1. The elevation that the first floor of a new structure must be built at to keep the first story above anticipated flood levels;
2. Structures must be engineered to withstand wind from anticipated storms; and
3. Structures must be engineered to withstand flood waters should anticipated flood levels be exceeded.

The flood plain development standards can lead to higher construction costs than would be encountered if developing in areas not considered flood zones.

Summary of the proposed amendments.

Summary of Amendments to SMC Chapter 25.06, Floodplain Regulations
New Definitions to Add to Section 25.06.030 as Required by 44 CFR 59.1
<p>The following are highlights of the definitions (see the ordinance for the full content): Basement: Any area of the building having its floor sub-grade (below ground level) on all sides. Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V. Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS). Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."</p>

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Variance: A grant of relief by a community from the terms of a floodplain management regulation.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

New Definitions to Add to Section 25.06.030 for Clarification as Recommended by FEMA and City of Seattle

ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Community means any state, or area or political subdivision thereof, or any Indian tribe or authorized tribal organization or Alaska Native village or authorized native organization, that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Definitions to Amend in Section 25.06.030 as Required by 44 CFR 59.1

Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood. **Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Flood or Flooding:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial

<p>improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p> <p>Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p> <p>Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
<p>New Development Standards Required by 44 CFR 60.3</p>
<p>25.06.044 Abrogation and greater restrictions</p> <p>This Chapter 25.06 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter 25.06 and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.</p>
<p>25.06.045 Interpretation</p> <p>In the interpretation and application of this Chapter 25.06, all provisions shall be:</p> <ol style="list-style-type: none"> A. Considered as minimum requirements; B. Liberally construed to provide the maximum flood protection; and C. Deemed neither to limit nor repeal any other powers granted under state statutes.
<p>25.06.135 AE and A1-30 zones with base flood elevations but no floodways</p> <p>In AE and A1-30 FIRM designated zones with identified base flood elevations but no identified floodways, new construction, substantial improvements, or other development (including fill) is prohibited unless the applicant can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.</p>
<p>25.06.136 Floodplain variances</p> <p>Includes the allowance and criteria for a variance from the floodplain regulations.</p>
<p>Standards to Amend Required by 44 CFR 60.3</p>
<p>25.06.050 Identification of special flood hazard areas</p> <p>Replaces the 1995 Flood Insurance Rate Map and Flood Insurance Study reference in 25.06. with the 2020 Flood Insurance Rate Map and Flood Insurance Study.</p>
<p>25.06.070 Application for floodplain development approval or license</p> <p>Includes requirement for the new VE (coastal flood hazard areas).</p>
<p>25.06.090 Functions of the administrators</p> <p>Clearly state the responsibilities of floodplain administrator functions including not allowing development in the floodway, requiring development is safe from flooding, notifying when annexations occur in special flood hazard areas and obtain and maintain records for floodplain development permits.</p>

<p>25.06.100 General standards Include examples of anchoring methods that can be used and clearly states that wells cannot be located in floodways.</p>
<p>25.06.110 Standards involving base flood elevations Clearly state the development standards for residential structures and for non-residential structures in all flood zones (AE, A, AO, and VE); Clearly state that the building code provisions for flood protection apply to residential and non-residential development; Include specific standards for garages constructed below the base flood elevation allowing automatic entry and exit of floodwaters; and Include provisions on what is allowed in enclosed areas below the lowest floor of structures Include standards for changes to the base flood elevation or boundaries to a special flood hazard area, Include livestock sanctuary areas.</p>
<p>Standards to Amend for Clarification</p>
<p>25.06.080 Designation of administrators Clearly state that the Directors' of SDCI and SDOT are the flood plain administrators.</p>
<p>25.06.120 Standards for floodways Clearly state that development in the floodway is extremely hazardous and that any improvement to existing structures is the minimum necessary to assure safe living conditions.</p>
<p>Amendment to Align with Seattle Building and Residential Codes</p>
<p>25.06.140 Penalties for noncompliance Increase the civil penalty amount for violations from \$50/day to \$500/day.</p>
<p>Amend Floodplain Maps as Required by FEMA</p>
<p>Current floodplain maps that are based on FEMA's 1995 maps would be updated with FEMA's 2020 maps.</p>
<p>185 new parcels would be regulated with the majority of the new parcels near Harbor Island and the Duwamish River.</p>

Property Impacted by the Required Changes to Coastal Flood Zone Designations

Currently, flood zones are the mapped areas identified in the 1995 FEMA maps and those Environmentally Critical Areas identified by Seattle Public Utilities with flooding conditions. Properties within the flood zones mapped by FEMA are subject to the flood insurance and both of these areas are subject to the development standards as mentioned in the previous section of this report. Currently the applicable development standards are contained in the Floodplain Regulations, Chapter 25.06 of the Seattle Municipal Code (SMC) as well as in the Seattle Building and Residential codes, Title 22, SMC and the ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers. The FEMA required updates to the development standards would be in the Floodplain Regulations.

The FEMA required updates to floodplain maps are shown on Exhibit 2 of the Council Bill in comparison to the areas currently mapped. The maps show the location of newly included properties located throughout the city with the majority of newly designated properties along the Duwamish River from Harbor Island to the southern boundaries of the City. The Duwamish is newly designed as both the VE, coastal flood zone areas and AE areas where the base flood elevation is provided by FEMA, as part of this update.

The potential impacts regarding the need for floodplain standards on the new parcels outlined in purple on the maps shown on Exhibit 2 of the Council Bill along Harbor Island and the Duwamish will generally be limited to the newly mapped green areas as well as the areas with an elevation of 12-ft or lower. Therefore, a relatively small area within these parcels will be impacted.

Parcels Impacted by the Current and Updated maps

The legislation would apply to approximately 2,190 properties along the Puget Sound coast, the Duwamish River, and certain streams. The current floodplain regulations apply to approximately 2,005 properties. The updated mapping would include approximately 185 additional properties beyond those properties covered by the existing floodplain regulations.

Closing

Thank you for considering this legislation. We are available to answer any questions you may have.

Interim Floodplain Development Regulations Extension #2

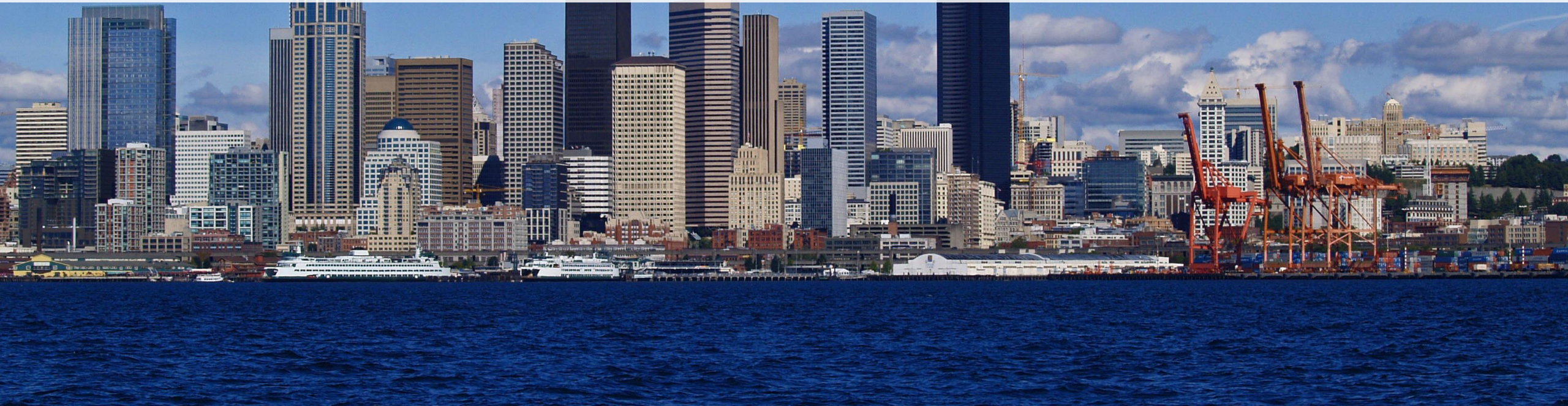


Photo by John Skelton



Seattle Department of
Construction & Inspections

Land Use Committee

February 9, 2022

INTERIM FLOODPLAIN DEVELOPMENT REGULATIONS

- Overview of Interim Floodplain Development Regulations
- Reason for the 2nd extension
- Proposed amendment to interim regulations
- Public outreach to date
- Next steps



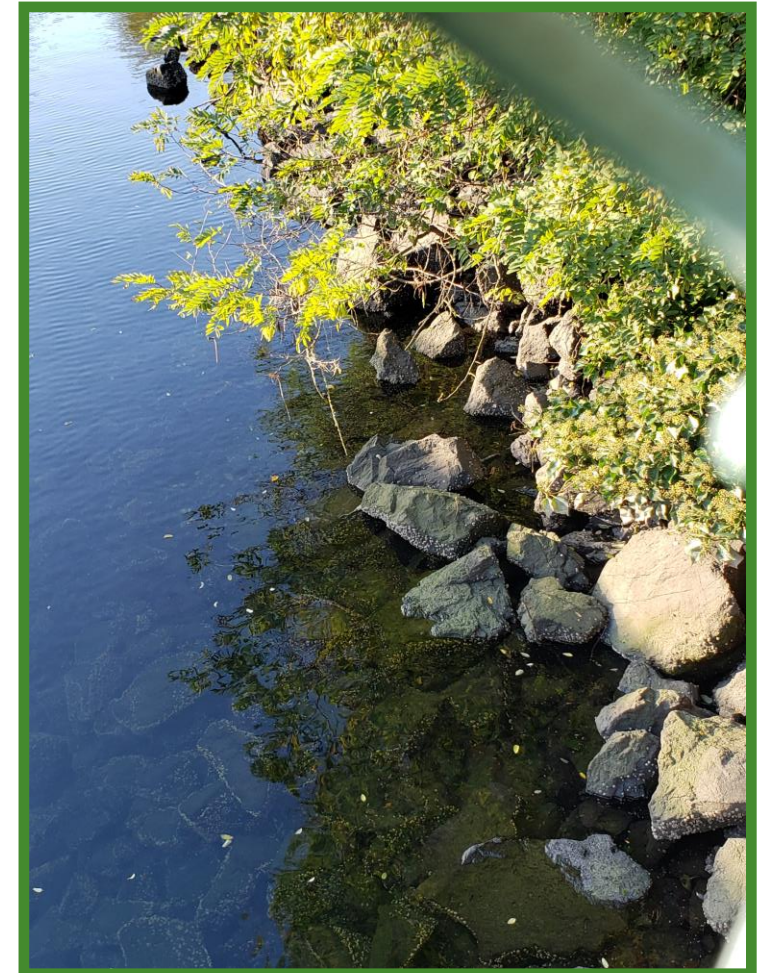
OVERVIEW OF INTERIM REGULATIONS

- July 2020 - Ordinance 126113 established interim floodplain development regulations
- January 2021 - Ordinance 126271 extended the interim regulations for one year
- These regulations contain building codes and other standards that make homes, businesses, and people safer from flooding
- Apply to permit applications for construction on property within mapped floodplain areas



OVERVIEW OF INTERIM REGULATIONS

- The Federal Emergency Management Agency (FEMA) produced the updated floodplain maps and established the minimum required standards for floodplain regulations
- Due to expire on February 22, 2022. If not extended, property owners in FEMA floodplain areas may not be able to purchase flood insurance or renew existing policies



REASON FOR EXTENSION

- Draft permanent floodplain development regulations completed in June 2021
- Published SEPA decision on proposal on July 8, 2021
- SEPA decision appealed by the Port of Seattle on July 29, 2021
- Working with Port staff to resolve issues raised since August 2021



INTERIM REGULATIONS EXTENSION #2

- Propose one amendment to interim regulations to correct code drafting error
- Standard for elevation of non-residential structures constructed above base flood elevation was unintentionally reduced from 2 feet to 1 foot
- Error has resulted in a lower standard of protection from flooding for 18 months



INTERIM REGULATIONS EXTENSION #2

- Intent of the interim regulations was to keep the standard of 2 feet that existed in regulations prior to the adoption of the interim regulations
- SMC Section 25.06.110 amended to correct the error – required elevation for non-residential structures changed back to 2 feet



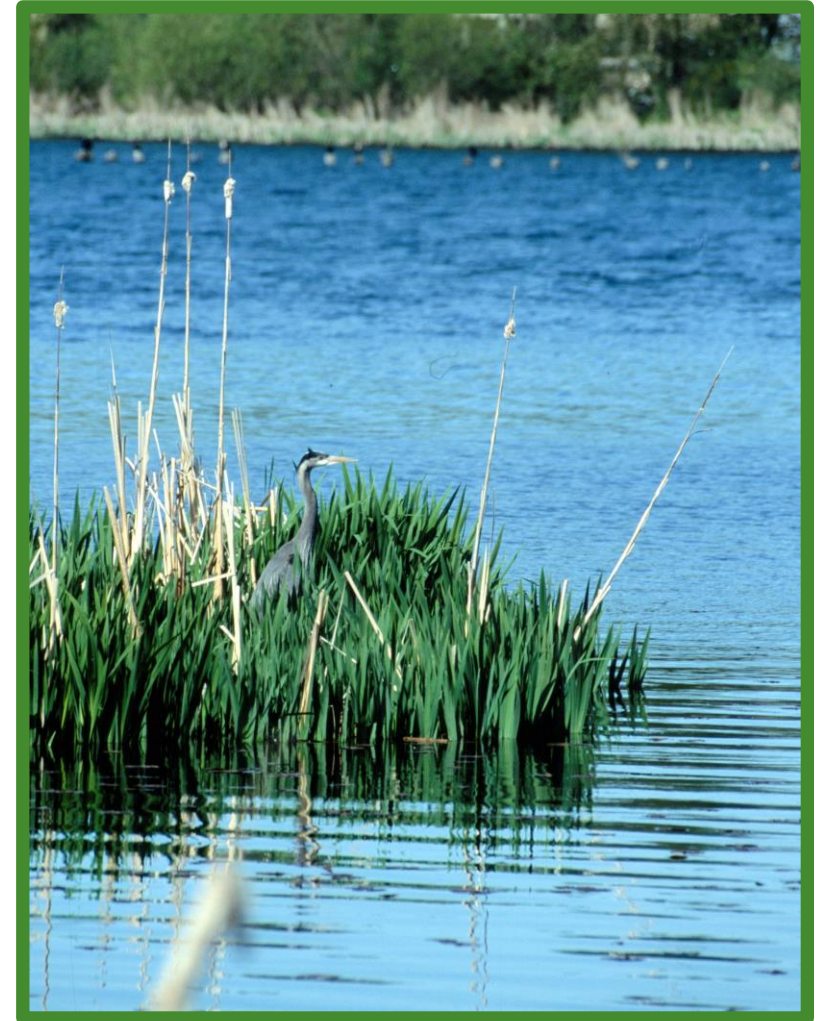
PUBLIC OUTREACH COMPLETED TO DATE

- Project Webpage - information and link to sign up for SDCI's email list
- Postcards –2,400 mailed to owners of property in the FEMA floodplain mapped areas
- 1,100 subscribers to the Floodplain Development Regulations Update email list
- Public meeting - April 27, 2021. Recorded meeting available on website



NEXT STEPS

- Continue working with Port to resolve appeal issues
- Amend permanent floodplain development regulations
- Mayor Harrell's review and approval of permanent regulations
- City Council's review and approval of permanent regulations



QUESTIONS?

Maggie Glowacki
Margaret.Glowacki@seattle.gov

www.seattle.gov/sdci





Legislation Text

File #: CB 120207, **Version:** 1

AN ORDINANCE relating to land use and urban forestry; adding a tree service provider registration procedure and requirement; adding a new Section 25.11.095 to the Seattle Municipal Code; and amending Sections 25.11.020, 25.11.050, 25.11.090, and 25.11.100 of the Seattle Municipal Code.

Full text of the legislation is attached.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and urban forestry; adding a tree service provider registration procedure and requirement; adding a new Section 25.11.095 to the Seattle Municipal Code; and amending Sections 25.11.020, 25.11.050, 25.11.090, and 25.11.100 of the Seattle Municipal Code.

..body

WHEREAS, the City has no single department with authority over conservation of the City’s urban forest resources; and

WHEREAS, the City has repeatedly recognized that all trees bigger than 6 inches in diameter at a height of 4 1/2 feet above the ground (also known as “diameter at breast height” or “DBH”) are a significant resource as part of Seattle’s urban forest; and

WHEREAS, the City has different requirements for persons who may evaluate, care for, remove, and plant trees within the City, with the Department of Transportation requiring registration of tree service providers who do tree work on City rights-of-way, and the Seattle Department of Construction and Inspections having no registration requirements to support the implementation of standards for tree removal or major pruning of trees on privately-owned land; and

WHEREAS, land development has the potential to greatly impact the conservation or loss of urban forest resources on both private and public land; and

WHEREAS, the lack of a City-wide arborist registration requirement is resulting in considerable loss and damage to the City’s urban forest resources including disparate impacts on communities already impacted by climate change; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. The City Council finds and declares that:

2 A. City Comprehensive Plan Policy EN 1.2 calls for an “increase [of] citywide tree
3 canopy coverage to 30 percent by 2037 and to 40 percent over time.”

4 B. The current condition of Seattle’s urban forest reflects a history of environmental
5 injustice with disparate climate change impacts and other harmful public health outcomes (Benz
6 and Burney (July 2021), “Widespread Race and Class Disparities in Surface Urban Heat
7 Extremes Across the United States” (<https://doi.org/10.1029/2021EF002016>); Hoffman, et al.
8 (January 2020), “The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban
9 Heat: A Study of 108 US Urban Areas” (<https://doi.org/10.3390/cli8010012>), Wolf, et al. (2020)
10 “Urban Trees and Human Health: A Scoping Review ([https://www.mdpi.com/1660-
11 4601/17/12/4371](https://www.mdpi.com/1660-4601/17/12/4371))).

12 C. The City is experiencing numerous losses of significant trees and areas of its urban
13 forest canopy, both through the land subdivision and development permitting processes and
14 through legal and illegal removal of large significant and exceptional trees (2016 Seattle Tree
15 Canopy Assessment; 2017 Tree Regulations Research Project; May 12, 2021 letter from Urban
16 Forestry Commission to the Director of the Seattle Department of Construction and Inspections).

17 D. City registration and regulation of persons and entities who are empowered to
18 significantly impact Seattle’s urban forest would result in more accurate evaluations and
19 consideration of the health and protection of the City’s urban forest resources.

20 E. A City requirement that registered arborists be involved in the land subdivision and
21 development processes would further the policies of Seattle Municipal Code Sections 23.22.054
22 and 23.24.040 that developments be “designed to maximize the retention of existing trees.”

1 F. City-required registration and regulation of arborists is likely to result in fewer
2 incidents of illegal tree removal.

3 Section 2. A new Section 25.11.095 is added to the Seattle Municipal Code as follows:

4 **25.11.095 Tree service provider registration**

5 A. Applicability

6 1. This Section 25.11.095 establishes a public registration system for tree service
7 providers operating within Seattle.

8 2. Within 90 days of the effective date of this ordinance, the Director shall
9 establish a tree service provider registration application process and public registry. Starting 90
10 days after the Director has established the application process and public registry, no tree service
11 provider may conduct commercial tree work unless it is listed on the City’s tree service provider
12 public registry. The Director may promulgate rules as needed to support administration of the
13 application process and public registry.

14 3. Any commercial tree work must be done by a registered tree service provider.

15 4. This Section 25.11.095 does not regulate commercial tree work under the
16 jurisdiction and oversight of the Department of Transportation, the Seattle Parks and Recreation
17 Department, the Department of Finance and Administrative Services, Seattle Public Utilities, or
18 the City Light Department.

19 B. Tree service provider registration required. A tree service provider must be registered
20 by the Director before it may conduct commercial tree work unless otherwise provided in
21 subsection 25.11.095.A. A tree service provider registration shall be valid for one year from the
22 date of issuance. The Director shall publish a registry of registered tree service providers on a
23 City web page available to the public. Registered tree service providers are required to renew

1 their registration annually. Annual registration renewals shall require submittal to the Director of
2 documentation of continued compliance with this Chapter 25.11, provided that renewal may be
3 denied pursuant to any rules administering this Section 25.11.095 or as provided in Section
4 25.11.100. A tree service provider registration shall be issued by the Director to each applicant
5 meeting the following requirements:

- 6 1. Possesses a current and valid Seattle business license;
- 7 2. Has at least one employee who is a currently credentialed International Society
8 of Arboriculture (ISA) certified arborist trained and knowledgeable to conduct work in
9 compliance with American National Standards Institute (ANSI) Standard A-300 or its successor
10 standard;
- 11 3. Has at least one employee who is currently credentialed with an ISA Tree Risk
12 Assessment Qualification if engaging in commercial tree work involving hazardous trees;
- 13 4. Acknowledges in writing knowledge of City codes applicable to commercial
14 tree work;
- 15 5. Is not currently under suspension from registration under Section 25.11.100 and
16 does not have any outstanding fines or penalties related to commercial tree work activities owed
17 to The City of Seattle;
- 18 6. Possesses a current and valid Washington State contractor registration under
19 chapter 18.27 RCW; and
- 20 7. Possesses a current certificate of insurance with an amount of insurance
21 coverage determined by the Director.

1 C. Tree service provider activities

2 1. A registered tree service provider shall comply with the following public notice
3 requirements prior to conducting commercial tree work:

4 a. Post at least three days in advance of conducting any commercial tree
5 work in a safe location at or adjacent to the commercial tree work site in a manner clearly visible
6 from the public right-of-way, a copy of the tree service provider registration under which the
7 commercial tree work is being conducted; and

8 b. Include a brief description of the commercial tree work the registered
9 tree service provider is conducting that exceeds normal and routine pruning operations and
10 maintenance or that involves removal of any trees 6 inches or greater diameter at breast height
11 and identify whether said tree meets the City’s definition of exceptional.

12 2. A registered tree service provider is responsible for complying with best
13 practices applicable to the particular commercial tree work for which they are retained,
14 including:

15 a. Determination of the commercial tree work needed to justify removal or
16 pruning outside of the routine pruning operations and maintenance in order to meet the
17 objectives of the hiring entity; and

18 b. Maintaining adequate supervisory control over workers conducting
19 commercial tree work under their direct supervision.

20 Section 3. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
21 124919, is amended as follows:

1 **25.11.020 Definitions**

2 “Commercial tree work” means any of the following actions conducted within the City of
3 Seattle in exchange for financial or other remuneration or personal benefit: major pruning as
4 defined in Section 15.02.046; removal of trees larger than 6 inches DBH; the planting of trees to
5 replace removed trees larger than 6 inches DBH; and the assessment of the health or hazard risk
6 of trees larger than 6 inches DBH. Normal and routine pruning operations that do not meet the
7 definition of major pruning are not commercial tree work.

8 “Diameter at breast height” or “DBH” means the diameter of a tree trunk measured at 4.5
9 feet above ground. Diameter at breast height is equivalent to “diameter at standard height” or
10 “DSH.”

11 * * *

12 “Tree removal” means removal of a tree(s) or vegetation, through either direct or indirect
13 actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to
14 roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation,
15 grading, or trenching in the dripline area of a tree which has the potential to cause irreversible
16 damage to the tree, or relocation of an existing tree to a new planting location.

17 “Tree service provider” means any person or entity engaged in commercial tree work.

18 * * *

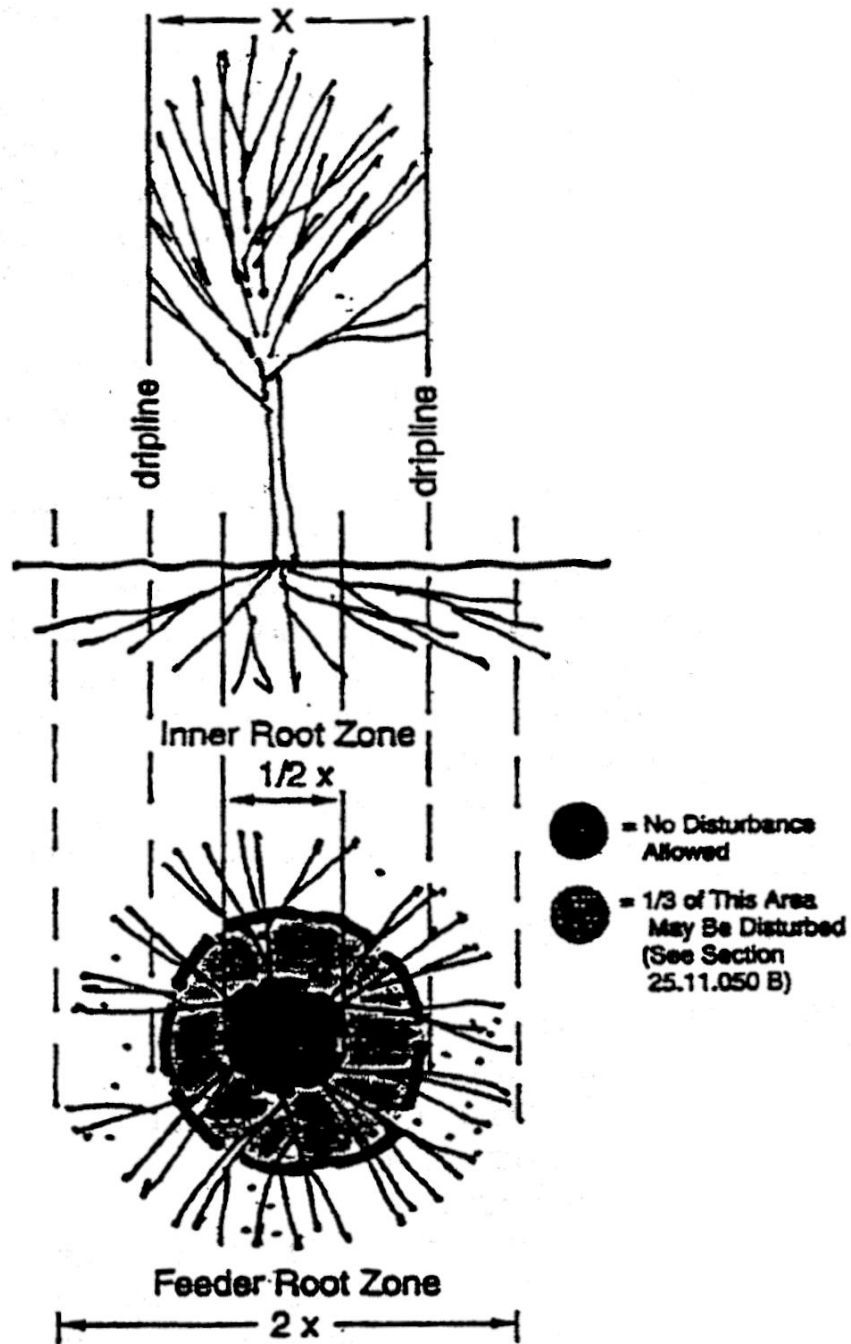
19 Section 4. Section 25.11.050 of the Seattle Municipal Code, last amended by Ordinance
20 124919, is amended as follows:

1 **25.11.050 General (~~(Provisions)~~) provisions for exceptional tree determination and tree**
2 **protection area delineation in Single-family, Residential Small Lot, Lowrise, Midrise, and**
3 **Commercial zones(~~(s)~~)**

4 A. Exceptional trees and potential exceptional trees shall be identified on site plans and
5 exceptional tree status shall be determined by the Director according to standards promulgated
6 by the Seattle Department of Construction and Inspections.

7 B. Tree protection areas for exceptional trees shall be identified on site(~~(s)~~) plans.

8 Applicants seeking development standard waivers to protect other trees greater than (~~(two (2))~~) 2
9 feet in diameter measured (~~(four and one half (4.5))~~) 4.5 feet above the ground shall also indicate
10 tree protection areas on site plans. The basic tree protection area shall be the area within the drip
11 line of the tree. The tree protection area may be reduced if approved by the Director according to
12 a plan prepared by a (~~(tree care professional)~~) registered tree service provider. Such reduction
13 shall be limited to (~~(one-third)~~) 1/3 of the area within the outer half of the area within the drip
14 line. In no case shall the reduction occur within the inner root zone. In addition, the Director may
15 establish conditions for protecting the tree during construction within the feeder root zone. (See
16 Exhibit 25.11.050 B.)



1

2

Exhibit 25.11.050 B

3

C. If development standards have been modified according to the provisions of this

4

((chapter)) Chapter 25.11 to avoid development within a designated tree protection area, that

5

area shall remain undeveloped for the remainder of the life of the building, and a permanent

1 covenant stating this requirement shall be recorded in the King County (~~Office of Records and~~
2 ~~Elections~~) Recorder's Office.

3 D. The Director may require a tree protection report by a (~~tree care professional that~~)
4 registered tree service provider who provides the following information:

5 1. Tree evaluation with respect to its general health, damage, danger of falling,
6 proximity to existing or proposed structures, and/or utility services;

7 2. Evaluation of the anticipated effects of proposed construction on the viability
8 of the tree;

9 3. A hazardous tree assessment, if applicable;

10 4. Plans for supervising(~~(:)~~) and/or monitoring implementation of any required
11 tree protection or replacement measures; and

12 5. Plans for conducting post-construction site inspection and evaluation.

13 E. The Director may condition Master Use Permits or Building Permits to include
14 measures to protect tree(s) during construction, including within the feeder root zone.

15 Section 5. Section 25.11.090 of the Seattle Municipal Code, enacted by Ordinance
16 120410, is amended as follows:

17 **25.11.090 Tree replacement and site restoration (~~(:)~~)**

18 A. Each exceptional tree and tree over (~~two (2)~~) 2 feet in diameter that is removed in
19 association with development in all zones shall be replaced by one or more new trees, the size
20 and species of which shall be determined by the Director; the tree replacement required shall be
21 designed to result, upon maturity, in a canopy cover that is at least equal to the canopy cover
22 prior to tree removal. Preference shall be given to on-site replacement. When on-site replacement

1 cannot be achieved, or is not appropriate as determined by the Director, preference for off-site
2 replacement shall be on public property.

3 B. No tree replacement is required if the ~~((+))~~ tree is: (1) hazardous, dead, diseased,
4 injured, or in a declining condition with no reasonable assurance of regaining vigor as
5 determined by a ~~((tree care professional,))~~ registered tree service provider; or (2) ~~((the tree is))~~
6 proposed to be relocated to another suitable planting site as approved by the Director.

7 Section 6. Subsection 25.11.100.A of the Seattle Municipal Code, which section was last
8 amended by Ordinance 123633, is amended as follows:

9 **25.11.100 Enforcement and penalties ~~((:))~~**

10 A. Authority ~~((:))~~

11 1. The Director shall have authority to enforce the provisions of this ~~((chapter))~~
12 Chapter 25.11, to issue permits, impose conditions and establish penalties for violations of
13 applicable law or rules by registered tree service providers, ~~((and))~~ establish administrative
14 procedures and guidelines, conduct inspections, and prepare the forms and publish Director's
15 Rules that may be necessary to carry out the purposes of this ~~((chapter))~~ Chapter 25.11.

16 2. The Director shall not accept any report containing, or approve any application
17 relying on, information regarding trees or commercial tree work authored or prepared by or on
18 behalf of a person whenever the Director has issued a notice of violation regarding that person's
19 actions occurring on or after the effective date of this ordinance that result in the removal of an
20 exceptional tree, unless such notice of violation by the City has been withdrawn or overturned on
21 appeal as provided in subsection 25.11.100.E or as otherwise provided by law.

22 * * *

1 Section 7. The provisions of this ordinance are separate and severable. The invalidity of
2 any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the
3 invalidity of its application to any person or circumstance, does not affect the validity of the
4 remainder of this ordinance or the validity of its application to other persons or circumstances.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Toby Thaler, 206-640-6982 Yolanda Ho, 206-256-5989	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and urban forestry; adding a tree service provider registration procedure and requirement; adding a new Section 25.11.095 to the Seattle Municipal Code; and amending Sections 25.11.020, 25.11.050, 25.11.090, and 25.11.100 of the Seattle Municipal Code.

Summary and background of the Legislation: This legislation adds a new section 25.11.095 titled “Tree service provider registration” to Chapter 25.11 of the Seattle Municipal Code, Tree Protection. The new section requires that arborists who wish to conduct commercial tree work in Seattle be registered with the City, and establishes prerequisites for obtaining and renewing that registration, including evidence of appropriate education and training. Definitions of key terms, reporting requirements, and enforcement provisions are added by amendment. The new section includes a requirement that City-registered tree service providers’ expertise and reporting be incorporated into the land development and redevelopment process starting with implementation of existing tree conservation policies in any needed platting or short platting under Subtitle II of Title 23 Land Use Code of the Seattle Municipal Code.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___ X No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___ X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

Depending on the extent of rulemaking by the Director of the Seattle Department of Construction and Inspections (SDCI) to implement the ordinance and unrelated workloads, and support by other departments, there may be short-term City government employee full-time equivalents (FTEs) commitments needed to implement the registration requirements. The extent of additional City government employee time needed for ongoing implementation and enforcement of this ordinance depends on the number of complaints received.

Is there financial cost or other impacts of *not* implementing the legislation?

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

Without provisions requiring the registration of arborists conducting commercial tree work in the City, there will likely be a continued undue loss of trees negatively impacting communities throughout the City by reducing the provision of considerable environmental and health benefits: Trees and tree canopy provide shade for cooling during the warmer months, reduce stormwater runoff, and improve public health outcomes.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

If this box is checked, please complete this section. If this box is not checked, please proceed to Positions.

3.c. Positions

This legislation adds, changes, or deletes positions.

If this box is checked, please complete this section. If this box is not checked, please proceed to Other Implications.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position # for Existing Positions	Position Title & Department*	Fund Name & #	Program & BCL	PT/FT	2021 Positions	2021 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* List each position separately

This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below.

Position Notes: Not applicable

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

The City department with direct responsibility for implementation and enforcement of the arborist registration and enforcement provisions is the Seattle Department of Construction and Inspections (SDCI). Other departments have a supporting role, including the Office of Sustainability and Environment, and the Seattle Department of Transportation.

b. Is a public hearing required for this legislation?

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No.

d. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

The disparate adverse impacts of tree canopy loss on low income households and communities of color are well documented. The proposed registration requirements can help to mitigate the ongoing disparate negative impacts of inequitable tree canopy conservation and replacement in neighborhoods with relatively high low-income or BIPOC residents.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation. Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4e.

A tree service provider registration requirement is likely to result in a small reduction of greenhouse gas (GHG) emissions by (a) reducing the energy needed for the cooling of buildings during heat waves, and (b) maintaining the carbon storage and sequestration provided by existing trees that would otherwise be removed.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

A tree service provider registration requirement is likely to *increase* resilience. A healthy urban forest canopy is widely studied and recognized to promote human physical and mental health, to reduce load on stormwater infrastructure, and to reduce the need for cooling infrastructure and expenses typically expended during summer months that have become hotter and dryer. A registration requirement is likely to reduce the loss of trees and support the long-term increase in the City’s forest canopy called for in City policies.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).

This answer should highlight measurable outputs and outcomes.

The City of Seattle has a goal of increasing tree canopy “30 percent by 2037 and to 40 percent over time.” Comprehensive Plan Policy En 1.2, Seattle 2035, p. 132. This ordinance can help to achieve that measurable goal. Regardless, a tree service provider registration requirement is intended to improve the design of new real estate developments and redevelopments to reduce conflicts between increased housing and maintenance and increase of tree canopy. A registration requirement will make it less likely that new and infill developments will illegally remove trees. A registration requirement will make it more likely that data and analysis on the status and trends of Seattle’s forest canopy can be monitored and better inform policymaking as climate change increases and the need for adaptation increases with it.

List attachments/exhibits below:

- Councilmember Pedersen’s blog: <https://pedersen.seattle.gov/strengthening-seattles-tree-ordinance/>
- City Council Committee meeting (December 2019) all about trees:
 - Video: <https://www.seattlechannel.org/mayor-and-council/city-council/city-council-all-videos-index/?videoid=x109108>
 - Agenda materials: <http://seattle.legistar.com/View.ashx?M=A&ID=751404&GUID=FD3CB9CF-0626-4890-B29A-30F46920AE44>
 - UW presentation: <https://pedersen.seattle.gov/wp-content/uploads/2021/05/UW-DanielBrown-Dec182019-presentation-1.pdf>

Environmental Justice

- *KUOW*, (June 23, 2021) “Heat wave could hit Seattle area neighborhoods differently – possible 20 degrees difference”: <https://kuow.org/stories/heat-wave-could-hit-seattle-area-neighborhoods-differently-possible-20-degrees-difference-e15e>
- *Seattle Times*, (July 5, 2021) “Communities of color are the ‘first and worst’ hurt by climate change; urgent action needed to change course”:

<https://www.seattletimes.com/seattle-news/communities-of-color-are-the-first-and-worst-hurt-by-climate-change-urgent-action-needed-to-change-course/>

- *New York Times*, (Opinion, June 30, 2021) “Since When Have Trees Existed Only for Rich Americans?”:
<https://www.nytimes.com/interactive/2021/06/30/opinion/environmental-inequity-trees-critical-infrastructure.html>
- *Seattle Times* (June 23, 2021): New maps of King County, Seattle show that some communities are harder hit by heat waves: <https://www.seattletimes.com/seattle-news/new-maps-of-king-county-seattle-show-how-some-communities-are-harder-hit-by-heat-waves/>
- *National Geographic*, (June 17, 2021) “Los Angeles confronts its shady divide”:
<https://www.nationalgeographic.com/magazine/article/los-angeles-confronts-its-shady-divide-feature>
- *National Geographic*, (July 2021) “How L.A.'s urban tree canopy reveals hidden inequities”:
<https://www.nationalgeographic.com/magazine/graphics/how-los-angeles-tree-canopy-reveals-hidden-inequities-feature>
- Hoffman (January 2020): “The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas”:
https://www.mdpi.com/2225-1154/8/1/12?type=check_update&version=1
- “Urban Trees and Human Health: A Scoping Review” (Wolf, et al., 2020):
<https://pubmed.ncbi.nlm.nih.gov/32570770/>
Powerpoint presentation (Wolf):
http://www.seattle.gov/Documents/Departments/UrbanForestryCommission/Resources/TreesNHealth_WolfPostbySiegelbaum061220.pdf
- [Benz and Burney](#) (2021), "Widespread Race and Class Disparities in Surface Urban Heat Extremes Across the United States"
[Press coverage](#), [GIS product](#)
- American Forests Tree Equity Project (June 2021), “[Ensuring tree cover in cities is equitable](#)”
[Tree Equity Score documents](#),

Climate Mitigation

- *New York Times*, (July 2, 2021) “What Technology Could Reduce Heat Deaths? Trees”:
<https://www.nytimes.com/2021/07/02/climate/trees-cities-heat-waves.html>
- *Seattle Times*, (same as above under title as published in New York Times July 2, 2021) “Trees save lives in heat, so why aren’t we saving trees?”
<https://www.seattletimes.com/nation-world/trees-save-lives-in-heat-s-so-why-arent-we-saving-trees/>
- *National Geographic*, (June 22, 2021) “Why ‘tiny forests’ are popping up in big cities”:
<https://www.nationalgeographic.com/environment/article/why-tiny-forests-are-popping-up-in-big-cities>

- *NPR* piece (2019): “Trees Are Key To Fighting Urban Heat — But Cities Keep Losing Them”: <https://www.npr.org/2019/09/04/755349748/trees-are-key-to-fighting-urban-heat-but-cities-keep-losing-them>
- EPA page: “Using Trees and Vegetation to Reduce Heat Islands”: <https://www.epa.gov/heatislands/using-trees-and-vegetation-reduce-heat-islands>
- Policy Analysis (Boston, 2020): “A tree-planting decision support tool for urban heat mitigation”: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0224959>
- Rottle Presentation (UW, 2015): “Urban Green Infrastructure For A Changing Climate”: <http://www.seattle.gov/Documents/Departments/SPU/3RottleUrbanGreenInfrastructureforaChangingClimate.pdf>

February 7, 2022

MEMORANDUM

To: Land Use Committee
From: Yolanda Ho, Analyst
Subject: Tree Service Provider Registration (CB 120207)

On February 9, 2022, the Land Use Committee (Committee) will receive a briefing and discuss [Council Bill \(CB\) 120207](#) that would establish a requirement for tree service providers to register with the City prior to conducting commercial tree work on private property.

This memorandum describes: (1) the background of the legislation; (2) CB 120207; (3) potential impacts of CB 120207; (4) proposed amendments; and (5) next steps.

Background

The Council adopted [Resolution 31902](#) in September 2019, stating the Council’s and the Mayor’s shared commitment to explore a variety of strategies to protect trees and increase Seattle’s tree canopy cover. One of the key priorities included “requiring all tree service providers operating in Seattle to meet minimum certification and training requirements and register with the City.”

Tree service providers are businesses generally engaged in the pruning, treatment, and removal of trees. They may also offer assessments of tree health to determine if a tree would be considered hazardous and thus warrant removal. Currently, tree service providers that work on trees in the public right-of-way (ROW) must register with the Seattle Department of Transportation (SDOT) before they may be permitted to conduct tree maintenance or removal activities. The City has no registration process for tree service providers that work on trees located on private property.

SDOT established its tree service provider registration requirement almost a decade ago ([Ordinance 124166](#)) as part of a comprehensive effort to improve management of the urban forest in the ROW. The publicly-accessible [tree service provider registry](#) is intended to increase compliance of these businesses with City regulations related to street trees. SDOT’s registry system is relatively simple and managed by one staff person.

Registration is free and valid for one year. Tree service providers are required to reapply to renew their registration every year. To register, tree service providers must provide SDOT with the following information:

- State of Washington General Contractor’s License;
- City of Seattle Business License;

- Proof of commercial general liability insurance that names the City of Seattle as an additional insured for primary limits of liability, with a minimum of \$1 million in coverage;
- At least one person (an employee or a consultant) who is a credentialed International Society of Arboriculture (ISA) certified arborist or ISA Certified Tree Worker who is responsible for supervision of street tree pruning; and
- Affirmation that the tree service provider has read and understands the following documents:
 - Street Tree Ordinance (Ordinance 124166);
 - [Street Tree Manual](#);
 - ANSI – A-300, Pruning Standards; and
 - City of Seattle Traffic Control Manual for In-Street Work.

There are about 75 active tree service providers on the registry and SDOT has processed over 100 registration applications thus far. Should a registered tree service provider be found to have conducted tree work in violation of City regulations more than once, SDOT will revoke that business' registration and allow it to reapply the following year.

SDOT permits the removal and replacement of a street tree in limited circumstances (e.g., a tree is deemed hazardous, poses a public safety risk, or cannot be successfully retained during a construction project). If a street tree is permitted for removal, SDOT requires that a public notice be posted at least 14 days in advance of the removal.

Summary of CB 120207

CB 120207 would amend Title 25 of the Seattle Municipal Code to require that tree service providers register with the City prior to conducting tree work on private property. The Seattle Department of Construction and Inspections (SDCI) would be required to create an application process and registry within 90 days of the effective date of the proposed ordinance. Following creation of the application process and registry, tree service providers would then be required to register with SDCI within 90 days.

It would define “commercial tree work” as performing the following services in exchange for financial compensation: major pruning; removal of trees larger than six inches diameter at breast height (DBH); and the assessment of tree health or hazard risk. A “tree service provider” would be defined as an entity that conducts commercial tree work. To apply, tree service providers would have to provide the following information:

- State of Washington General Contractor’s License;
- City of Seattle Business License;
- Proof of commercial general liability insurance;

- At least one employee who is a credentialed International Society of Arboriculture (ISA) certified arborist;
- At least one employee who is currently credentialed with an ISA Tree Risk Assessment Qualification if engaging in commercial tree work involving hazardous trees; and
- Affirmation that the tree service provider is knowledgeable about City codes related to commercial tree work.

The legislation would also do the following:

- Require that registered tree service providers post a notice in a location visible from the ROW at least three days in advance of conducting major pruning or removal of trees larger than six inches DBH. The notice would:
 - Describe how the work will exceed normal and routine pruning operations and maintenance; and/or
 - Note whether the work will involve removing any trees six inches or greater DBH and identify whether any of the trees to be removed would be considered exceptional;¹
- Require that registered tree service providers comply with best practices applicable to the specific to type of commercial tree work for which they are hired, including determining what is required beyond normal pruning and maintenance to achieve the client’s objectives, and maintaining adequate supervision over workers as they are performing the commercial tree work; and
- Amend other sections of Title 25 to align with the legislation’s intent of requiring that only registered tree service providers may perform commercial tree work.

Finally, it would authorize SDCI to (1) promulgate rules as needed to support administration of the registry and (2) enforce the provisions of this legislation. SDCI will not accept any reports or other information related to commercial tree work from a tree service provider that has been issued a notice of violation (NOV) related to the illegal removal of an exceptional tree until the NOV has been withdrawn or successfully appealed.

Potential Impacts of CB 120207

Urban forestry

The [2016 Seattle Tree Canopy Assessment](#) found that residential areas comprise 67 percent of Seattle’s land area and accounted for 72 percent of total canopy cover. By comparison, the ROW is 27 percent of land area and contained 22 percent of total canopy cover. This legislation

¹ “Exceptional tree” means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by SDCI. The current version of the [Director’s Rule](#) generally considers trees to be exceptional at 30 inches DBH, though it identifies several dozen species as exceptional at a smaller diameter due to their slower growth rate or other factors.

would greatly expand the scope of the registration requirement by extending it beyond the ROW to include tree service providers working on private property.

SDOT has observed that the registration requirement appears to have increased overall tree service provider compliance with the City's street tree management regulations since establishing its registry. Based on SDOT's experience, the proposed tree service provider registry could improve management of trees on private property, supporting the City's priorities related to maintaining a healthy urban forest, as described in the recently updated [Urban Forest Management Plan](#). An additional benefit of this new requirement would be that the City would begin to receive more information about the management of trees on private property.

SDOT notes that the registry system has not entirely eliminated problems with tree management in the ROW. Some issues persist, such as registered tree service providers performing poor tree work and unregistered tree providers conducting work illegally in the ROW. The same is likely to occur in regard to the registry system for tree service providers operating on private property.

Unlike SDOT, which issues permits for planting, major pruning, and removal of street trees, SDCI provides relatively limited oversight of tree management outside of a development proposal.² Property owners may remove up to three trees that are six inches or greater DBH (that would not be considered exceptional) annually without a permit on lots in Lowrise, Midrise, Commercial, and Neighborhood Residential zones.

Lacking a permit requirement in these instances, SDCI would not be able to confirm whether a tree service provider conducting any commercial tree work is registered, which could allow unregistered tree service providers to continue to operate in Seattle. Expanding SDCI's authority to regulate tree management would need to be addressed through separate legislation.

Tree service providers

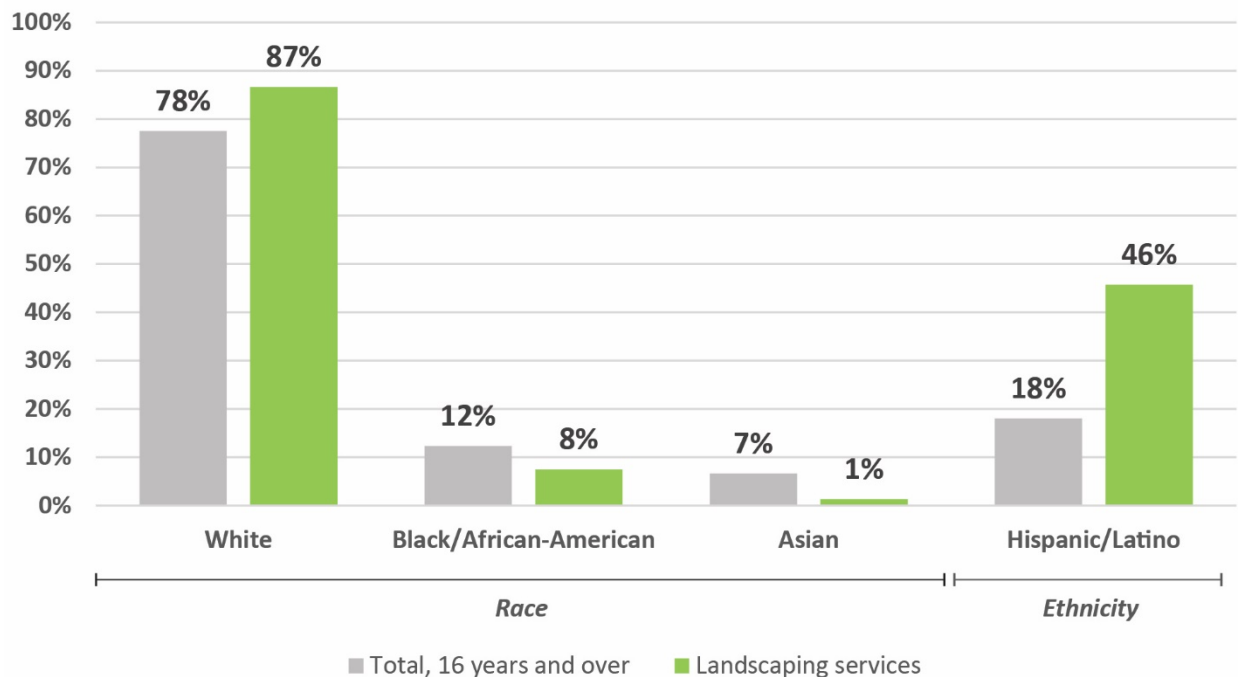
The City's active business license data includes over 900 businesses in the landscaping services industry. Over 12 percent (about 110) of these businesses appear to specialize in tree care and would likely meet the definition of a tree service provider.³ However, it is probable other businesses that offer general landscape maintenance also perform activities that would qualify as commercial tree work and thus would need to be registered as required by CB 120207.

² SDCI requires a permit when a hazardous tree is proposed to be removed or if more than three trees six inches or greater DBH are proposed to be removed in a year.

³ Based on a search using the North American Industry Classification System (NAICS) code for landscaping services (561730) and business trade names that included either "tree," "arborist," "arbor," or "arboriculture."

According to national data, workers in the landscape industry are predominately white and disproportionately skew Hispanic or Latino (see Exhibit 1 below).

Exhibit 1. Share of workers by race or ethnicity, total and landscaping services, United States, 2021⁴



The legislation could result in fewer job opportunities for companies that cannot meet the requirements for registration, particularly in regard to having a staff member who is an ISA-certified arborist, which may disproportionately impact Hispanic or Latino workers. Currently, the City only requires that tree service providers conducting tree work in the ROW be registered with SDOT. As discussed previously, this legislation would expand the registration requirement to a much larger area of the city that contains most of Seattle’s canopy cover, and therefore could impact many more businesses that perform commercial tree work.

Participants in the City’s recent outreach and engagement efforts related to tree protections generally supported the idea of establishing a registration system for tree service providers.⁵ They expressed concerns that the requirement for an ISA arborist certification may be a barrier and recommended that the City consider: (1) allowing tree service providers to have an ISA-certified arborist on retainer; and (2) strategies to help alleviate the costs associated with gaining and maintaining the credential for underrepresented workers.

⁴ U.S. Bureau of Labor Statistics, 2022. For reference, King County’s total worker population (16 years and over) is 64 percent white, 6 percent Black or African-American, 20 percent Asian, and 10 percent Hispanic or Latino.

⁵ See the [Tree Protections 2021 Outreach Report](#) compiled by SDCI, the Department of Neighborhoods, and the Office of Sustainability and Environment.

To qualify for the ISA arborist certification exam, an applicant must have either: (1) at least three years of arboriculture experience; and/or (2) a degree in the field of arboriculture, horticulture, landscape architecture, or forestry from a regionally-accredited educational institution along with practical arboricultural experience. The exam (available in Spanish or English) provides accreditation for a three-year period, after which the applicant either needs to take the exam again or accrue sufficient continuing education credits to maintain their credential.

SDOT allows registered tree service providers to have either an ISA-certified arborist on staff or retainer to allow for some flexibility. The Committee could consider amending CB 120207 to provide tree service providers with the option of having an ISA-certified arborist either on staff or retainer.

Cost of tree services

The City's tree protections outreach and engagement process revealed concerns about the possibility of increased costs for tree services as a result of this proposal. Residents or others that need the services of a tree service provider may find that costs for tree work have increased due to the requirement for an ISA-certified arborist to oversee the work. Providing the option of having an ISA-certified arborist on retainer instead of on staff may help to reduce staffing costs for tree service providers, which could in turn limit cost increases being passed onto their customers.

Implementation

As drafted, CB 120207 would require that SDCI establish the registration system within 90 days of the effective date of the ordinance. Tree service providers would then have 90 days to register with the City following establishment of the system. Should the Council pass the legislation on March 1, SDCI would need to have completed setup of the registration system by early July, and tree service providers would then need to be registered by early October.

SDCI anticipates that the tree service provider registry will not be ready to launch until September (at the earliest) as the staff responsible for developing the system are also engaged in creating systems to implement other priorities, such as the economic displacement relocation assistance program, passed by the Council via [Ordinance 126451](#) in September 2021. SDCI also will need to conduct culturally- and linguistically-appropriate outreach to key stakeholders, such as landscaping businesses that may need to register as tree service providers, which will include the over 900 businesses in the landscaping services industry and possibly others.

SDCI will require additional resources (amount still to be determined) to make the necessary changes to the Accela permitting system to enable SDCI to establish a registry system and for permit reviewers to confirm that tree service providers are registered. The system will have automated features so tree service providers can easily upload the required application

materials, submit photos of public notice postings, and other information as needed. Additionally, SDCI anticipates that they will need resources to support outreach. These costs could not be recovered through permit fees and would require additional general fund (GF) resources for the department.⁶

The Committee may want to consider amending the legislation to provide more time for implementation. If the legislation is passed by the Council, the Council will need to appropriate the additional resources requested by SDCI to support program implementation, possibly as part of the Mid-Year Supplemental Budget process. Currently, Central Staff is not aware of any GF resources available to support this appropriation absent an offsetting reduction in GF appropriations.

Enforcement

With the new public notice requirement for commercial tree work involving major pruning or tree removal, SDCI could receive an increase in calls, which may impact staff capacity to respond to complaints. SDCI may need to hire more enforcement staff to meet the demand. Conversely, the public notice requirement is intended to inform people that the commercial tree work performed by the registered tree service provider has been reviewed and permitted by the City; as such, SDCI may also receive fewer inquiries about permitted work and will be able to focus its attention on complaints of unpermitted commercial tree work.

Proposed Amendments

There are currently three proposed amendments to CB 120207 for discussion:

- Amendment 1 (sponsor: CM Pedersen) would make technical and clarifying changes.
- Amendment 2 (sponsor: CM Pedersen) would require that a registered tree service provider submit a report describing the health and risks posed by the tree if they are proposing to remove or conduct major pruning on an exceptional tree deemed hazardous.
- Amendment 3 (sponsor: CM Pedersen) would require that either a registered tree service provider or a State-licensed landscape architect with an ISA arborist certification submit a report describing how the proposed subdivision complies with the City policy of maximizing retention of existing trees as part of the subdivision, short subdivision, or boundary line adjustment process.

Next Steps

The Committee will continue discussion of CB 120207 and proposed amendments, and possibly vote at its next meeting on February 23. If the Committee votes it out that day, the legislation would go to the City Council for final action on March 1.

⁶ SDCI's 2022 Adopted Budget totals \$112 million, of which \$11 million is GF (10 percent).

Attachments:

1. Amendment 1 – Technical and clarifying changes
2. Amendment 2 – Reporting requirements for hazardous exceptional trees
3. Amendment 3 – Reporting requirements for subdivisions

cc: Esther Handy, Director
Aly Pennucci, Deputy Director

Attachment 1: Technical and clarifying changes

Yolanda Ho
Date: February 3, 2022
Version: 2

Amendment 1
to
CB 120207 – LEG Tree Service Provider Registry
Sponsor: Pedersen
Technical and clarifying amendments

Effect: This amendment would: clarify that the public notice requirement pertains only to major pruning and tree removal; amend the definition of “commercial tree work” to (1) clarify that only those that are doing the named activities in exchange for financial compensation are required to register and (2) exclude tree planting from the list of named activities; and would clarify that SDCI would not accept any reports or information regarding trees from a tree service provider that has a unresolved notice of violation related to the illegal removal of an exceptional tree.

1. Amend Section 2 of Council Bill 120207, as follows:

Section 2. A new Section 25.11.095 is added to the Seattle Municipal Code as follows:

25.11.095 Tree service provider registration

C. Tree service provider activities

1. A registered tree service provider shall comply with the following public notice requirements prior to conducting commercial tree work that involves major pruning or removal of trees larger than 6 inches DBH:

a. Post at least three days in advance of conducting any commercial tree work in a safe location at or adjacent to the commercial tree work site in a manner clearly visible from the public right-of-way, a copy of the tree service provider registration under which the commercial tree work is being conducted; and

b. Include a brief description of the commercial tree work the registered tree service provider is conducting that exceeds normal and routine pruning operations and

Yolanda Ho

Date: February 3, 2022

Version: 2

maintenance or that involves removal of any trees 6 inches or greater diameter at breast height and identify whether said tree meets the City's definition of exceptional.

2. Amend Section 3 of Council Bill 120207, as follows:

Section 3. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.11.020 Definitions

"Commercial tree work" means any of the following actions conducted within the City of Seattle in exchange for financial ~~compensation or other remuneration or personal benefit~~: major pruning as defined in Section 15.02.046; removal of trees larger than 6 inches DBH; ~~the planting of trees to replace removed trees larger than 6 inches DBH~~; and the assessment of the health or hazard risk of trees larger than 6 inches DBH. Normal and routine pruning operations that do not meet the definition of major pruning are not commercial tree work.

"Diameter at breast height" or "DBH" means the diameter of a tree trunk measured at 4.5 feet above ground. Diameter at breast height is equivalent to "diameter at standard height" or "DSH."

3. Amend Section 6 of Council Bill 120207, as follows:

Section 6. Subsection 25.11.100.A of the Seattle Municipal Code, which section was last amended by Ordinance 123633, is amended as follows:

25.11.100 Enforcement and penalties((-))

A. Authority((-))

1. The Director shall have authority to enforce the provisions of this ((chapter)) Chapter 25.11, to issue permits, impose conditions and establish penalties for violations of

Yolanda Ho

Date: February 3, 2022

Version: 2

applicable law or rules by registered tree service providers, ((and)) establish administrative procedures and guidelines, conduct inspections, and prepare the forms and publish Director's Rules that may be necessary to carry out the purposes of this ((chapter)) Chapter 25.11.

2. The Director shall not accept any report containing, or approve any application relying on, information regarding trees or commercial tree work ~~authored or~~ prepared by ~~or on behalf of~~ a ~~person~~ tree service provider whenever the Director has issued a notice of violation regarding that ~~person's tree service provider's~~ actions occurring on or after the effective date of this ordinance that result in the removal of an exceptional tree, unless such notice of violation by the City has been withdrawn or overturned on appeal as provided in subsection 25.11.100.E or as otherwise provided by law.

Attachment 2: Reporting requirements for hazardous exceptional trees

Yolanda Ho

Date: February 3, 2022

Version: 3

Amendment 2

to

CB 120207 – LEG Tree Service Provider Registry

Sponsor: Pedersen

Reporting requirements for removal or major pruning of hazardous exceptional trees

Effect: This amendment would require that a registered tree service provider submit a report describing the health and risks posed by the tree if they are proposing to remove or conduct major pruning on an exceptional tree deemed hazardous. The report would need to include a description of potential targets, an industry-specific term for an area where personal injury or property damage could occur if the tree or a portion of the tree fails (e.g., sidewalks, vehicles, houses, or playgrounds). This amendment would codify existing reporting requirements related to hazardous trees as described in the Seattle Department of Construction and Inspections' [Hazard Tree Tip 331B](#).

Amend Section 2 of Council Bill 120207, as follows (subsections will be numbered as appropriate depending on which amendments are adopted):

Section 2. A new Section 25.11.095 is added to the Seattle Municipal Code as follows:

25.11.095 Tree service provider registration

C. Tree service provider activities

1. A registered tree service provider shall comply with the following public notice requirements prior to conducting commercial tree work:

a. Post at least three days in advance of conducting any commercial tree work in a safe location at or adjacent to the commercial tree work site in a manner clearly visible from the public right-of-way, a copy of the tree service provider registration under which the commercial tree work is being conducted; and

b. Include a brief description of the commercial tree work the registered tree service provider is conducting that exceeds normal and routine pruning operations and maintenance or that involves removal of any trees 6 inches or greater diameter at breast height and identify whether said tree meets the City's definition of exceptional.

2. A registered tree service provider is responsible for complying with best practices applicable to the particular commercial tree work for which they are retained, including:

a. Determination of the commercial tree work needed to justify removal or pruning outside of the routine pruning operations and maintenance in order to meet the objectives of the hiring entity;

b. Maintaining adequate supervisory control over workers conducting commercial tree work under their direct supervision.

X. If a registered tree service provider is proposing to remove or conduct major pruning on an exceptional tree based on it being a hazardous tree, the registered tree service provider must include a brief report that summarizes the factors contributing to the tree's risk rating. This report should include information on the overall health of the tree, the dimensions and structure of the tree, and analysis of potential targets should it or major parts of it fall. When necessary, the report should also include analyses of tissue samples to confirm disease or other issues concerning whether the tree posed a hazard to property or human safety.

Attachment 3: Reporting requirements for subdivisions

Yolanda Ho

Date: February 7, 2022

Version: 4

Amendment 3

to

CB 120207 – LEG Tree Service Provider Registry

Sponsor: Pedersen

Reporting requirements for subdivisions

Effect: This amendment would add an additional report requirement to the subdivision, short subdivision, or boundary line adjustment process. Currently, the City only requires that a registered surveyor draw plat maps. This would require that either a registered tree service provider or a state-registered landscape architect provide a report describing how the proposed subdivision complies with the City policy of maximizing retention of existing trees. Note that the subdivision process does not involve permitting development, but typically takes proposed development into account (e.g., building footprints and vehicle access).

Amend Section 2 of Council Bill 120207, as follows (subsections will be numbered as appropriate depending on which amendments are adopted):

Section 2. A new Section 25.11.095 is added to the Seattle Municipal Code as follows:

25.11.095 Tree service provider registration

C. Tree service provider activities

1. A registered tree service provider shall comply with the following public notice requirements prior to conducting commercial tree work:

a. Post at least three days in advance of conducting any commercial tree work in a safe location at or adjacent to the commercial tree work site in a manner clearly visible from the public right-of-way, a copy of the tree service provider registration under which the commercial tree work is being conducted; and

b. Include a brief description of the commercial tree work the registered tree service provider is conducting that exceeds normal and routine pruning operations and maintenance or that involves removal of any trees 6 inches or greater diameter at breast height and identify whether said tree meets the City's definition of exceptional.

2. A registered tree service provider is responsible for complying with best practices applicable to the particular commercial tree work for which they are retained, including:

a. Determination of the commercial tree work needed to justify removal or pruning outside of the routine pruning operations and maintenance in order to meet the objectives of the hiring entity; and

b. Maintaining adequate supervisory control over workers conducting commercial tree work under their direct supervision.

X. Either a registered tree service provider or a Washington state-licensed landscape architect who is a currently credentialed ISA certified arborist shall prepare and submit a report to the Director during the subdivision, short subdivision, or boundary line adjustment process, describing how the proposal to subdivide land, short subdivide land, or adjust lot lines, complies with the City's policy of maximizing retention of existing trees.



SEATTLE CITY COUNCIL
CENTRAL STAFF

Tree Service Provider Registration (Council Bill 120207)

YOLANDA HO, ANALYST

LAND USE COMMITTEE

FEBRUARY 9, 2022

Presentation Overview

- Background
- Summary of Council Bill (CB) 120207
- Comparison with Seattle Department of Transportation's (SDOT's) Registry
- Potential Impacts of CB 120207

Background

- Council adopted Resolution 31902 stating the Council's and Mayor's shared commitment to explore strategies to protect trees and increase Seattle's tree canopy cover
- Included the priority that all tree service providers operating in Seattle be required to meet minimum certification and training requirements and register with the City
- Seattle Department of Transportation (SDOT) already requires that tree service providers working on trees in the public right-of-way register with the City

Summary of CB 120239

The legislation would:

- Require that the Seattle Department of Construction and Inspections (SDCI) set up a registration system within 90 days of the effective date of the ordinance
- Tree service providers would then have 90 days to register with SDCI
- Define “commercial tree work” and “tree service provider”
- Require that registered tree service providers comply with best practices specific to type of commercial tree work for which they are hired
- Authorize SDCI to create rules as needed to support administration of the registry
- Amend other sections of Title 25 to align with legislation’s intent

Comparison with SDOT's Registry

Description	SDOT	SDCI (CB 120207)
Registration Fee	None	None
WA General Contractor's License	Yes	Yes
Seattle Business License	Yes	Yes
Commercial Liability Insurance	Minimum \$1M coverage, with City as additional insured	Coverage amount to be determined by SDCI
ISA-Certified Arborist	On staff or retainer	On staff
Familiarity with City Regulations	Yes	Yes
Public Notice	14 days in advance of tree removal	3 days in advance of major pruning or removal
Penalty	Removal from registry for one year following two notices of violation (any); may reapply after a year	SDCI will not accept submittal of tree-related reports until notice of violation (illegal removal of exceptional tree) is resolved

Potential Impacts of CB 120207

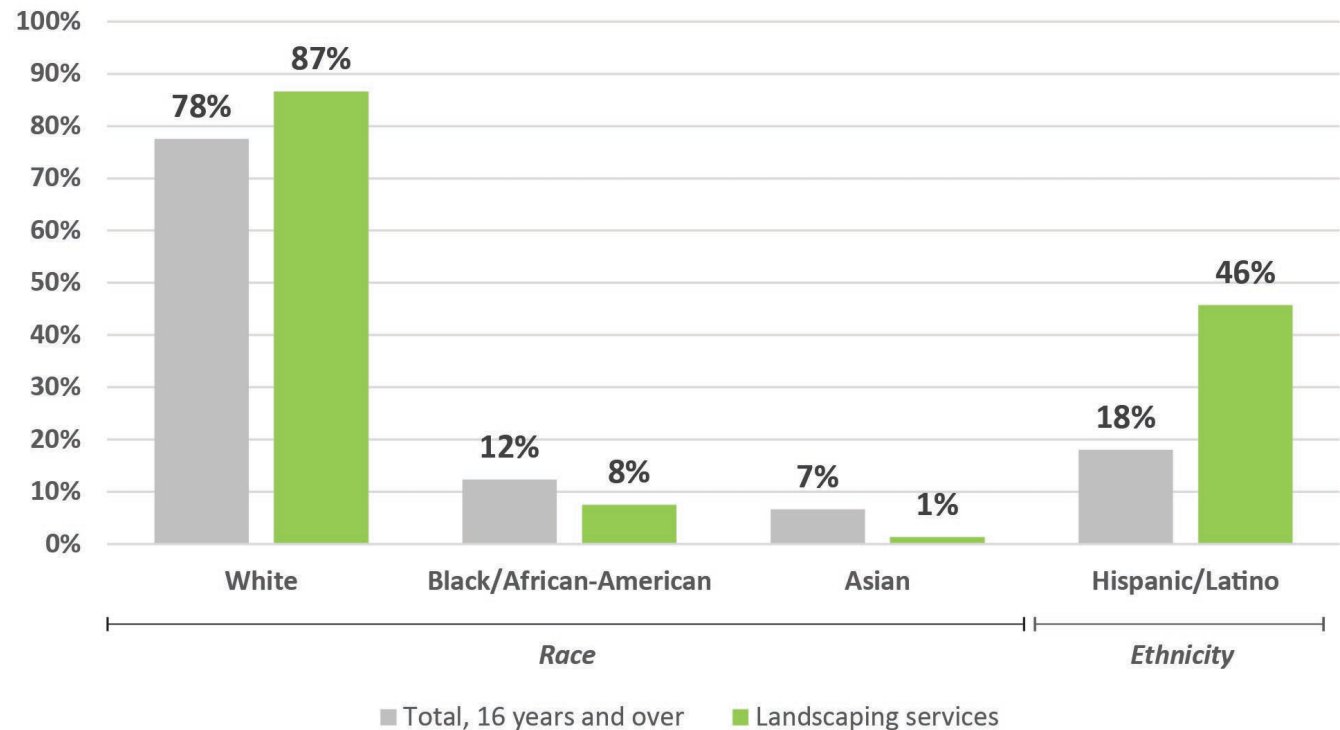
- Urban forestry
 - Would expand scope of current registration requirement
 - SDOT has observed improved street tree management overall, though some problems persist
 - SDCI provides limited oversight of tree management outside of a development proposal

Potential Impacts of CB 120207

- Tree service providers: over 900 businesses with active Seattle licenses in the landscaping services industry

Share of workers by race or ethnicity, total and landscaping services, United States, 2021

Source: U.S. Bureau of Labor Statistics, 2022



Potential Impacts of CB 120207

- Tree service providers
 - Registration will likely impact a greater number of businesses
 - Requirement for ISA-certified arborist on staff could present a barrier
 - Applicants must have (1) at least three years of work experience in arboriculture; and/or (2) a degree in arboriculture, horticulture, landscape architecture, or forestry from a regionally-accredited institution and practical arboriculture experience
 - Exam provides accreditation for three years and either must be taken again or have sufficient continuing education credits to maintain credential

Potential Impacts of CB 120207

- Cost of tree services
 - Could increase due to requirement for ISA-certified arborist
- Implementation
 - SDCI has limited staff capacity to develop registry system
 - Outreach to landscaping businesses and other stakeholders
- Enforcement
 - Public notice requirement

Questions?



Legislation Text

File #: CF 314441, **Version:** 1

Application of Wallace Properties - Park at Northgate, LLC for a contract rezone of a site located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability (MHA) suffix (LR3 (M)) to Midrise with an M1 MHA suffix (MR (M1)) (Project No. 3033517; Type IV).

The Rezone Material is provided as an attachment.

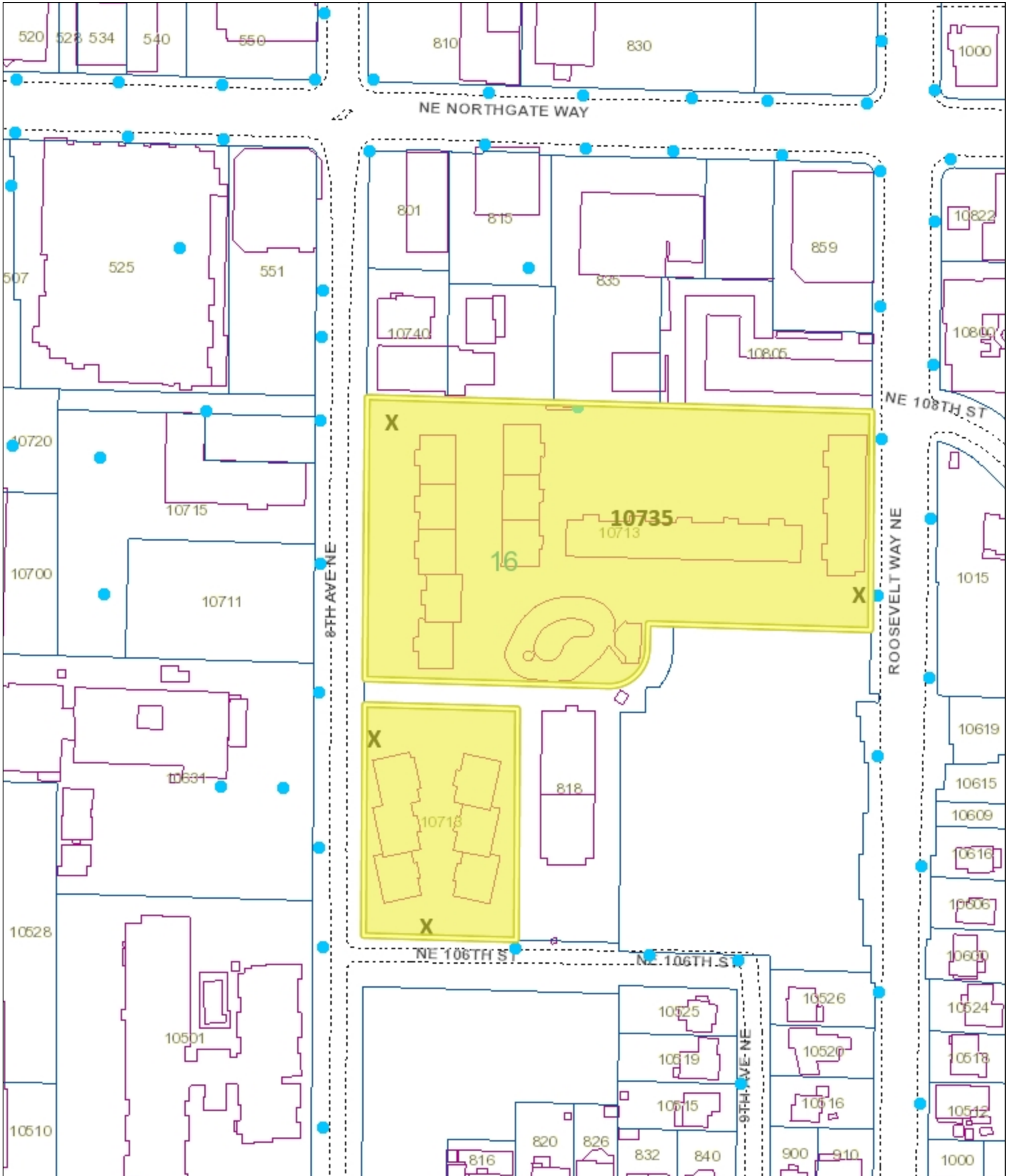


3033517-LU

10735 ROOSEVELT WAY NE
MAP 16



Feet
0 150



Memorandum

To: Nathan Torgelson, SDCI Director
From: Aaron M. Laing
Date: July 29, 2019
Subject: SDCI Record No. 013750-18PA/3033516-EG - Park at Northgate Site-Specific Rezone Request – Rezone Criteria Analysis

CAM 228 REZONE APPLICATION SUBMITTAL INFORMATION

Applicant Wallace Properties – Park at Northgate LLC provides the following information along with the City’s standard forms, SEPA checklist, and related documents in support of its request to for a site-specific rezone:

1. **Project number:** SDCI Record No. 013750-18PA/3033516-EG. A pre-application meeting was held on January 3, 2019. There is no associated Master Use Permit.
2. **Subject property address(es):** The Site is located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617.

3. **Existing zoning classification(s) and proposed change(s):** Per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Site’s existing zoning designation is Lowrise 3 with a fifty foot (50’) height limit and a Mandatory Housing Affordability (MHA) suffix of (M) or LR3(M). The proposed zoning designation for the Site is Midrise with an eighty foot (80’) height limit and MHA suffix of (M1) or MR(M1), per newly-revised SMC Chapter 23.45.

4. **Approximate size of property/area to be rezoned:** The Site is approximately 5.24 acres/ 228,319 square feet.



5. **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, Environmentally Critical Area Site Plan Requirements.** N/A. The Site does not contain, nor is it within 25 feet of, an environmentally critical area. Please see Altmann Oliver Associates LLC's March 6, 2019 Wetland and Stream Reconnaissance in Attachment D hereto.

6. **Applicant information:**

a. **Property owner or owner's representative or – Property Owner:** The property owner/Applicant is Wallace Properties – Park at Northgate LLC, and the property owner's representative is Kevin Wallace.

b. **Other? (Explain) – N/A**

7. **Legal description of property(s) to be rezoned:** The Site's full legal description and depiction are attached hereto as Attachment A, Bush, Roed & Hitchings, Inc.'s July 25, 2019 ALTA Survey of the Site. The Site's short form legal description is as follows:

South ½ of NE ¼ of SW ¼ of SE ¼, Section 29, Township 26 N, Range 4
E, W. M., situated in King County, WA

8. **Present use(s) of property:** The Site is developed with a series of two-story wood-framed garden-style apartments, surface parking and a swimming pool, comprising a 148-unit apartment complex in six separate structures built in 1967. All units are two-bedroom, one bathroom, market-rate apartments that currently lease at rates affordable between 70% and 90%+ of Area Median Income (AMI). While the Site appears to be comprised of two separate parcels, it is a single parcel for tax purposes.

9. **What structures, if any, will be demolished or removed?** For the rezone, none of the structures identified in item #8 will be removed. Upon redevelopment of the Site, all of the structures and improvements on the Site identified in item #8 will be removed and replaced with new multifamily residential structures and associated parking and amenities. In Section 13 below, Applicant proposes to phase the demolition in order to reduce potential displacement impacts on existing Park at Northgate residents.

10. **What are the planned uses for the property if a rezone is approved?** Applicant seeks both to rezone the Site to MR(M1) and to enter into a Property Use and Development Agreement (PUDA) with a 20-



year term to allow development of multifamily housing, including affordable housing units, and associated parking and amenities. Based on our current analysis, if the Site is rezoned to MR(M1), Applicant may develop up to 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant proposes to: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. Applicant will also provide an east-west pedestrian connection along the Site's northern property line to facilitate access to transit and improve pedestrian connectivity in the neighborhood. Redevelopment will also allow for enhanced water quality for stormwater leaving the Site and discharging to Thornton Creek and its associated wetland complex.

11. Does a specific development proposal accompany the rezone application? If yes, please provide plans. No. A general phasing plan along with two massing diagrams prepared by BCRA for the PUDA are included as Attachment B.

12. Reason for the requested change in zoning classification and/or new use. While well-maintained, the Site's existing wood-framed units are over 50 years old and nearing the end of their useful life. The City and region have made significant transportation investments in the Northgate Urban Center, and the City has ongoing planning initiatives to leverage such investments and provide more affordable housing and a wider range of housing opportunities in the neighborhood.

On November 9, 2017, the City issued the Mandatory Housing Affordability SEPA Final Environment Impact Statement (MHA FEIS) with a LR3(M) as the Preferred Alternative for the Site. During the MHA SEPA process, Applicant requested that the Site be rezoned to MR(M1) due to the infeasibility of redeveloping the Site under the LR3(M) designation and the opportunity that the MR(M1) designation would provide for the development of a significant number of family-sized affordable units. Please see June 30, 2017 and August 7, 2018 correspondence, Attachment C.

Due to displacement concerns, the Site was rezoned to LR3(M) effective April 19, 2019, per Ordinance No. 125791 / Council Bill 119444. The rezone from LR3 to LR3(M) did not convey enough additional density to offset the cost of the MHA requirements, increasing the FAR from 2.0 to 2.3, a value of \$12.90/land square foot, but imposing an MHA requirement at a

cost of \$30.48/land square foot; as such, redevelopment of the Site is infeasible without this requested rezone to MR(M1). Please see May 17, 2018 correspondence, [Attachment C](#).

Applicant now requests that the Site be rezoned through this process to MR(M1), which will enable Applicant to provide the benefits outlined in Section 13 below. As explained in response to item #10 above, if granted, Applicant's request will allow for an increased density on the Site from 148 market-rate units to approximately 1,100 units, of which 29% will be affordable units per SMC Chapter 23.58C (MHA – 9%) and SMC Chapter 5.73 (MFTE – 20%). If granted, the proposed rezone also provides the opportunity to create an east-west pedestrian connection from Roosevelt Way NE across the Site and allow for enhanced water quality for stormwater leaving the Site and discharging to Thornton Creek and its wetland complex.

13. Anticipated benefits the proposal will provide: Anticipated benefits include:

- a. The timely replacement of an aging, low-density apartment complex with a modern, energy efficient, transit-oriented development that will provide up to 1,100 homes, of which 29% will be rent-restricted affordable units in the heart of the Northgate Urban Center. The ~319 rent-restricted units alone will more than double the current rent-restricted unit count on Site under LR(3)(M) zoning.
- b. Support and leverage the City's planning, affordability, and pedestrian goals through additional density and the opportunity for a pedestrian connection from Roosevelt Way NE to 5th Avenue NE.
- c. Allow for enhanced stormwater treatment of water leaving the Site and discharging into Thornton Creek and the associated wetland complex south of the Site through compliance with current stormwater regulations.
- d. Meet the City's transportation, land use and housing objectives, including providing transit-oriented affordable housing per the goals established in the City's Seattle 2035 Comprehensive Plan and the goals of the HALA / MHA process.
- e. Under the current LR3(M) zoning, it is not feasible to redevelop the Site as the cost of compliance far exceeds the value of the nominal increase in FAR provided by the rezone from LR3 to LR3(M). See May 17, 2018 correspondence, [Attachment C](#). Even if redevelopment were feasible, the (M) zoning designation means only 5-7% of new homes would be reserved at 60% AMI affordable rents, as opposed to 9% with the requested (M1) zoning suffix. Redevelopment under the LR3(M) zoning would not require any phasing, retention of the family-sized two-bedroom units or other mitigation to reduce displacement impacts. By contrast, the proposed rezone, coupled with the proposed PUDA, will result in development of a significantly greater number of affordable, rent-restricted, family-sized units and mitigate displacement impacts.
- f. Applicant proposes to provide the 9% MHA units on-site, as opposed to paying the fee in lieu available under SMC Chapter 23.58C.

- g. Applicant proposes to provide 20% of the units at affordable rates pursuant to the (MFTE) incentive, as it currently exists in SMC Chapter 5.73.
- h. Applicant proposes to provide at least 148 two-bedroom family-sized units in the redevelopment, which is would replace the existing units at a minimum ratio of 1:1.
- i. To minimize impacts on existing residents of the Site, Applicant will agree to phase the redevelopment such that no more than two of the existing six buildings will be demolished within nine months of the others.

Applicant is willing to commit to provide the benefits listed in (f), (g), (h) and (i) above through execution of a PUDA with a 20-year term.

- 14. Summary of potential negative impacts of the proposal on the surrounding area:** None. *See* analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below, for additional detail. Please also refer to the July 26, 2019 SEPA checklist submitted with this application and the studies referenced therein.
- 15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).** Property Use and Development Agreement (PUDA) to allow conditional phased redevelopment of Site over a period of twenty (20) years.
- 16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.** *See* detailed analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below and supporting attachments.
- 17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans coversheet. See Attachment A.**

BACKGROUND INFORMATION

Summary of Request

The Land Use Code, Section SMC 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. This proposal includes a rezoning of the Site from LR3(M) with a fifty-foot (50’) height limit and MHA suffix (M) or LR3(M)¹ to MR with an eighty-foot (80’) height limit and MHA suffix (M1) or MR(M1)) along with a Property Use and Development Agreement with a 20-year term that will require phased redevelopment, onsite performance / provision of affordable units, 1:1 replacement of the Site’s existing 148 two-bedroom units, provision of an east-west pedestrian connection along the Site’s northern property line and enhanced stormwater treatment to Thornton Creek and its associated wetland complex.

The Seattle 2035 Comprehensive Plan seeks to add 3,000 housing units to the Northgate Urban Center by 2035. Consistent with the applicable goals and policies of the Seattle 2035 Comprehensive Plan Land Use, Housing and Transportation elements and the Seattle 2035 Northgate Neighborhood Plan, the zoning designation change (*i.e.*, LR3(M) to MR(M1)) will allow for a significant increase in density on the Site, which is within both the City’s adopted Frequent Transit Service Area and within the 10-minute walkshed for the Northgate Transit Center and soon-to-open (2021) light rail station. The increased density will allow phased replacement of market-rate units affordable at the 70%-90%+ AMI level with a wide-range of affordable housing options on the Site, and the significant increase in residential density will support the growing mix of businesses and services in the Northgate Urban Center. Through the PUDA, redevelopment will allow for the provision of an east-west pedestrian connection from Roosevelt Way NE to 5th Avenue NE.

Site and Vicinity Description

The Site is located at 10713 Roosevelt Way NE, on the east edge of the Northgate Urban Center. The Site fronts on the east side of 8th Avenue NE midblock between NE Northgate Way and NE 106th Street NE, and it also fronts upon and has access to Roosevelt Way NE. Presently, it is zoned LR3(M). The Site is located within the ½-mile ten-minute walkshed of the Northgate Transit Center and soon-to-open Northgate Link Light Rail station. See Park at Northgate Transit Radius, Attachment E. The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City’s adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and

¹ As shown in Tables A and B for newly-revised SMC 23.45.514, Structure height, the base height for, respectively, LR3-zoned properties in Urban Centers is 50’, and the base height for MR-zoned properties is 80’, provided that the property has an MHA suffix.

<http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>.

As shown in Attachment H, Site Elevation Cross Section, the Site is essentially flat, sits in a bowl and slopes from west to east and north to south. From north to south, there is an approximately 30' change in elevation across the Site, and the northernmost part of the Site sits 20' to 30' lower than NE Northgate Way. The southernmost portion of the Site along NE 106th Street sits at essentially the same elevation as the Thornton Creek wetland complex, and the topography rises steeply south of the creek moving up a hill toward the Maple Leaf neighborhood. The closed single-family neighborhoods to the south are along NE 105th Street, which is at an elevation approximately 40' higher than the lowest portion of the Site and in the same elevation as the northernmost portion of the Site. In sum, due to the topography, the Site sits significantly lower than the properties to the north along NE Northgate Way as well as properties to the south. There are no Environmentally Critical Areas on the Site, and the Site is not located within the shoreline environment.

Open space in the area includes a City Park (Hubbard Homestead Park) located between 5th Avenue NE and 3rd Avenue NE a few blocks northeast of the Site. Other open space includes Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools are located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. In addition to transit service, the Site is also well-served by the City's growing network of bicycle pathways. *See Attachment E.*

NE Northgate Way is a principal arterial, 5th Avenue NE is a minor arterial, Roosevelt Way NE is a minor arterial and 8th Avenue NE is a non-arterial access street. (*See* SDOT Street Classification Map). Parking in the area is a combination of structured parking, surface parking, and limited on-street parking.

Other uses and developments in the area include Northgate Mall, one- to seven-story commercial development and parking garages, one- to eight-story residential and mixed-use structures, and offices. Existing development represents a wide range of ages and styles of construction. Two blocks north of the Site along 8th Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are several three-to-four story apartment complexes with surface parking lots.

As shown in **Figure 1** below and Attachment G, the adjacent, abutting properties to the north are zoned NC2-55(M) and NC3-55(M); properties to the west along 8th Avenue NE are zoned NC3-95(M), NC3(75(M) and NC3-55(M), and abutting properties to the south are zoned LR3(M). The

closest single-family zoning (SF 7200) is located to the southeast along Roosevelt Way NE. The single-family neighborhoods directly south of the Site along NE 8th Avenue are more than a block away and are physically separated by both public rights-of-way and the Thornton Creek Beaver Pond wetland complex.

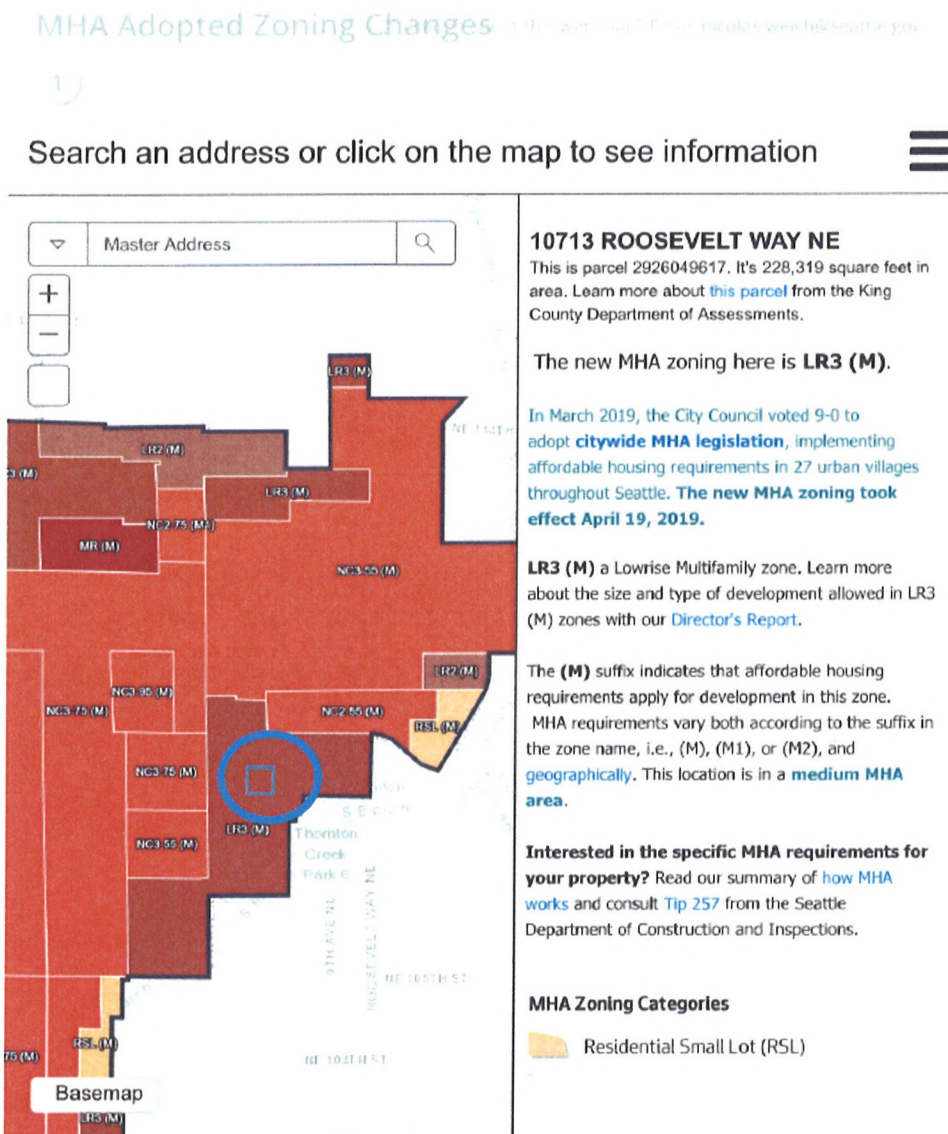


Figure 1 MHA Zoning (Effective April 19, 2019)

As shown in Figure 1 above and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)). Most of those areas sit higher than the Site due to topography. *See Site Elevation Cross Section, Attachment H.*

The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). Per Table A of SMC 23.45.510 and Table A of SMC 23.47A.013 of the newly-adopted MHA Ordinance, the allowable FAR for MR-zoned sites with an MHA suffix is 4.5, and the allowable FAR for NC-zoned sites with heights from 55' to 95' ranges from 3.75 to 6.25. The allowable density on the Site under MR zoning would be consistent with the density allowed on other adjacent and nearby parcels.

Also, along 8th Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the MR zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the MR zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to similar heights and densities as the Prism.

These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level as the heights and allowable FAR are comparable both as-zoned and as-developed.

Permitted Use and Zoning History

Currently, the Site is developed with a 148 unit garden-style apartment complex. The units are market-rate and rent at the 70%-90%+ AMI affordability level. This low-density complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. The floor-area ratio (FAR) of the existing buildings is 0.66 (about 28 units per acre); current zoning allows an FAR of 2.3, per Table A of SMC 23.45.510. To say the least, the Site is underutilized from a housing standpoint. Much of the Site is covered with impervious parking lots and stormwater runoff to Thornton Creek and its associated wetland is untreated.

In December, 2009 the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative, the Site was recommended for one increase in zoning height/intensity—that is, from LR3 to LR4. In 2010, the City eliminated the LR4 zoning designation. Under the City's current zoning designations, the next increment from LR3 is MR.

During the ten-year period between completion of the 2009 FEIS and adoption of the MHA Ordinance in March 2019, the City only increased density in the Northgate Urban Center via three contract rezones. The Mullaly family received a contract rezone for their site on NE 1st Street/NE Northgate Way along I-5, going from MR to NC3-85. Two Wallace Properties affiliates obtained contract rezones, nominally increasing the height and density on land a block northwest (525 NE Northgate Way) and directly west of the Site (10711 8th Avenue NE). Both of those sites have now been rezoned to higher heights and densities.

Consistency with Seattle 2035 Comprehensive Plan

Under the recently adopted MHA Ordinance, the Site was rezoned from LR3 with a 40' height limit to LR3(M) with a 50' height limit. This would allow one more level of residential units with 5-7% of homes reserved at affordable rents for low-income people. By contrast, this request to rezone the Site to MR(M1) combined with a PUDA would allow for the phased redevelopment of the Site over a period of twenty years to provide significantly more affordable units and ensure one-for-one replacement of the existing market-rate 148 two bedroom family-sized units. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request.

In November 2016, the City adopted its new Seattle 2035 Comprehensive Plan. As detailed in the Citywide Planning element, the heart of the City's growth strategy are the City's urban villages. Simply put, "The urban village strategy is Seattle's growth strategy." See Seattle 2035 Urban Village discussion at 22-26. The goal of the Seattle 2035 growth strategy is succinct:

***GS G1** Keep Seattle as a city of unique, vibrant, and livable urban neighborhoods, with concentrations of development where all residents can have access to employment, transit, and retail services that can meet their daily needs.*

From a zoning standpoint, Goal GS G1 is to be achieved through the following policies:

POLICIES

***GS 1.1** Designate places as urban centers, urban villages, or manufacturing/industrial centers based on the functions they can perform and the densities they can support.*

***GS 1.2** Encourage investments and activities in urban centers and urban villages that will enable those areas to flourish as compact **mixed-use** neighborhoods designed to accommodate the majority of the city's new jobs and housing.*

...

***GS 1.5** Encourage **infill development** in underused sites, particularly in urban centers and villages.*

***GS 1.6** Plan for development in urban centers and urban villages in ways that will provide all Seattle households, particularly marginalized populations, with better access to services, transit, and educational and employment opportunities.*

GS 1.7 Promote levels of density, mixed-uses, and transit improvements in urban centers and villages that will support walking, biking, and use of public transportation.

GS 1.8 Use zoning and other planning tools to shape the amount and pace of growth in ways that will limit displacement of marginalized populations, and that will accommodate and preserve community services, and culturally relevant institutions and businesses.

....

GS 1.13 Provide opportunities for marginalized populations to live and work in urban centers and urban villages throughout the city by allowing a variety of housing types and affordable rent levels in these places.

(Bold text in original; underlining added.) By rezoning the Site to MR(M1) and entering into the proposed PUDA, each of these strategies is brought to fruition: more and a broader range of affordable housing will be provided in the Northgate Urban Center near jobs, businesses and transit, and displacement impacts will be minimized through phasing and retention of family-sized units on Site.

The second and related goal of the Seattle 2035 growth strategy is also succinct:

GS G2 *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.*

To accomplish this goal, the Seattle 2035 plan sets forth the following policies relevant to this proposed rezone:

GS 2.1 *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

GS 2.2 *Base twenty-year growth estimates for each urban center and manufacturing/ industrial center on the following criteria:*

- *Citywide targets for housing and job growth adopted in the Countywide Planning Policies*
- *The role of the center in regional growth management planning*
- *The most recently adopted subarea plan for the center*
- *Level of transit service*

- Existing zoning capacity for additional commercial and residential development existing densities
- Current development conditions, recent development trends, and plans for private or public development, such as by major institutions
- Plans for infrastructure, public amenities, and services that could attract or support additional growth
- Access to employment for, and potential displacement of, marginalized populations

....

GS 2.6 *Work with communities where growth is slower than anticipated to identify barriers to growth and strategies to overcome those barriers.*

(Bold text in original; underlining added.)

With specific regard to the City's Multifamily Residential Areas, the Seattle 2035 Land Use Element provides the following self-evident goals and policies that support this request to rezone the Site from LR(3)(M) to MR(M1):

GOAL

LU G8 *Allow a variety of housing types and densities that is suitable for a broad array of households and income levels, and that promotes walking and transit use near employment concentrations, residential services, and amenities.*

POLICIES

LU 8.1 *Designate as multifamily residential areas those places that either are predominantly occupied by multifamily development or are within urban centers or urban villages.*

...

LU 8.3 *Provide housing for Seattleites at all income levels in development that is compatible with the desired neighborhood character and that contributes to high quality, livable urban neighborhoods.*

LU 8.4 *Establish evaluation criteria for rezoning land to multifamily designations that support the urban village strategy, create desirable multifamily residential neighborhoods, maintain compatible scale, respect views, enhance the streetscape and pedestrian environment, and achieve an efficient use of the land without major impact on the natural environment.*

....

LU 8.6 *Establish multifamily residential use as the predominant use in multifamily areas and limit the number and type of nonresidential uses to preserve the residential character of these areas, protect these areas from negative impacts of incompatible uses, and maintain development opportunities for residential use.*

...

LU 8.11 *Use midrise multifamily zones to provide greater concentrations of housing in urban villages and urban centers.*

(Bold text in original; underlining added.) The Site is already designated and zoned for multifamily use, but the allowed density under LR3(M) zoning is not consistent with the City's vision for placing the highest levels of density in Urban Villages and Urban Centers, particularly in areas like the Site that are well-served by transit and have significant employment and service opportunities nearby.

The Seattle 2035 Comprehensive Plan's Housing element is focused, in part, on growth and equity. The Housing element was developed and adopted, following a process that began in 2013 with the review of the City's affordable housing incentive programs. In 2014, the City Council and Mayor jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee. In 2015, the Mayor and Council approved the Seattle Housing Affordability and Livability Agenda (HALA). The HALA contains sixty-five recommendations for how Seattle can create more affordable housing, including steps for-profit and nonprofit housing developers to build and preserve affordable housing. Seattle 2035's overarching housing goals provide:

H G2 *Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.*

H G3 *Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.*

(Underlining added.) To achieve this goal, the City adopted several dozen policies, of which several speak to rezoning underutilized properties like the Site to encourage redevelopment:

H 2.4 *Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.*

...

***H 3.3** Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.*

...

***H 5.16** Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.*

(Bold text in original; underlining added.)

With regard to the emphasis on housing affordability, the Housing Element provides the following relevant goals and policies that support rezoning the Site from LR3(M) to MR(M1):

GOAL

***H G5** Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.*

POLICIES

***H 5.3** Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.*

...

***H 5.6** Increase housing choice and opportunity for extremely low- and very low-income households in part by funding rent/income-restricted housing throughout Seattle, especially in areas where there is a high risk of displacement. Also increase housing choice in areas where lower-cost housing is less available but where there is high frequency transit service and other amenities, even if greater subsidies may be needed.*

***H 5.7** Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.*

(Underlining added.) Again, the Site is on the City's adopted Frequent Transit Service Area map, is adjacent to a transit stop on Roosevelt Way NE and within the ten-minute walkshed of the Northgate Transit Center and future light rail station. See Attachment E. By significantly increasing the density while requiring on-site performance of MHA affordability requirements, the

Site will provide more than twice as many rent-restricted affordable units (over 300 such units) than the existing 148 market-rate units, which are affordable at the 70%-90%+ AMI level.

Finally, with regard to the Seattle 2035 Plan's Natural Environment and Urban Design – Built Environment goals and policies, the following policies are relevant for the proposed conditions of the PUDA requested as part of this rezone:

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.*

GS 3.4 *Respect topography, water, and natural systems when siting tall buildings.*

....

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.*

...

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.*

(Bold text in original; underlining added.) By requiring the east-west pedestrian connection across the Site, the rezone and PUDA will better meet the goals and policies above that development under the existing LR3(M) zoning. By allowing for redevelopment under the City's current stormwater code, the quality of stormwater discharged to Thornton Creek and its wetland complex will be significantly improved. Also, the Site's topography lends itself to higher buildings as it sits in a bowl, relative to surrounding properties.

Consistency with Seattle 2035 Northgate Neighborhood Plan

The Site is within the core of the Northgate Urban Center, per the Seattle 2035 Future Land Use Map. As described in the Seattle 2035 Land Use Element, the Northgate Urban Center is planned for increased intensity of development, including increased residential density. The Seattle 2035 Northgate Neighborhood Plan provides the following goals and policies that speak to and support increased density on the Site through the proposed rezone to MR(M1):

NG-P2 *Use land use regulation to cause new development to locate close to transit stops and provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

...

NG-P6 Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.

...

NG-P8.5 Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.

TRANSPORTATION GOALS

NG-G6 *An economically viable commercial core with improved alternative means of access, good vehicular and pedestrian circulation, and an enhanced, interesting environment that attracts customers, visitors, and employers.*

NG-G7 Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.

....

TRANSPORTATION POLICIES

NG-P11 Promote pedestrian circulation with an improved street-level environment by striving to create pedestrian connections that are safe, interesting, and pleasant.

....

DRAINAGE POLICY

NG-P16 Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.

(Bold text in original; underlining added.)

Of further note, the Transportation Element of the Seattle 2035 Plan identifies high priority pedestrian investments in the Northgate Urban Center as part of the strategy to implement the following policies:

T 3.10 *Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.*

T 3.11 *Develop and maintain bicycle and pedestrian facilities, including public stairways, that enhance the predictability and safety of all users of the street and that connect to a wide range of key destinations throughout the city.*

(Bold text in original; underlining added.) By providing the east-west pedestrian connection across the Site as a condition of the PUDA, the rezone will further these policies.

SMC CHAPTER 23.76 CRITERIA & ANALYSIS OF REZONE FROM LR3(M) TO MR(M1).

Pursuant to SMC 23.76.036.A.1. and SMC 23.76.058.C., this is a request for a quasi-judicial Type IV City Council land use decision to for a site-specific rezone from LR3(M) to MR(M1) and a related request to enter into a Property Use & Development Agreement. As required by SMC 23.76.040, Applicant is the holder of record of fee title to the subject property and authorizes the undersigned and BCRA to pursue this application on its behalf. Applicant submits this memorandum to address the substantive criteria set forth in those provisions and respectfully requests that the City Council approve this request.

Per SMC 23.34.004, Contract rezones, the City Council may approve of rezone subject to the execution, delivery and recording of a PUDA with “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” and “self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property.” Applicant’s proposed PUDA will further mitigate any potential housing displacement impacts by ensuring phased development and 1:1 replacement of the Site’s existing 148 two-bedroom, one bathroom family-sized units.

Per SMC 23.34.007, and as detailed below, Applicant’s request is not a request to correct a mapping error; it is a request for a site-specific rezone and to enter into a PUDA. The request is consistent with the MR zone function statement and the Comprehensive Plan. The Site is not within the shoreline jurisdiction and does not contain any critical areas.

SMC 23.34.007.A. provides in part that “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.” SMC 23.34.007.B. further states that “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.” Applicant’s request meets all of the substantive criteria for approving the requested rezone, subject to the proposed PUDA.

With regard to the substantive criteria applicable to this request, Applicant provides the following analysis of the criteria in SMC 23.76.008, SMC 23.76.009, SMC 23.76.024. For clarity, the provisions of the code appear in bold italicized text, and the responses appear in regular text below.

SMC 23.34.008 - General rezone criteria²

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

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

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map. Per Urban Village Figure 8 of the Urban Village Element of the Comprehensive Plan (amended in 2015). The proposed rezone to MR(M1) will allow for an increase in density (not a reduction) and will not result in the zoned capacity of the Northgate Urban Center falling below 125% of growth estimates. To the contrary, it will better help ensure the City meet its growth targets. This criterion is met.

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 Growth Strategy Element of the Comprehensive Plan.

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map, and the proposed rezone from LR(3)(M) to MR(M1) will significantly increase allowable density on the Site and will not result in a decrease of zoned capacity, taken as a whole. Please see response to section SMC 23.34.008.A.1. above. This criterion is met.

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.

Presently the site is zoned LR3(M). As detailed below, the proposed rezone to MR(M1) meets both the function and locational criteria of the MR zone. Please refer to the discussion below under SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria. This criterion is met.

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

Although the City commenced and studied a comprehensive upzone for all of the Northgate Urban Center in the mid-2000s (culminating in the publication of a Final Environmental Impact

² Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Statement in 2009), the Council never acted on the proposed rezone. The zoning on the Site and in many nearby areas remained unchanged until March 19, 2019, when the Council enacted Ordinance No. 125791 / Council Bill 119444, the Mandatory Housing Affordability Ordinance, which became effective on April 19, 2019. During the roughly decade from the publication of the 2009 Northgate rezone FEIS and the adoption of the MHA ordinance, two properties within two blocks of the Site (the 525 Northgate and Prism properties) were rezoned in accordance with the 2009 FEIS to allow increased height and density. These two site-specific rezones were accompanied by PUDAs, and each of these rezones increased height and density on the subject properties. With the adoption of the MHA Ordinance, all nearby properties have seen an increase in height and allowable density.

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.

There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan. The Site is within the Northgate Core. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

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

The Site is within the core of the Northgate Urban Center. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

As detailed above in the section titled “Consistency with Northgate Neighborhood Plan,” the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

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

The Site is within the core of the Northgate Urban Center. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

As detailed above in the section titled “Consistency with Northgate Neighborhood Plan,” the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

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

See response to subsections 1-3 above. To the extent this criterion is applicable, this criterion is met.

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

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

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. See Attachment E. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5th Avenue NE. There are significant and growing employment opportunities within a few blocks of the Site both west and north.

Along 8th Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)).

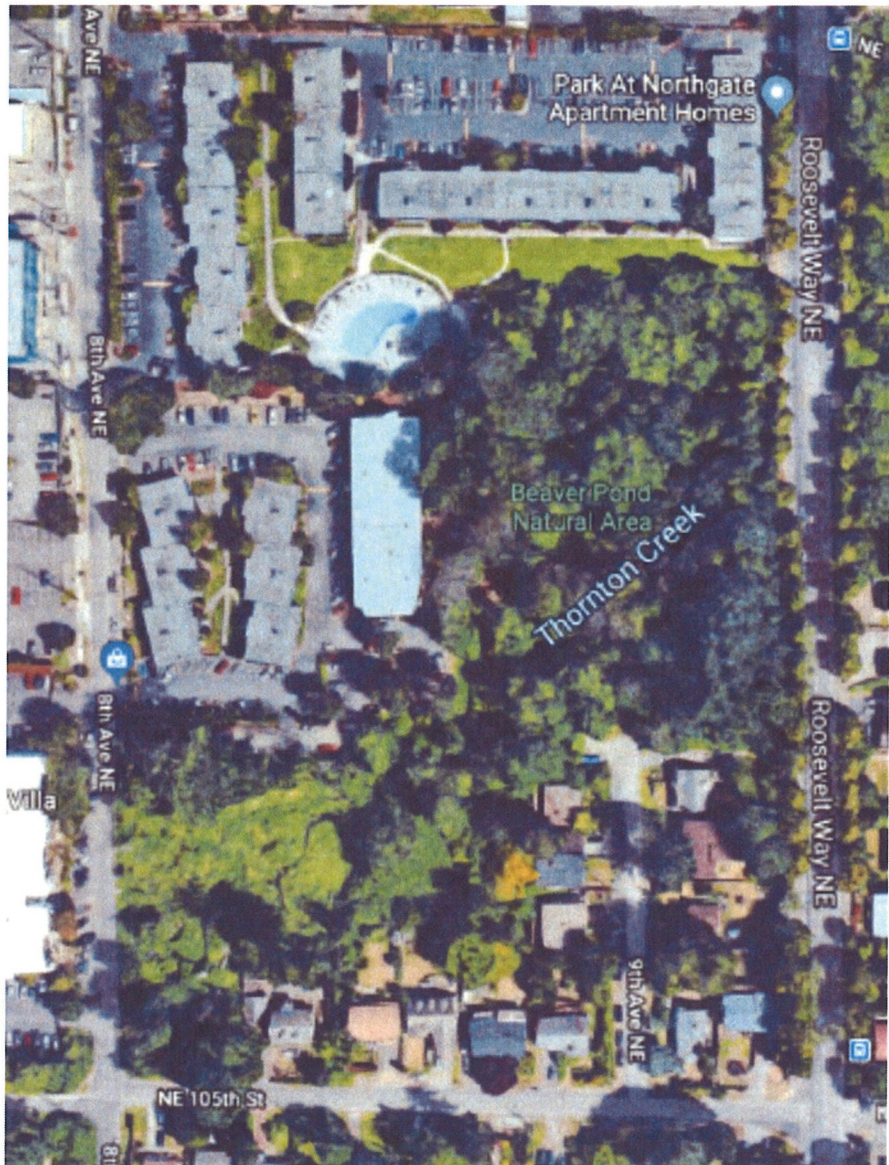
The neighborhoods a few blocks south of the Site (south of NE 105th Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. In addition, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. See Attachment K, July 21, 2019 photographs of tree canopy from south of Site along 105th Street NE.

The Site itself has a moderate slope from north to south of about 5%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106th Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. This criterion is met.

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;

Topographically, the Site sits in a depression, below the private properties to the north, south and west. The Site slopes from north to south and from west to east, so properties north and west of the Site sit higher. Please refer to Attachments A and H. To the south of the Site just south of NE 106th Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. See Attachment K.



The Thornton Creek ravine continues on the east side of Roosevelt Way NE to the southeast of the Site and provides an additional natural buffer. This criterion is met.

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

As shown above, the Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion is met.

c. Distinct change in street layout and block orientation;

The Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion may not be applicable, but to the extent that it is applicable it is met.

d. Open space and greenspaces.

As noted and shown above, to the south of the Site just south of NE 106th Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. See above and Attachment K. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. This criterion is met.

3. Zone Boundaries.

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

(1) Physical buffers as described in subsection 23.34.008.E.2; and

(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.

The proposed rezone to MR(M1) will ensure that residential development, as now exists on the Site, will continue and will be adjacent to and facing other existing residential uses. As shown in **Figure 1** and Attachments E and G, the Site is located in an increasingly dense area within the core of the Northgate Urban Center and the Northgate Transit Station's ten-minute walkshed. Within a two-block area of the Site, many parcels have been recently developed to heights and residential densities similar to those permitted by the Midrise zone. For example, the Prism multifamily project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). This criterion is met.

4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 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 Site is in the core of the Northgate Urban Center in the Seattle 2035 Comprehensive Plan. This criterion is met.

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 proposed rezone to MR(M1) and PUDA will allow Applicant to develop approximately 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant will: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom, one bathroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. By contrast, redevelopment of the Site under the LR3(M) zoning would result in far fewer affordable units, no phasing and potentially little or no onsite performance. This criterion is met.

b. Public services;

The Site is well-served by public services, and the rezone will not result in an unplanned or unanticipated burden on or impact to public services. See Attachments E, F and J. Fire Station 31 is located at 1319 N Northgate Way a little over a mile west of the site, and the City's North Precinct station is about a mile west of the Site near North Seattle Community College. The Northgate library branch is located just south and east of the Site, and there are athletic fields, trails, schools and playgrounds within a few blocks of the Site in all directions. The Site is well-served by transit, and the street network is sufficient current and planned growth in the neighborhood. This criterion is met.

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

With specific regard to environmental factors, please refer both the June 28, 2019 SEPA checklist and associated reports submitted with this application as well as the following analysis, which that the proposed rezone from LR3(M) to MR(M1) will not result in any significant adverse environmental impacts:

Noise – No significant impacts are anticipated from the proposed increase in density and height that would result from the rezone. The resulting height increase will simply allow for more planned and desired residential density, including affordable units, in the Northgate Urban Center. As with any site in the Northgate Urban Center, noise from the anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Development as the result of a proposed rezone is unlikely to create significant additional noise in this area.

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. Sustainable measures related to air quality include CFC reduction in HVAC equipment, ozone depletion prevention, and Indoor Environmental Quality measures. Increasing residential density in the Northgate Urban Center, which is well-served by transit center and amenities, should decrease the number and length of vehicle trips and thereby reduce impacts on air quality associated with motorized trips.

Water quality – No noticeable change in impacts will result from a change in zoning. When future redevelopment occurs, storm water runoff from the associated project will be conveyed to a City drainage system via a stormwater detention system designed in compliance with the City stormwater code. Presently, such water is discharged from the Site untreated to Thornton Creek and its associated wetland complex south of the Site. Sustainable design related to water quality will also be attained through compliance with the City green factor requirements and through compliance with other elements of the City codes. The proposed rezone will allow for redevelopment to occur that, in turn, will allow for significant improvements in water quality.

Flora and fauna – Redevelopment of the Site under the proposed rezone will not impact existing landscaping and trees in any manner different than redevelopment under the existing zoning designation. Any redevelopment will require a landscaping plan and compliance with the City's regulations. No noticeable change in impacts will result from the proposed height change. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC Chapter 23.45 and any exceptional trees proposed for removal would need to go through the process described in SMC Chapter 25.11.

Glare – No noticeable change in impacts will result from a change in density or height.

Odor – No noticeable change in impacts will result from a change in density or height.

Shadows – Please refer to the attached solar (shadow) studies. See Attachment I. While the additional height may create some additional shadows on existing sites to the north, depending on season, weather and time of day, the additional shadow impacts will be imperceptible and essentially the same as those associated with the existing LR3(M). Also, future redevelopment of the Site would be subject to design review, which would include consideration of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

Views – There are no territorial views, and existing developments to the north and west sit higher than the Site, as do the neighborhoods to the south of the Site south of Thornton Creek.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no significant adverse environmental impacts. This criterion is met.

d. Pedestrian safety;

Future development of the Site will be required to complete any required street improvements such as sidewalks and sight lines for driveways subject to Design Review, which includes review of the pedestrian environment. Future development may also require submittal of specific traffic impact information, including consideration of how driveway placement may impact pedestrian traffic on sidewalks and at crosswalks. Pedestrian safety is also regulated by requirements in SMC Chapter 23.53 (Streets and Alleys) and the Street Improvement Manual.

Also, future redevelopment will be conditioned per the proposed PUDA to provide an east-west pedestrian connection across the Site's northern boundary, which will improve pedestrian access in the area and improve pedestrian safety.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no demonstrable adverse impacts to pedestrian safety. This criterion is met.

e. Manufacturing activity;

The Site is not zoned or proposed to be rezoned to allow for manufacturing activity. This criterion is met.

f. Employment activity;

The Site is not zoned or proposed to be rezoned for commercial (employment) activity. The increased density will, however, support commercial uses and employment in the Northgate Urban Center. This criterion is met.

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

The proposed rezone will not adversely impact any recognized architectural or historical character. This criterion is met.

h. Shoreline view, public access and recreation.

The Site is not located within any shoreline view, public access or recreation area. This criterion is met.

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

a. Street access to the area;

The Site has adequate street access, and the proposed rezone for additional density and height will not impact local street access. Please see the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. This criterion is met.

b. Street capacity in the area;

The area surrounding the Site has adequate street capacity, and the proposed rezone for additional density and height will not exceed the service capacity of the local street network. Please see the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. This criterion is met.

c. Transit service;

The Site is well-served by transit (*i.e.*, is within the 1/2-mile walkshed from the Northgate Transit Center and is within the City's adopted Frequent Transit Service area), and the proposed rezone for additional density and height will not exceed the transit service capacity for the area. Please see Attachment E and the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. The proposed rezone will leverage the City's existing and planned transit investments in the Northgate Urban Center. This criterion is met.

d. Parking capacity;

The proposed rezone to MR(M1) will allow for additional density and height and will not create a parking deficiency. Any redevelopment of the Site will require compliance with the City's adopted parking standards. This criterion is met.

e. Utility and sewer capacity;

The Site has adequate utility and sewer capacity, and the proposed rezone for additional density and height will not exceed the utility and sewer service capacity of the area. See Attachment J. This criterion is met.

f. Shoreline navigation.

The Site is not located within or near any shoreline navigation areas. This criterion is met.

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 23.34.

Housing affordability is now a key, if not *the* key, issue facing the City. The City adopted the Seattle 2035 Comprehensive Plan (detailed above) and the Mandatory Housing Affordability Ordinance, effective April 19, 2019, to address this issue through a variety of tools, including rezoning properties throughout the Northgate Urban Center to higher heights to allow for additional density and affordable housing.

Since the adoption of the city-wide MHA rezone, the area has seen significant increase in density and height with the completion of the Prism and Lane projects adjacent to and west of the Site. The ongoing Northgate Mall redevelopment and NHL hockey training facility are other significant changes of circumstances. And prior to the redevelopment of the Site, light rail will open in 2021 and provide a 15-minute ride to Westlake Center station, with trains running every 4-6 minutes (<https://www.soundtransit.org/system-expansion/northgate-link-extension>).

Implementation of the Seattle 2035 Plan will require additional residential density and affordable housing. The proposed rezone from LR3(M) to MR(M1) coupled with the conditions in the proposed PUDA will allow for the provision of increased density, affordable housing and a broader range of viable affordable residential development on the Site consistent with and in furtherance of the City's vision for 2035. The current LR(3)(M) zoning is inadequate to even allow for redevelopment, and even were it feasible to develop under such zoning, such redevelopment would result in far fewer affordable units, no phasing and potentially little or no onsite performance. See Attachment C. This criterion is met.

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 within the Northgate Overlay district, which was recently amended through the adoption of Ordinance No. 125792 / Council Bill 119445 effective April 19, 2019. The amendment did not impact the Site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District. To the extent it is applicable, this criterion is met.

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.

There are no critical areas on or adjacent to the Site. See Attachment D. This criterion is met.

SMC 23.34.009 - Height limits of the proposed rezone

If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section SMC 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.

As noted above, the two primary aspects of this request are to increase the allowed density and height, with permitted height going from 50' to 80'. The proposed height is consistent with existing zoning and existing development patterns within two blocks of the Site within the Northgate Urban Center core areas. As detailed below, the request meets the requirements of SMC 23.34.009 to allow for an increase in height.

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 has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106th Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

C. Height and scale of the area

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

As shown in **Figure 1** above and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The parcel directly west of the Site along 8th Avenue NE is zoned NC3-75(M) and sits higher than the Site. The Site meets this criterion.

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 predominant height limits within two blocks of the Site are in the 55' to 70' range. To the northwest of Site, there are two relatively new six-story mixed-use developments, 507 Northgate at 65' and 525 Northgate at 70', and directly across 8th Avenue NE are the just-opened 65' Prism multifamily development and the brand new 65' Lane multifamily development. Two blocks north of the Site along 8th Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are

several three-to-four story apartment complexes with surface parking lots. The Site's proposed 80' height limit is compatible with the height and scale of the predominant 55' to 70' heights of existing buildings surrounding the Site, particularly in light of the fact that the Site sits lower than all adjacent properties. The Site meets this criterion.

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.

There are no buildings developed as Major Institutions in the area of the Site. As detailed above, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The Site meets this criterion.

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 SMC 23.34.008.E.2, are present.

As detailed above, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The predominant heights of actual development within two blocks of the Site are in the 55' to 70' range. These existing heights and existing developments are close to and in many distinguishable from the allowed height and scale of development under the MR(M1) zoning designation. Further, the Site sits in a bowl of sorts, so existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

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.

There are no height recommendations for the Site set forth in an adopted business district plan or the Seattle 2035 Northgate Neighborhood Plan. The Site is within the Northgate Core. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." The Site meets this criterion.

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 SMC 23.34.009 and Section SMC 23.34.008.

See response to previous criterion.

SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria³

A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad and growing range of businesses and services along NE Northgate Way and 5th Avenue NE. There are significant employment opportunities within a few blocks of the Site both west and north, and the soon-to-open NHL practice facility and significant addition of office and retail space at Northgate Mall will bring more job, services and amenities to the neighborhood. The Site meets the function criteria of the MR zone.

B. Locational criteria.

1. Threshold conditions. Subject to subsection SMC 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:

a. Properties already zoned Midrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Properties within an urban center or urban village.

The Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8th Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively

³ Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site meets the criteria in both subsection b. and c. of the Locational criteria for the MR zone.

2. Environmentally critical areas. Except as stated in this subsection SMC 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either

a. Was created by human activity, or

The Site is not designated an Environmentally Critical Area and does not contain any Environmentally Critical Areas, per the June 28, 2019 SEPA checklist and associated reports as well as Attachment D. To the extent this criterion is applicable, this criterion is met.

b. Is a designated peat settlement; liquefaction, seismic or volcanic hazard; flood prone area; or abandoned landfill.

The Site is not designated a peat settlement, liquefaction, seismic or volcanic hazard; it is not a flood prone area, nor is it abandoned landfill.

3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:

a. Properties that are adjacent to business and commercial areas with comparable height and bulk;

As detailed above, the Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8th Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site is within and adjacent to a significant and growing business and commercial area in the Northgate Urban Center. The Site meets this criterion.

b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

c. Properties in areas that are in close proximity to major employment centers;

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5th Avenue NE. The Northgate Mall is undergoing significant redevelopment to include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

d. Properties in areas that are in close proximity to open space and recreational facilities;

The Site is in close proximity to open space and recreational facilities, including Hubbard Homestead Park located between 5th Avenue NE and 3rd Avenue NE a few blocks northeast of the Site, Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools with recreational facilities are also located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. The Site meets this criterion.

e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

The east side of the Site is adjacent to Roosevelt Way NE, a principal arterial, and just south of NE Northgate Way, another principal arterial. The Site slopes from north to south along Roosevelt Way NE, which both provides an edge and allows for transition in scale from properties on the opposite side of the street and areas to the south of the Site. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. The mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south, as well. The Site meets this criterion.

f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;

As detailed in the preceding section, the Site is not in a flat area; however, the Site is in an area where the prevailing structure height is both greater than 37' and there is such a mix of heights that there is no established height pattern. More recent development west and northwest of the Site along 8th Avenue NE and NE Northgate Way have heights in the 40' to 75' range, and the trend over the past decade is for taller buildings in the area of the site. The Site meets this criterion.

g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

The Site has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106th Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and

As detailed in the preceding section, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. The neighborhoods a few blocks south of the Site (south of NE 105th Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. However, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. The trees are also of sufficient height to obscure future redevelopment of the Site from the south. To the extent there are any views over the Site, those views are also over the tree canopy and will be retained. The Site meets this criterion.

i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.

Again, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. Please refer to Attachments A and H. Because the Site sits in somewhat of a bowl vis-à-vis surrounding properties and Roosevelt Way NE, the bulk of any future development under the MR(M1) zoning would be obscured from the south by the height of the mature tree canopy in the Thornton Creek wetland complex. Properties west of the Site sit higher and have no views across the Site to the east, and the Site is bounded by Roosevelt Way NE to the east. The Site meets this criterion.

Summary and Request for Approval

In sum, Applicant requests the following:

- rezone the Site from LR3(M) to MR(M1);
- require on-site performance instead of paying a fee in lie by providing affordable units on Site, as a condition of the PUDA;
- require a one-for-one replacement of the existing 148 two-bedroom, one bathroom units to retain family-sized units on the Site, as a condition of the PUDA;
- limit demolition of existing buildings to two buildings within any nine month period, as a condition of the PUDA;
- require an east-west pedestrian access along the Site's northern property line to provide connectivity from Roosevelt Way NE across the Site, as a condition of the PUDA; and
- provide a twenty year term to allow for phased redevelopment of the Site, as a condition of the PUDA.

As detailed above, the proposed rezone from LR3(M) to MR(M1) combined with the PUDA is consistent with and implements the applicable goals and policies of the Seattle 2035

Comprehensive Plan and Northgate Neighborhood Plan and meets every one of the substantive criteria applicable to the Site under SMC 23.76.008, .009 and .024. If granted, the rezone and PUDA will allow for a better development than would otherwise be permitted under the existing zoning, which itself would prohibit redevelopment. The proposed rezone will also allow for the creation of additional market-rate and a significant number of rent-restricted units affordable to a broad range of incomes, consistent with the City's vision for the neighborhood and City.

The Site is well-served by transit, and dense redevelopment will further the City's transit-oriented growth strategy. There are no adverse impacts associated with the proposal. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request. Applicant respectfully requests that the City Council rezone the Site from LR3(M) to MR(M1) and enter into a PUDA.

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**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

CF-314441

PAROLINE ASSOCIATES

Department Reference:
3033517-LU

for a contract rezone for property located
at 10713 Roosevelt Way Northeast

Introduction

Paroline Associates, for Wallace Properties, (“Applicant”) applied for a rezone of property located at 10713 Roosevelt Way NE, from Lowrise 3 (M) (“LR3 (M)”), to Midrise (M1) (“MR (M1)”). The Director of the Department of Construction and Inspections (“SDCI” or “Director”) submitted a report recommending that the rezone be approved. The Director's report included a SEPA Determination of Non-significance (“DNS”), which was appealed.

A hearing on the rezone application and SEPA appeal was held before the Hearing Examiner on October 6, 2021. The Applicant was represented by Aaron Laing, attorney-at-law, and the Director was represented by Carly Guillory, Senior Land Use Planner. At the opening of the hearing, the appeal of the DNS was dismissed in response to a motion from the Applicant, based on Appellants’ failure to comment during the SEPA comment period. The Hearing Examiner visited the site following the hearing.

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 record and reviewed the site, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the rezone application.

Findings of Fact

Site and Vicinity

1. The subject site is located at 10713 Roosevelt Way NE. The proposed rezone area is 228,319-square feet and 5.24-acres, and consists of two properties referred to as the “North Site” and “South Site.”
2. The North Site is approximately 177,346-square feet and contains four existing three-story apartment buildings with associated surface parking, landscaping, and a pool with cabana. Vehicular access is provided via one curb cut on Roosevelt Way NE and two curb cuts on 8th Avenue NE.

3. The South Site is approximately 48,955-square feet in size and contains two existing three-story apartment structures with associated surfacing parking and landscaping. Vehicular access is provided via two curb cuts on 8th Avenue NE to the west and a curb cut on NE 106th Street at the south.
4. Roosevelt Way NE is designated an arterial street as well as a Special Landscape Arterial defined in the Northgate Overlay District (SMC 23.71.012). Roosevelt Way NE has sidewalks and a bus stop along the North Site's frontage, while 8th Avenue NE and NE 106th Street are both non-arterial streets with minimal sidewalks, curbs, gutters, and on-street parking opportunities.
5. Properties to the north are zoned Neighborhood Commercial 2 with a 55-Foot Height Limit ("NC2-55(M)") and Lowrise 3 (M) ("LR3(M)"). To the south properties are zoned Single-Family with a 7,200 Square Foot Minimum Lot Size ("SF7200"). Properties to the west are zoned Neighborhood Commercial 3 with a 75-Foot Height Limit ("NC3- 75(M)"), Neighborhood Commercial 3 with a 55-Foot Height Limit ("NC3- 55(M)") and LR3(M).
6. The sites (North Site and South Site) are located within the Northgate Urban Center, immediately adjacent the Northgate Core Subarea.
7. Natural features such as topography, streams, an arterial, and open space/greenspace exist between the proposed MR(M1) zoning and the Single-Family zoning to the east and south.
8. The subject sites have a moderate slope from north to south of less than ten percent, with the southernmost portion of the South Site approximately 30-feet lower than the northern portion of the North Site. Due to the topography, existing developments north and west of the site are higher than the maximum height of 80-feet allowed by the proposed zoning of MR(M1). Additionally, the closest Single-Family development, located south of the subject sites, is at an elevation approximately 40-feet higher than the lowest portion of the site.
9. The site is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. Immediately abutting the sites to the south and southeast is the Beaver Pond Natural Area on Thornton Creek, a city-owned greenway and natural area.

Zoning History and Potential Zoning Changes

10. The zoning history of the subject sites includes both residential and commercial zoning designations, with a strictly multifamily designation since 1968.
11. The zoning designation of the subject sites changed most recently in 2019, after adoption of the provision for mandatory housing affordability (MHA). In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new

development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

12. On November 9, 2017, the Director issued the MHA SEPA Final Environmental Impact Statement (FEIS). The Preferred Alternative changed the subject site's zone from LR3 to LR3 with a MHA suffix of M (LR3(M)). The Applicant's materials document the submission of comments during that process, requesting the sites' zone be changed to (MR(M1)). Subsequently, the citywide rezone was adopted, effective April 19, 2019, changing the subject sites' zone from LR3 to LR3(M).
13. The 1993 city-initiated rezone accompanied adoption of the Northgate Area Comprehensive Plan pursuant to Ordinance 116794. Portions of the Northgate Area were rezoned to help achieve the goals of the Northgate Area Comprehensive Plan and "protect and promote the health, safety, and welfare of the general public." SDCI published a FEIS studying the effects of the zone change, along with final rezone maps in 1992. The subject sites were not rezoned at this time; however, notable is that the property immediately abutting to the north was rezoned from Neighborhood Commercial 2 with a 40-Foot Height Limit ("NC2-40") to LR3.
14. In 2004, the Northgate area, including the subject sites, was designated an Urban Center with adoption of an updated Comprehensive Plan. The area was found to be a unique area of concentrated employment and housing, with direct access to high-capacity transit, and a wide range of supportive land uses such as retail, recreation, public facilities, parks, and open space.
15. Previous zoning changes in and around the area also include four contract rezones between the years 1999 and 2016.

Urban Center Plan and Neighborhood Plan

16. The site is located within the Northgate Urban Center established in the Comprehensive Plan. The City's 2035 Comprehensive Plan states that housing in this Village is expected to grow 3000 units between 2015 and 2035.
17. According to Director's Rule 13-2021, the growth target for the Northgate Urban Center has not been exceeded. According to a May 6, 2021, SDCI Urban Center/Village Housing Unit Growth Report, the Northgate Urban Center has presently achieved only 7.9% of its residential growth target.
18. The subject sites (North Site and South Site) are within the Northgate Neighborhood Plan and are covered by the adopted portions of that plan which can be found in the City of Seattle Comprehensive Plan, Adopted Neighborhood Plans section. This Neighborhood Plan was adopted in 1993 and was amended in 2004 (effective 2005) and again in 2012 (Ordinance number 123854).
19. The adopted portions of the Northgate Neighborhood Plan include goals and policies that relate to rezones and properties within the Northgate Neighborhood Plan area generally, and the core subarea specifically. The subject sites are located within the Northgate Neighborhood Plan but outside the core subarea which is located across the street to the west.

20. Applicable sections of the adopted Northgate Neighborhood Plan Policies include policies for future development that are related to zoning regulations. NG-G2 encourages planning for “[a] thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area.” NG-G4 calls for concentrating the densest development within the core. NG-P6 seeks to “[p]romote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.” NG-P7 calls for planning to “[r]educe conflicts between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed.” NG-P8.5 encourages planning to “[s]upport future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.” NG-G7 sets a goal for “[m]edium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.”

Proposal

21. The applicant proposes a rezone to change the zoning designation of two properties from Lowrise 3 with a Mandatory Housing Affordability (MHA) suffix of M (“LR3(M)”) to Midrise 1 with an MHA suffix of M1 (“MR(M1)”). No development on each site is proposed at this time; therefore, this rezone application will be based solely on its own merit as an independent proposal.
22. The Applicant intends to develop the subject sites at a future date, in a phased approach. No demolition, new construction, change of use, or other site improvements are proposed at this time.

Public Comment

23. The public comment period ended on December 18, 2019. Comments received by SDCI within the scope of the rezone review related to potential impacts to traffic and the nearby Thornton Creek.
24. At the public hearing on the rezone public comment was received from neighbors and individuals in the area of the proposal expressing concern. Speakers included:
- a. Janet Way. Ms. Way indicated she spoke on behalf of the Thornton Creek Defense Fund. She spoke to the value of Thornton Creek as a natural area providing habitat for salmonids, mammals, and other species. She expressed concerns regarding water quality impacts from

potential increased traffic, and about cumulative impacts from development in the area including the light rail link and the proposal.

- b. Jessica Durney. Ms. Durney spoke to portions of the comprehensive plan, that she believed that the proposal does not fulfill.
- c. Ruth Williams. Ms. Williams indicated she was speaking on behalf of the Thornton Creek Alliance. Ms. Williams spoke to concerns with the proposal's notice adequacy, and lack of pedestrian facilities in the area.
- d. Naomi Joseph. Ms. Joseph spoke to aspects of the neighborhood, and concerns about cumulative parking impacts.
- e. Frank Backus. Mr. Backus spoke to concerns about the lack of pedestrian infrastructure.
- f. Richard Ellison. Mr. Ellison spoke to portions of the comprehensive plan, that he believed that the proposal does not fulfill.

Director's Review

25. The Director analyzed the proposal's potential long-term and short-term environmental impacts and found that there would be no need to recommend conditions to mitigate proposal-related impacts, as there were no significant impacts identified or any impacts would be addressed by the requirements of the Code.
26. The Director's report, Exhibit 1, analyzes the proposed contract rezone and recommends that it be approved with conditions.

Applicable Law

27. 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.
28. When, as in this case, a rezone includes consideration of height limits in commercial or industrial zones, SMC 23.34.009 prescribes additional criteria to be considered, including the function of the zone, topography of the area and surroundings, height and scale of the area, compatibility with the surrounding area, and neighborhood plans.
29. 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.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to SMC 23.76.052, and makes a recommendation on the proposed rezone to the City Council.

2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC on rezones are to be weighed and balanced together to determine the most appropriate zone and height designation. In addition, the zone function statements are to be used "to assess the likelihood that the area proposed to be rezoned would function as intended." SMC 23.34.007.A. "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 23.34.007.B.
3. The most appropriate zone designation is the one "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." SMC 23.34.008.B.

Effect On Zoned Capacity

4. SMC 23.34.008 requires that, within an urban center or urban village, the zoned capacity, taken as whole, is to be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The proposed rezone would slightly increase the zoned capacity of the Northgate Urban Center, and this increase does not reduce capacity below 125 percent of the Comprehensive Plan growth target. The rezone allows an increase in housing units, and aids the City's ability to meet the population growth target and densities in the Plan, and thus, meets the requirements of SMC 23.34.008.

Match Between Zone Criteria and Area Characteristics

5. The most appropriate zone designation is the one "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." SMC 23.34.008.B.
6. The area surrounding the proposed rezone sites is predominately developed to an intensity greater than LR3. In addition, this area does not meet the characteristics of LR3 zoning identified in SMC 23.34.020.B.2, because the subject sites abut neighborhood commercial zones to the north and west at heights of 55 to 95-feet. The height and scale permitted within these commercial zones are greater than that permitted in an LR3 zone.
7. The sites and their relation to adjacent zoning match the MR (M1) zone function and locational criteria, found in SMC 23.34.024, and that designation is the most appropriate zoning designation.
8. The proposed rezone sites meet the function criteria of MR (M1) zone, because it is in an area of high pedestrian value, access to a regional transit station, and access to a range of services. (SMC 23.34.024.A)
9. The subject site is located within the Northgate Urban Center in an area already developed predominately to the intensity permitted by the Midrise zone. In addition, conditions recommended by the Director will mitigate potential impacts to the ECA resulting from the rezone. (SMC 23.34.024.B.1 and 2).

10. The subject sites are located adjacent to business and commercial areas with comparable height and bulk. In addition, the subject sites are located in an area designated as a frequent transit area and are served by major arterials, including NE Northgate Way to the north and Roosevelt Way NE to the east. (SMC 23.34.024.B.1.a and b)
11. The subject sites are located in close proximity to major employment centers including the Core Subarea of the Northgate Urban Center, Northgate Mall, Seattle Kraken hockey practice rink, and a number of other commercial uses. (SMC 23.34.024.B.1.c)
12. The subject sites are located in close proximity to open space and recreational facilities, and the sites are located along Roosevelt Way NE, an arterial street, and in an area where topographic changes provide a transition in scale from the Single-Family development to the south. (SMC 23.34.024.B.1.d and e)
13. The subject sites are in an area where the prevailing structure height is greater than 37 feet. The topography of the subject sites are on a moderate slope, and the height and bulk of existing structures already limits or blocks views from within the multifamily area to upland areas. The proposal will not obstruct existing upland development views, and the bulk of any future development will be obscured. (SMC 23.34.024.B.1.f, g, h, and i)
14. The proposed rezone to MR (M1) is a lower intensity zone than the adjacent existing Neighborhood Commercial zones to the north and east, allowing for multifamily development with limited commercial uses on the ground floor.

Neighborhood Plan/Precedential Effect

15. The development is consistent with the portions of the Northgate Neighborhood Plan Policies listed in Finding 20 above. The rezone will further the vitality of the mixed-use center by increasing residential density and promoting livable high-density housing and reducing the reliance on vehicle trips to access services and transit.

The proposed rezone will provide a transition to the intense, dense development within the core, while in turn providing ready access to a variety of goods and services within proximity to the Northgate transit center along well-established transit routes, and will not negatively affect the surrounding Single-Family neighborhoods. The proposed rezone would have minimal if any adverse impact to the transition between the existing Neighborhood Commercial zoning to the north and west and adjacent Lowrise and Single-Family properties to the east and south. The proposed MR zone will provide a gradual transition from Neighborhood Commercial to Lowrise and Single-Family Residential zoning. The proposed rezone does not include any Single-Family zoned properties.

The proposed rezone site is located adjacent the North Core Subarea of the Northgate District and support of this rezone would allow for increased residential density within proximity to the Northgate transit center which is approximately within a 10-minute walk from the site. The increased demand for nearby goods and services by the increased density could also reduce the number and length of vehicle trips and make travel by foot and bicycle more attractive.

16. The proposal is unlikely to have a precedential effect. This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

Zoning Principles

17. 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.
18. The proposed MR(M1) zone would create a transition from more intensive zones, neighborhood commercial to the north and west, down to the residential zones of LR3, and Single-Family to the south and east. The impact of more intensive zones on less intensive zones is also minimized by the use of buffers such as setbacks, right-of-way widths, city-owned natural areas, and topography.
19. The proposal will create a transition in height limits, as it will create a transition from the tallest of 95 feet to the northwest, fronting Northgate Way NE, down to the 30 -feet allowable in the Single-Family zone.
20. Physical buffers such as topography, Beaver Pond Natural Area on Thornton Creek, and the right-of-way widths of Roosevelt Way NE and NE 106th Street provide an effective separation between the proposed rezone and existing, lower intensity zoning to the east and south.
21. The subject sites are located in an urban center and the proposed rezone would allow a maximum building height of 80 feet. The proposed zone with 80-foot height limit is consistent with the Northgate Neighborhood Plan and existing built character of the area.
22. The proposed rezone would maintain the existing pattern of commercially-zoned properties facing residential properties on 8th Avenue NE and residentially-zoned properties facing residentially zoned properties on Roosevelt Way NE. The proposed rezone will not create a new boundary between commercial and residential areas.

Impact Evaluation

23. The proposed rezone would positively impact the housing supply, as it would increase residential unit supply.
24. Although the proposal would increase the demand for public services, the increase would be minimal. There is no evidence in the record that the demand would exceed service capacities. In particular, street access, street capacity, transit service, and parking capacity were shown to be sufficient to serve the additional units that would be allowed by the rezone.
25. The Director evaluated impacts on public services and service capacities, as well as noise, air quality, water quality, flora and fauna, glare, odor, shadows, energy, and other environmental

impacts, pursuant to SEPA, and indicated that no additional conditions were required to mitigate impacts that are not otherwise adequately addressed through existing regulations. Height, bulk and scale impacts, including shadow impacts, will be reviewed and addressed through the design review process.

Changed Circumstances

26. Changed circumstances are to be considered, but are not required to demonstrate the appropriateness of a proposed rezone. The City has continued to emphasize growth in urban centers and villages in its Comprehensive Plan as the areas that are most appropriate for accommodating higher density development. The rezone site is within the Northgate Urban Center. The City's latest Comprehensive Plan, adopted in 2016, emphasizes locating density in urban centers and villages. The MHA upzone is an additional changed circumstance in the area. Construction is currently underway approximately one-half mile to the west of the site for the future Northgate Link Light Rail Station which is anticipated to open in 2021. In 2019, a Master Use Permit (3031301-LU) was issued for the redevelopment of the Northgate Mall, an approximately 40-acre site one-half mile to the west, and completion of Phase I is anticipated to coincide with the opening of the Link Light Rail Northgate Station.

Overlay Districts

27. The site is not located in any of the Overlay Districts defined in the Land Use Code.
28. The site is located within the Northgate Overlay (SMC 23.71). The amendment did not impact the site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District.
29. The Northgate District Overlay includes specific development standards as described in SMC 23.71. The purpose of the overlay is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:
- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and
 - B. To protect the residential character of residential neighborhoods; and
 - C. Support the use of Northgate as a regional high-capacity transportation center.
30. The proposed rezone request to allow for additional density and height, will allow a greater density near the core subarea of the Northgate Urban Center, which in turn will increase pedestrian activity, support the subarea's growing commercial center and leverage the City's investment in the Northgate transit center. No significant impacts on surrounding residential neighborhoods were identified.

Critical Areas

31. The site is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. Beaver Pond Natural Area is located to the south and southeast of the sites.
32. The Applicant submitted various reports contained in the record concerning the environmental critical areas, in particular an Off-Site Wetland & Stream Delineation, and Wetland and Stream Reconnaissance. As demonstrated in these reports, the area mapped steep slope erosion hazard area on the North Site is located in an area currently developed with two, three-story apartment buildings and associated surface parking and lawn areas and appears to be created by human activity. The mapped riparian corridor is more specifically described as a riparian management area and covers a small area at the southern portion of the South Site, an area currently paved and serving as driveway and surface parking and maneuvering area. The riparian management area is required due to the proximity of a nearby watercourse.
33. The Beaver Pond Natural Area is a Category III wetland, and is located off-site to the south and is associated with Maple Leaf Creek, a Type F watercourse. This category of wetland requires a 110-foot buffer (SMC 25.09.160), and this type of watercourse requires a 100-foot riparian management area (SMC 25.09.200). Given the sites' proximity to these features, and according to the Wetland and Stream Reconnaissance Report, the following buffers would be required: a wetland buffer along the southeast portion of the North Site and a wetland buffer and riparian management area along the south portion of the South Site.
34. The prohibition of development within this riparian management area, along with future development's compliance with applicable codes such as the critical areas ordinance (SMC 25.09) and stormwater code (SMC 22) are anticipated to mitigate potential impacts to the nearby critical area. The Director also recommended additional conditioning related to the environmentally critical area on the South Site.
35. Due to the site's proximity to Thornton Creek, future development will be subject to flow control wetland protection standards of the Seattle Stormwater Manual and shall prevent impacts to the wetlands.
36. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the subject site is MR (M1) with a PUDA.

Recommendation

The Hearing 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, and the following conditions:

Prior to Issuance of the Council Action No. 3033517-LU 1.

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

Prior to Issuance of a Master Use Permit

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
6. Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

Entered December 3, 2021.

/s/Ryan Vancil
Ryan Vancil
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 Sustainability Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3 (physical address)

P.O. 94728 (mailing address)
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.

**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 **PAROLINE ASSOCIATES**. Case Number: **CF-314441** in the manner indicated.

Party	Method of Service
Applicant Andy Paroline Paroline Associates 206-719-0339 permits@parolineassociates.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 206-684-0720 carly.guillory@seattle.gov SCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov Janet Oslund janet.oslund@seattle.gov SCI_LUIB SCI_LUIB@seattle.gov Nathan Torgelson nathan.torgelson@seattle.gov Roger Wynne roger.wynne@seattle.gov Sam Zimbabwe sam.zimbabwe@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 ketil.freeman@seattle.gov</p>	
<p>Public Commentors Janet Way janetway@yahoo.com Jessica Durney jsdurney@gmail.com Ruth Williams ruthalice@comcase.net Naomi Joseph njoseph@hotmail.com Frank Backus frankbackus1@gmail.com Richard Ellison climbwall@msn.com Ione Rowe irowe48@outlook.com Clare Hill chill_148@comcast.net Clarrisa Koszarek clarissakoszarek@gmail.com Jeremy Taiwo jeremy.taiwo@gmail.com Meadowbrook Community Council info@meadowbrookcouncil.org Susan Jacobsen sejay07@msn.com Annie Fanning anniefanning@gmail.com Erika Brk erikabr14@gmail.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>Chuck Dolan chuclesd2@hotmail.com</p> <p>Gordon Dass Adams gordondass@yahoo.com</p> <p>Wayne Johnson mag98kamiak@comcast.net</p> <p>Cheryl Klinker aeacak@gmail.com</p> <p>Muriel Lawty m.g.lawty@gmail.com</p> <p>Dan Keefe papadan44@gmail.com</p> <p>Kay Landolt kaylandolt@gmail.com</p> <p>Housing Development Consortium patience@housingconsortium.org</p>	
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Dated: December 3, 2021

/s/ Galen Edlund-Cho
Galen Edlund-Cho
Legal Assistant

3033517-LU - **Notice of Application
*Notice of Application & Checklist sent
12/5/19 drm

**Applicant, Owner, FRP:
Permits@parolineassociates.com
alaing@schwabe.com
kwallace@wallaceproperties.com

PUBLIC REVIEW DOCUMENTS*
QUICK INFORMATION CENTER
SEATTLE PUBLIC LIBRARY
LB-03-01

SUQUAMISH TRIBE*
PO BOX 498
SUQUAMISH, WA 98392

DUWAMISH TRIBE*
4705 W MARGINAL WAY SW
SEATTLE, WA 98106

***SEPA Agencies Email:**
jgreene@kingcounty.gov;
shirlee.tan@kingcounty.gov;
annette.pearson@seattle.gov;
SEPA.reviewteam@doh.wa.gov;
SEPA@pscleaseair.org;

***SEPA Agencies Email:**
McCollD@wsdot.wa.gov;
bpfeiffer@kingcounty.gov;
Jim.Ishimaru@kingcounty.gov;
lpa.team@kingcounty.gov;

***SEPA Agencies Email:**
fisheries2@muckleshoot.nsn.us;
fisheriescontact@muckleshoot.nsn.us;
Jae.butler@muckleshoot.nsn.us;
Ktsang@muckleshoot.nsn.us;
toddgray@tulaliptribes-nsn.gov

Louis.Webster@seattle.gov
blue_comics@hotmail.com
jon.morgan.1999@owu.edu
marti@richardspeightpc.com

RECORDED AT THE REQUEST OF AND AFTER RECORDING RETURN TO:

Aaron M. Laing
Schwabe, Williamson & Wyatt, PC
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101

**ENVIRONMENTALLY CRITICAL AREA PROTECTION
COVENANT**

Grantor: Wallace Properties – Park at Northgate, LLC, a Washington limited liability company

Grantee: City of Seattle, a Washington municipal corporation

Legal Descriptions: Portion of the N 1/2 of the W 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Sec. 29, T’ship 26 N, R 4 E of W.M., King County, WA
(Complete legal descriptions attached as Exhibits A & B.)

Tax Parcel Number: 292604-9626

THIS ENVIRONMENTALLY CRITICAL AREA PROTECTION COVENANT (“Covenant”) is made by and between Wallace Properties – Park at Northgate, LLC, a Washington limited liability company (“Grantor”), and the City of Seattle, a Washington municipal corporation (“Grantee”). Grantor and Grantee are each a Party and collectively the Parties to this Covenant. This Covenant shall be effective upon recording. In satisfaction of the terms and conditions of that certain City of Seattle site-specific rezoning, Seattle City Council File (“CF”) number 314441, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties warrant, covenant and agree as follows:

- 1. Grantor Property.** Grantor represents and warrants that it owns that certain parcel of land with King County Assessor’s Tax Parcel Number 292604-9626, whose common street address is 800 NE 106th Street, Seattle, King County, Washington, 98115 as legally described and depicted in Exhibit A hereto (“Grantor Property”).
- 2. ECA Protection Area.** Per Seattle Municipal Code (“SMC”) Chapter 29.09, a portion of the Grantor Property presently encumbered by a parking lot and associated landscaping has been designated as a riparian management area, which riparian management area is legally described and depicted (see green dashed line) in Exhibit B hereto (“ECA Protection Area”).

3. Purpose, Scope & Restrictions. Condition 1 of the December 3, 2021 Finding and Recommendation of the Hearing Examiner for the City of Seattle, CF-314441 states: “Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.” This Covenant is intended to satisfy this condition and preserve and provide perpetual protection for the ECA Protection Area consistent with the terms, conditions and requirements set forth in SMC Chapter 29.09. Except for and solely in conjunction with the restoration, enhancement and/or protection of the ECA Protection Area, no site-disturbing activity, development or other disturbance shall be allowed or undertaken within the ECA Protection Area. Any such restoration, enhancement and/or protection of the ECA Protection Area shall only be undertaken with the express written permission of the City of Seattle and consistent with any applicable codes, standards and permitting requirements.

5. Term and Binding Effect. This Covenant shall be effective upon recording. All terms and provisions herein are intended to and shall be appurtenant to the Grantor Property, shall be covenants running with the land and/or equitable servitudes and shall be binding on the Parties and their successors, heirs, devisees and assigns.

6. Entire Covenant. This Covenant constitutes the entire Covenant of the Parties on the subject matter herein. This Covenant may not be modified, interpreted, amended, waived or revoked orally, but only by a writing signed by all Parties and in accordance with the SMC Chapter 29.09. This Covenant supersedes and replaces all prior Covenants, discussions, and representations on these subjects, all of which are merged into and superseded by this Covenant. No Party enters into this Covenant in reliance on any oral or written promises, inducements, representations, understandings, interpretations or Covenants other than contained in this Covenant.

7. Conflict / Interpretation. This Covenant has been submitted to the scrutiny of the Parties hereto and their legal counsel and shall be given a fair and reasonable interpretation in accordance with the words hereof, without consideration or weight being given to its having been drafted by any Party hereto or its legal counsel.

8. Severability. If any term, provision or covenant of this Covenant is determined by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions and covenants shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Parties stipulate and agree that they would execute the remaining terms, provisions and covenants of this Covenant, without including any of such terms, provisions and/or covenants, which may hereafter be declared invalid, void or unenforceable.

9. Third-Party Rights. This Covenant is not intended to and shall not be construed in any manner whatsoever to provide rights or interests to any third party or the public as a whole.

10. Governing Law and Venue. This Covenant shall be construed in accordance with the laws of the State of Washington. In the event a dispute arises from this Covenant, including any exhibit hereto, the Parties shall engage in at least one (1) full day of mediation with a trained mediator prior to commencing any judicial action, which mediation shall be a condition of and prerequisite to such action. Each Party shall bear its own costs at mediation, including mediator

fees and attorneys' fees. Following mediation, should the dispute remain, any action arising out of or relating to this Covenant shall be commenced in the Superior Court for King County, Washington in Seattle, Washington.

11. Attorney's Fees and Costs. In the event any Party hereto files any judicial proceedings of any kind or nature to enforce or interpret the terms of this Covenant, then the substantially prevailing Party in such proceeding shall be awarded a judgment against the other Party for all reasonable attorneys' fees and costs incurred in such proceedings, whether incurred in mediation, arbitration, at trial or on appeal, or in any bankruptcy proceeding.

12. Authority to Execute. The Parties expressly represent and warrant that the persons executing this Covenant are duly authorized to do so. This Covenant may be executed in counterparts, and each counterpart shall have the same binding legal effect as if it were a single document containing all signatures.

**[Signatures, notary blocks and exhibits
appear on following pages.]**

IN WITNESS WHEREOF, the Parties have signed and delivered this Covenant as of the last date set forth below:

GRANTOR WALLACE PROPERTY-PARK AT NORTHGATE, LLC

Robert C. Wallace, Governor
Dated _____

Kevin R. Wallace, Governor
Dated _____

GRANTEE CITY OF SEATTLE

Dated _____

DRAFT

STATE OF WASHINGTON)
) ss. ACKNOWLEDGMENT
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Robert C. Wallace signed this instrument on oath stated that he was authorized to execute the instrument on behalf of Wallace Properties – Park at Northgate, LLC as its Governor and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Seal or Stamp)

Notary Public - State of Washington
Residing at _____, Washington
My appointment expires _____

STATE OF WASHINGTON)
) ss. ACKNOWLEDGMENT
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Kevin R. Wallace signed this instrument on oath stated that he was authorized to execute the instrument on behalf of Wallace Properties – Park at Northgate, LLC as its Governor and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Seal or Stamp)

Notary Public - State of Washington
Residing at _____, Washington
My appointment expires _____

STATE OF WASHINGTON)
) ss. ACKNOWLEDGMENT
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ signed this instrument on oath stated that he/she was authorized to execute the instrument on behalf of the City of Seattle as its _____ and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Seal or Stamp)

Notary Public - State of Washington
Residing at _____, Washington
My appointment expires _____

EXHIBIT A

Grantor Property Legal Description

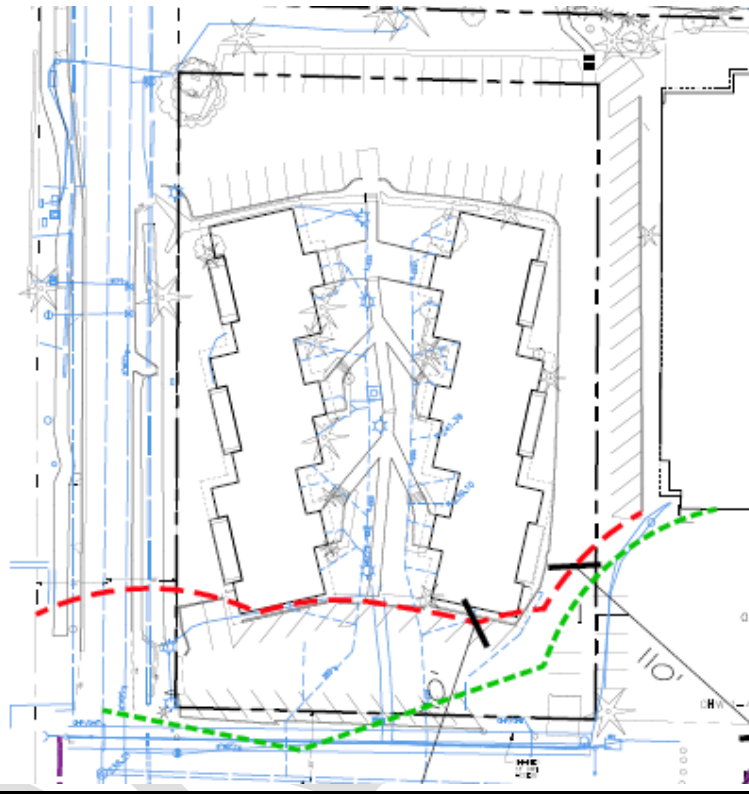
The East 180 feet of the West 210 feet of the North Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 29, Township 26 North, Range 4 East of the Willamette Meridian, in King County, Washington.

Except the North 30 feet thereof.

And except the South 30 feet thereof for Road.

EXHIBIT B

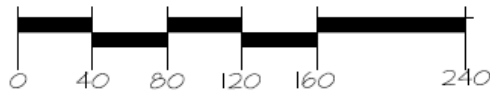
ECA Protection Area Legal Description



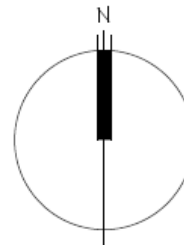
PLAN LEGEND

- — — — — PROPERTY LINE
- — — — — ORDINARY HIGH WATER MARK
- — — — — WETLAND BOUNDARIES
- — — — — WETLAND/STREAM BUFFER
- — — — — 100' RIPARIAN MANAGEMENT AREA BOUNDARY

GRAPHIC SCALE (IN FEET)



SCALE: 1:80





SEATTLE CITY COUNCIL
CENTRAL STAFF

Clerk File 314441 - Wallace Properties Rezone 10713 Roosevelt Way NE

KETIL FREEMAN, ANALYST

LAND USE COMMITTEE

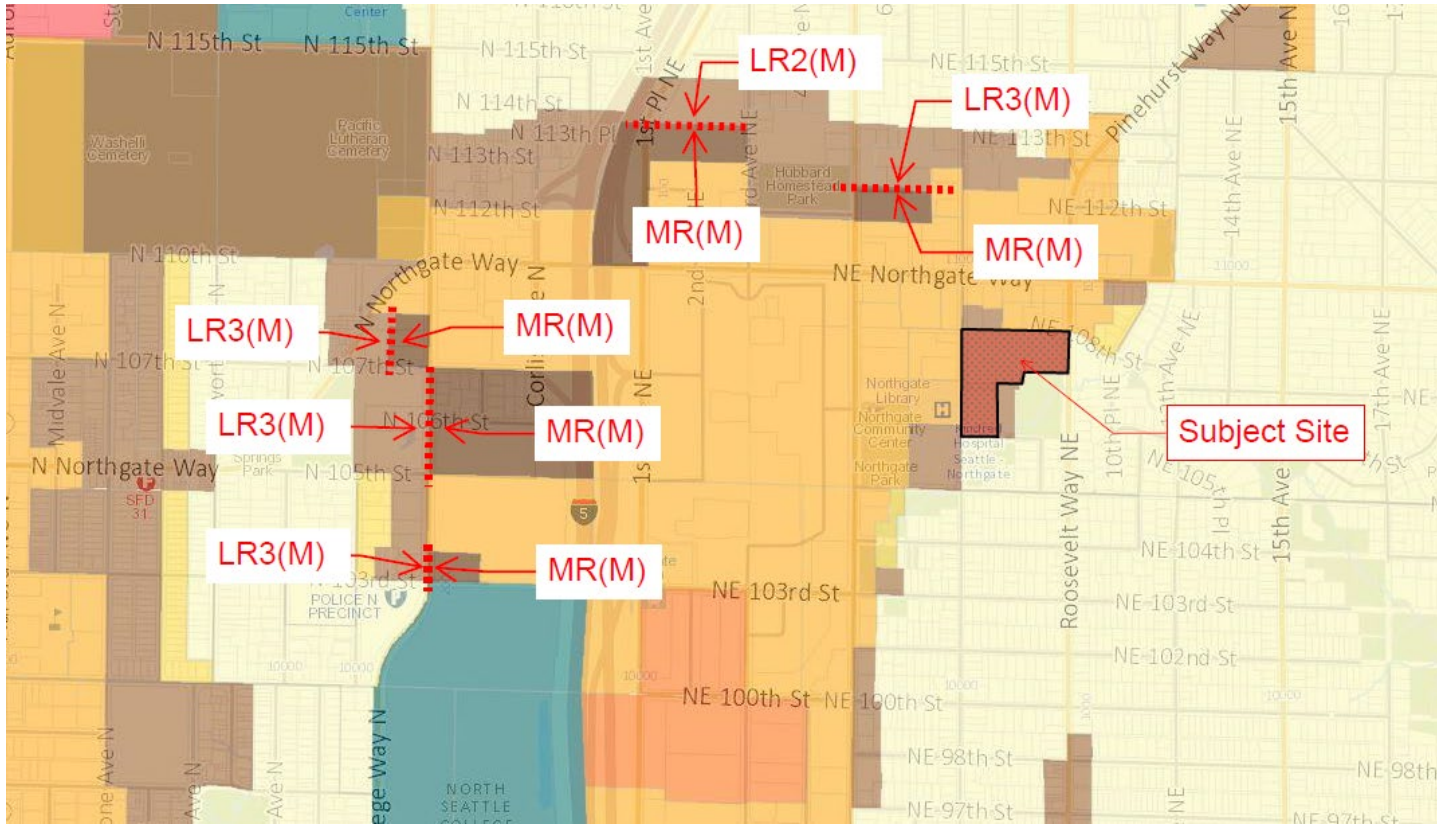
FEBRUARY 9, 2022

Type of Action

- Type IV - Quasi-judicial decision
- 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

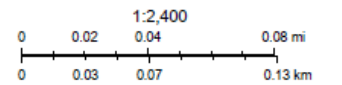
Application Details and Procedural Posture

- Proposed rezone of two sites in the Northgate Urban Center from Lowrise 3 multifamily residential with an M mandatory housing affordability suffix (LR3 (M)) to Midrise with an M1 mandatory housing affordability suffix (MR (M1))
- Combined site area is approximately 5 acres
- Application does not include Master Use Permits for development
- SDCI SEPA decision and rezone recommendation to conditionally approve published 9/9/21
- SEPA appeal filed 9/22/21, later dismissed
- Public Hearing held by the Hearing Examiner on 10/7/21
- Hearing Examiner recommends conditional approval to Council on 12/3/21



3/6/2019, 10:36:06 AM

- Parcels
- Wetland-ECA4
- Riparian Corridor-ECA3





SITE SECTION A-A (LOOKING WEST)

Hearing Examiner Summary of Testimony at Public Hearing

- Janet Way. Ms. Way indicated she spoke on behalf of the Thornton Creek Defense Fund. She spoke to the value of Thornton Creek as a natural area providing habitat for salmonids, mammals, and other species. She expressed concerns regarding water quality impacts from potential increased traffic, and about cumulative impacts from development in the area including the light rail link and the proposal.
- Jessica Durney. Ms. Durney spoke to portions of the comprehensive plan, that she believed that the proposal does not fulfill.
- Ruth Williams. Ms. Williams indicated she was speaking on behalf of the Thornton Creek Alliance. Ms. Williams spoke to concerns with the proposal's notice adequacy, and lack of pedestrian facilities in the area.
- Naomi Joseph. Ms. Joseph spoke to aspects of the neighborhood, and concerns about cumulative parking impacts.
- Frank Backus. Mr. Backus spoke to concerns about the lack of pedestrian infrastructure.
- Richard Ellison. Mr. Ellison spoke to portions of the comprehensive plan, that he believed that the proposal does not fulfill.

Hearing Examiner Recommended Conditions

Prior to Issuance of the Council Action

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

Prior to Issuance of a Master Use Permit

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
6. Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

Next Steps

- 2/23/22 - Briefing, continued discussion, and possible vote
- 2/28/22 – Possible Full Council vote
 - Property Use and Development Agreement (PUDA) must be executed prior to Full Council vote

Questions?

February 7, 2022

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Clerk File 314441 – Wallace Properties Contract Rezone, 10713 Roosevelt Way NE

On February 9, the Land Use Committee (Committee) will have a briefing and initial discussion on Clerk File (CF) 314441, which is an application by Wallace Properties for a contract rezone of two sites located in the Northgate Urban Center and addressed as 10713 Roosevelt Way NE.

This memorandum (1) provides an overview of the rezone application and procedural posture; (2) describes the type of action for the purposes of Council decision-making; and (3) describes the actions the Committee may take to approve the rezone.

Overview of Rezone Application and Procedural

Wallace Properties (Applicant) has applied for a contract rezone from Lowrise 3 multifamily residential with an M mandatory housing affordability suffix (LR3 (M)) to Midrise with an M1 mandatory housing affordability suffix (MR (M1)) of two sites – a north and south site. Both sites are located in the Northgate Urban Center and are currently developed with multifamily structures and associated surface parking and amenity areas. The sites are separated by a driveway, and the collective site area comprises 228,319 square feet or about 5.24 acres. The sites are located adjacent to and north of the City-owned Beaver Pond Natural Area on Thornton Creek and its associated environmentally critical areas. The Applicant did not apply for concurrent Master Use Permits for development of either site, although the record indicates that future development is planned to occur in three phases.

In September 2021, the Seattle Department of Construction and Inspections (SDCI) issued a State Environmental Policy Act (SEPA) threshold determination and recommendation to conditionally approve the application. The SEPA threshold determination was appealed. Ultimately, the Hearing Examiner dismissed the appeal. The Hearing Examiner held an open record hearing on October 6, 2021. On December 3, 2021, the Hearing Examiner recommended conditional approval of the rezone.

Hearing Examiner recommended conditions are:

Prior to Issuance of the Council Action

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

Prior to Issuance of a Master Use Permit

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
6. Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

Type of Action

A Council decision on the rezone application is quasi-judicial.¹ Quasi-judicial decisions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and are governed by the Council's Quasi-judicial Rules.²

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.

Audio recordings of the approximately two and half hour hearing can be accessed through the Hearing Examiner's website.³ Excerpts from the record, including public comments letters, the SDCl recommendation, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [Seattle Municipal Code Chapter 23.34](#) are contained in the Legistar record for CF 314441. A paper copy of the record is outside of my office.

Committee Decision Documents and Next Steps

To approve a contract rezone the Committee must make recommendations to the Full 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 bill amending the zoning map and

¹ [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

² Adopted by [Resolution 31602](#) (2015).

³ [Case Details for CF-314441 \(seattle.gov\)](#).

accepting a Property Use and Development Agreement (PUDA) that is recorded against the properties and contains conditions applicable to future development.

The Land Use Code requires that Council act on a rezone application, which has not been appealed, within 90 days of the Hearing Examiner recommendation.⁴ Consequently, Full Council action on the applications should occur by March 3, 2022. Staff will develop draft approval documents including a council bill and PUDA for consideration by the Committee at its next meeting on February 23rd.

cc: Aly Pennucci, Deputy Director
Yolanda Ho, Land Use Team Lead

⁴ [SMC Section 23.76.005.D.3.](#)

**EXHIBIT LIST
BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

<p>In the Matter of the Application of</p> <p>PAROLINE ASSOCIATES</p> <p>for a contract rezone of property addressed as 420 NE 72nd St</p>	<p>Council File: 314441</p> <p>Department Reference: 3027312-LU</p> <p>EXHIBIT LIST</p>
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Exhibit #	Offered By	Admitted?	Description
1	Department	Y	City of Seattle Analysis, Decision, and Recommendation of the Director of the Seattle Department of Construction and Inspections dated September 9, 2021 (Department Exhibit 1)
2	Department	Y	SEPA Checklist, Annotated (Department Exhibit 2)
3	Department	Y	Plan Set (Department Exhibit 3)
4	Department	Y	Public Notice: a) Notice of Application dated December 5, 2019; b) Notice Map dated November 18, 2019; c) Public Notice Sign Photo; d) Public Notice Sign Photo; e) Public Notice Sign Photo; f) Public Notice Sign Photo; and, g) Notice of Recommendation, Decision, and Public Hearing dated September 9, 2021 (Department Exhibit 4)
5	Department	Y	Public Comment: a) Public Comment, VanderMeer dated December 11, 2019 ; b) Public Comment, Morgan December 15, 2019 ; and, c) Public Comment, Webster dated January 9, 2020 (Department Exhibit 5)
6	Department	Y	King County Wastewater Treatment Division Comment dated December 13, 2019

Examiner:	Ryan Vancil
Assistant:	Galen Edlund-Cho
Date:	October 6, 2021
HE Case #:	CF-314441
HE Case Name:	Paroline Associates Rezone Application

			(Department Exhibit 6)
7	Department	Y	Landmarks Preservation Board Memorandum dated December 5, 2019 (Department Exhibit 7)
8	Department	Y	SDCI Correction Letters: a) Correction Notice #1, ECA Wetland dated December 3, 2019; b) Correction Notice #1, Land Use May 22, 2020; c) Correction Notice #1, Transportation February 13, 2020; d) Correction Notice #2, Land Use dated January 5, 2021; and, e) Correction Notice #2, Transportation dated December 9, 2020 (Department Exhibit 8)
9	Department	Y	Rezone Request, Criteria Analysis dated July 29, 2019 (Department Exhibit 9)
10	Department	Y	Rezone Request, 2nd Amended Rezone Request Analysis dated February 3, 2021 (Department Exhibit 10)
11	Department	Y	Northgate Urban Center Zoning Map (Department Exhibit 11)
12	Department	Y	Site Section A-A dated June 14, 2019 (Department Exhibit 12)
13	Department	Y	Photographs of Tree Canopy South of Site dated July 29, 2019 (Department Exhibit 13)
14	Department	Y	Northgate Mobility Map, Excerpt (Department Exhibit 14)
15	Department	Y	Transit Radius Map (Department Exhibit 15)
16	Department	Y	Enhanced Viewshed Analysis Map dated January 29, 2020 (Department Exhibit 16)
17	Department	Y	Sun Shadow Analysis dated January 29, 2020 (Department Exhibit 17)
18	Department	Y	Shadow Studies dated June 14, 2019 (Department Exhibit 18)

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19	Department	Y	Zoning History of Site (Department Exhibit 19)
20	Department	Y	Historic Preservation Appendix A (Department Exhibit 20)
21	Department	Y	Geotechnical Engineering Study dated May 4, 2017 (Department Exhibit 21)
22	Department	Y	Phase I Environmental Site Assessment Report dated May 25, 2011 (Department Exhibit 22)
23	Department	Y	Wetland and Stream Reconnaissance dated March 6, 2019 (Department Exhibit 23)
24	Department	Y	Preliminary Site Research Report dated June 12, 2019 (Department Exhibit 24)
25	Department	Y	Off-Site Wetland & Stream Delineation dated April 14, 2020 (Department Exhibit 25)
26	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts dated June 28, 2019 (Department Exhibit 26)
27	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts dated March 19, 2020 (Department Exhibit 27)
28	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts Updated DRAFT for Review dated March 19, 2020 (Department Exhibit 28)
29	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts, Response to Correction Notice #1 dated March 17, 2020 (Department Exhibit 29)
30	Department	Y	Applicant Response to Correction Notice #1, Land Use dated October 21, 2020 (Department Exhibit 30)
31	Department	Y	Applicant Response to Correction Notice #2, Land Use dated February 2, 2021 (Department Exhibit 31)

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HE Case #:	CF-314441
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32	Department	Y	Applicant Comments on OPCD MHA Citywide Rezone: a) Request for Modification to Northgate Urban Village Draft Mandatory Housing Affordability Map Zoning Designation from LR3 to MR (M1) dated June 30, 2017; b) Comments on OPCD MHA Citywide Ordinance dated May 17, 2018; c) Comments on OPCD MHA Cityside Ordinance dated August 7, 2018; and, d) MHA Adopted Zoning Changes dated May 23, 2019 (Department Exhibit 32)
33	Department	Y	Agreement of Termination of Condominium dated August 1, 2016 (Department Exhibit 33)
34	Department	Y	Phasing Plan dated June 14, 2019 (Department Exhibit 34)
35	Applicant	Y	Kevin Wallace CV (Exhibit A-1)
36	Applicant	Y	Michael Read CV (Exhibit A-2)
37	Applicant	Y	Gareth Roe CV (Exhibit A-3)
38	Applicant	Y	John Altmann CV (Exhibit A-4)
39	Applicant	Y	October 4, 2021 TENW Response Memorandum (Exhibit A-5)
40	Applicant	Y	October 4, 2021 BCRA Response Memorandum (Exhibit A-6)
41	Public	Y	Notice of Appeal re CF-314442
42	Public	Y	Rowe Public Comment dated September 29, 2021
43	Public	Y	Hill Public Comment dated September 30, 2021
44	Public	Y	Kozarek Public Comment dated September 30, 2021
45	Public	Y	Taiwo Public Comment dated September 30, 2021
46	Public	Y	Second Hill Public Comment dated October 2, 2021
47	Public	Y	Jacobsen Public Comment dated October 3, 2021

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Date:	October 6, 2021
HE Case #:	CF-314441
HE Case Name:	Paroline Associates Rezone Application

48	Public	Y	Fanning Public Comment dated October 3, 2021
49	Public	Y	Birke Public Comment dated October 4, 2021
50	Public	Y	Dolan Public Comment dated October 4, 2021
51	Public	Y	Adams Public Comment dated October 5, 2021
52	Public	Y	Johnson Public Comment dated October 5, 2021
53	Public	Y	Joseph Public Comment dated October 5, 2021
54	Public	Y	Klinker Public Comment dated October 5, 2021
55	Public	Y	Lawty Public Comment dated October 5, 2021
56	Public	Y	TCA Public Comment dated October 5, 2021
57	Public	Y	TCLDF Public Comment dated October 5, 2021
58	Public	Y	Backus Public Comment dated October 6, 2021
59	Public	Y	Ellison Public Comment dated October 6, 2021
60	Public	Y	MCC Public Comment dated October 1, 2021
61	Public	Y	Keefe Public Comment dated October 8, 2021
62	Public	Y	Landolt Public Comment dated October 8, 2021
63	Public	Y	TOD Public Comment dated October 8, 2021
64	Public	Y	Way Public Comment dated October 8, 2021
65	Public	Y	Williams Public Comment dated October 8, 2021
66	Public	Y	Williams Public Comment re Design Guideline Link dated October 8, 2021
67	Public	Y	Landolt Public Comment dated October 9, 2021

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City of Seattle
Hearing Examiner Exhibit
Applicant
Department ADMITTED
Public DENIED
FILE # CF-314441 1

Exhibit 1

City of Seattle Analysis, Decision, and Recommendation of the Director of the Seattle
Department of Construction and Inspections

September 9, 2021



CITY OF SEATTLE

**ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Record Number: 3033517-LU
CF Number: 314441
Applicant Name: Andy Paroline of Paroline Associates for Wallace Properties –
Park at Northgate LLC
Address of Proposal: 10713 Roosevelt Way Northeast

SUMMARY OF PROPOSAL

Council Land Use Action to rezone a parcel of land from Lowrise 3 (M) (LR3 (M)) to Midrise (M1) (MR (M1)).

The following approvals are required:

Contract Rezone (Seattle Municipal Code (SMC) 23.34): From Lowrise 3 (M) (LR3 (M)) to Midrise (M1) (MR (M1)) – Recommendation to the Hearing Examiner

SEPA - Environmental Determination (SMC 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are recommended.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, conditions are recommended to mitigate environmental impacts

BACKGROUND

Proposal Description

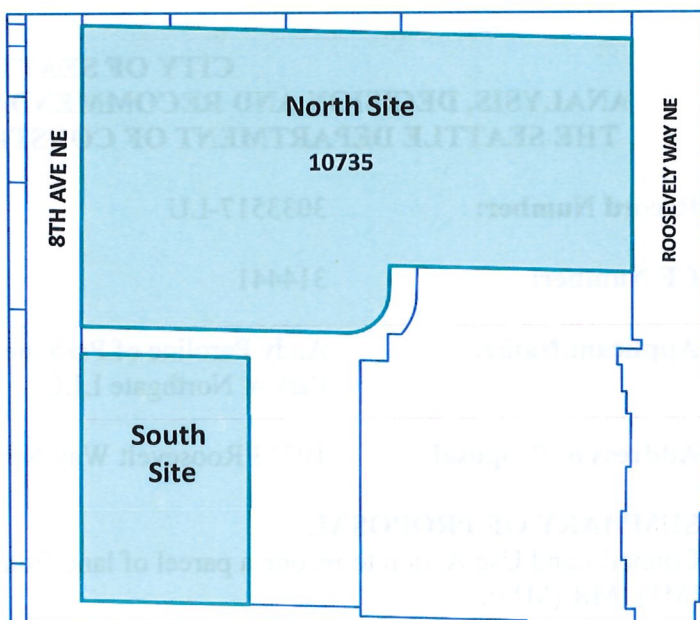
The applicant proposes a rezone to change the zoning designation of two properties from Lowrise 3 with a Mandatory Housing Affordability (MHA) suffix of M (LR3(M)) to Midrise with a MHA suffix of M1 (MR(M1)). No development on each site is proposed at this time; therefore, this rezone application will be based solely on its own merit as an independent proposal.

The applicant intends to develop the subject sites at a future date, in a phased approach. No demolition, new construction, change of use, or other site improvements are proposed at this time.

Site and Vicinity Description

The 5.24-acres to be rezoned are located approximately 300-feet south of Northgate Way NE, between 8th Avenue NE, NE 106th Street and Roosevelt Way NE and are hereafter referred to as the North Site and South Site.

The North Site is approximately 177,346-square feet and contains four existing three-story apartment buildings with associated surface parking, landscaping, and a pool with cabana. Vehicular access is provided via one curb cut on Roosevelt Way NE and two curb cuts on 8th Avenue NE.



The South Site is approximately 48,955-square feet in size and contains two existing three-story apartment structures with associated surfacing parking and landscaping. Vehicular access is provided via two curb cuts on 8th Avenue NE to the west and a curb cut on NE 106th Street at the south.

Roosevelt Way NE is designated an arterial street as well as a Special Landscape Arterial defined in the Northgate Overlay District (SMC 23.71.012). Roosevelt Way NE has sidewalks and a bus stop along the North Site's frontage, while 8th Avenue NE and NE 106th Street are both non-arterial streets with minimal sidewalks, curbs, gutters, and on-street parking opportunities.

Surrounding zoning and development consists of Neighborhood Commercial, lowrise and single-family zoning and primarily residential and commercial development ranging in height from two-to-seven stories.

Zoning

Site Zone: LR3(M)

Zoning Pattern: North: Neighborhood Commercial 2 with a 55-Foot Height Limit (NC2-55(M)) and LR3(M)
South: Single Family with a 7,200 Square Foot Minimum Lot Size (SF7200)
West: NC3-75(M), NC3-55(M), and LR3(M)
East: SF7200

Lot Area: 228,319-square feet

Environmentally Critical Areas: Riparian Management Area

Public Comment

The public comment period ended on December 18, 2019. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to potential impacts to traffic and the nearby Thornton Creek. Comments were also received that are beyond the scope of this review and analysis.

I. ANALYSIS – REZONE

Seattle Municipal Code (SMC) Chapter 23.34, Amendments to Official Land Use Map (Rezoning), allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D., for an amendment to the Official Land Use Map. Contract rezoning and Property Use and Development Agreements (PUDAs) are provided for in SMC 23.34.004.

The applicable requirements for this rezoning proposal are stated in:

- SMC 23.34.004, Contract rezoning;
- 23.34.007, Rezone evaluation;
- 23.34.008, General rezone criteria;
- 23.34.023, Lowrise 3 (LR3) zone, function, and locational criteria;
- 23.34.024, Midrise (MR) zone, function, and locational criteria.

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezoning

- 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 PUDA will be executed and recorded as a recommended condition of the contract rezone.

The applicant proposes the following conditions be included in the PUDA in order to mitigate potential impacts that may occur from development permitted by after the rezone. Future development shall include:

- (1) Construction of 148, two-bedroom residential units (to replace the existing 148, two-bedroom residential units);
- (2) Designation of at least nine percent (9%) of all units on-site (97 units) to meet the mandatory housing affordability (MHA) standards of SMC 23.58C. (as opposed to paying the fee in lieu available per SMC 23.58C.);
- (3) Designation of at least 20% of all units on-site (214 units) to meet the affordability standards per the Multifamily Tax Exemption (MFTE) incentive program of SMC 5.73;
- (4) Phasing of redevelopment of the subject sites such that no more than two of the existing six structures be demolished within nine months of the others (per the applicant's phasing plan); and
- (5) Provide an east-west pedestrian connection on the North Site along the site's northern property line to provide pedestrian access from Roosevelt Way NE to 8th Ave NE.

The Director has reviewed the applicant's proposed conditions and recommends some of the applicant's self-imposed conditions as modified. Such a condition is included at the end of this document.

- (1) Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu);
- (2) Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the MFTE Program (SMC 5.73); and
- (3) Future development of the North Site shall provide a public east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE.

Finally, as described below in response to SMC 23.24.008.I., 23.24.020.D., and 23.24.024.B.2., below, the Director recommends additional conditioning related to an environmentally critical area on the South Site. Such a condition is included at the end of this document.

- B. Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to 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 applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

The subject sites are currently subject to the provisions of SMC 23.58C due to the existing zone of LR3(M). The proposed rezone to MR(M1) would also require compliance with the MHA provisions of SMC 23.58B and/or SMC 23.58C. In addition to the requirements of SMC 23.58B and 23.58C, the applicant proposes that the self-imposed, housing related conditions listed above (in response to SMC 23.24.004.A.) be included in the PUDA.

As noted above in response to SMC 23.24.004.A., the Director supports those applicant-proposed conditions related to on-site performance (MHA) and participation in the MFTE Program, as modified. Said conditions are included at the end of this report.

- C. 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.*

A PUDA will be executed and recorded as a recommended condition of the contract rezone that the development shall be in substantial conformance with the conditions of the Council Land Use Decision number 3033517-LU. The recorded conditions will facilitate the use of any associated development standards identified in the Code for MR(M1) zone designation.

- D. *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.*

At the time of recommendation from the Seattle Department of Construction and Inspections (SDCI), no waivers to specific bulk or off-street parking and loading requirements were requested. Any future requests for departures from Code standards may be addressed through various administrative processes such the Design Review process or Type I administrative waivers available through future Master Use Permit processes.

23.34.006 Application of MHA suffixes in Type IV rezones

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C.*

This criterion is not applicable to this rezone. SMC 23.58B and 23.58C are applicable to the current zoning (LR3 (M)) of the site and will be applicable to the proposed zone of MR(M1).

- B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*
1. *If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
 2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
 - a. *Have a (M1) suffix if it currently has an (M) suffix; or*
 - b. *Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
 3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006; therefore, the new MHA suffix should be M1.

There are three tiers of MHA requirements, with contributions increasing with additional development capacity potential; the tiers are identified as M, M1 and M2 suffixes to be attached to the zoning designation. The proposed rezone from LR3 (with a height limit of 50-feet) to MR (with a height limit of 80-feet), is a change from Category 3 to Category 4 which requires an M1 suffix. Pursuant to Director's Rule 14-2016, the rezone proposal shall include the M1 suffix.

Table A for 23.34.006, MHA Zone Categories	
Category Number	Zones
Category 1	Single-family zones
Category 2	LR1, LR2
Category 3	LR3, C or NC zones with a height limit of 30, 40, or 55 feet
Category 4	Zones with height limits greater than 55 feet and equal to or less than 95 feet
Category 5	Zones with heights greater than 95 feet ¹
Footnote to Table A for 23.34.006	
¹ An increase in development capacity of more than 25 percent, but no more than 50 percent, within Category 5 should be treated as a change of a single category. An increase in development capacity of more than 50 percent within Category 5 should be treated as a change of two categories.	

SMC 23.34.007 Rezone Evaluation.

- A. *The provisions of this chapter shall 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 these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

This rezone is not proposed to correct a mapping error; therefore, the provisions of this chapter apply. In evaluating the proposed rezone, the provisions of this chapter have been weighed and balanced together to determine which zone designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended, see analysis below.

- 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 designation for the site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

This analysis evaluates the applicable criteria called for and outlined in SMC 23.34, Amendments to Official Land Use Map (Rezones), as they apply to the subject rezone (listed at the beginning of this “Analysis” section).

- 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 Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.*

The proposed rezone is not a shoreline environment redesignation; therefore, the Comprehensive Plan Shoreline Policies are not applicable and were not used in this analysis. The proposed rezone does not require an amendment to the Comprehensive Plan, is consistent with applicable provisions of SMC 23.34, and is thereby consistent with this criterion.

- 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 sites (North Site and South Site) are located within the Northgate Urban Center, immediately adjacent the Northgate Core Subarea. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside urban centers.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The project sites are not in the shoreline environment and the subject rezone is not a redesignation of a shoreline environment. Therefore, this criterion is not applicable.

- 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 subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

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 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
 - 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

The subject sites are located within the Northgate Urban Center. The growth target for this urban center is 3,000 housing units between the years 2015 and 2035 (Growth Strategy Appendix, Comprehensive Plan/Seattle 2035) and the density sought is 11 housing units per acre (Land Use Appendix, Comprehensive Plan/Seattle 2035).

According to Director's Rule 13-2021 (Determination of State Environmental Policy Act (SEPA) Review Exemption Levels for Infill Residential and Mixed-Use Development in Urban Centers and Urban Villages, effective August 9, 2021), the growth target for the Northgate Urban Center has not been exceeded. According to the SDCI Urban

Center/Village Housing Unit Growth Report (dated May 6, 2021), the Northgate Urban Center has presently achieved only 7.9% of its residential growth target. The proposed rezone will not reduce the zoned capacity for the Northgate Urban Center. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units.

The proposed rezone is consistent with SMC 23.34.008.A.1. as the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposed rezone is consistent with SMC 23.34.008.A.2. as the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan.

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

This rezone does include a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required and is contained below. Based on the analysis in the responses below, the project site is suited for the proposed MR designation.

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

The zoning history of the subject sites included both residential and commercial zoning designations, with a strictly multifamily designation since 1968.

The zoning designation of the subject sites changed most recently in 2019, after adoption of provision for mandatory housing affordability (MHA). In 2015, the Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council that included mandatory housing affordability for residential and commercial development. Included were area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement MHA requirements for multifamily and commercial development in certain areas.

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

On November 9, 2017, the City issued the MHA SEPA Final Environmental Impact Statement (FEIS). The Preferred Alternative changed the subject site's zone from LR3 to

LR3 with a MHA suffix of M (LR3(M)). The applicant's materials document the submission of comments during that process, requesting the sites' zone be changed to (MR(M1)). Subsequently, the citywide rezone was adopted, effective April 19, 2019, changing the subject sites' zone from LR3 to LR3(M). The applicant now proposes the rezone from LR3(M) to MR(M1).

The table B below identifies the subject sites' zoning designation by year.

TABLE B: SUBJECT SITES ZONING HISTORY

YEAR	ZONING DISTRICT
1947	First Residence District, Area District A (R1-A)
1954	Single Family Residence 7200 (RS7200)/General Commercial (CG)
1962	CG
1968 (06/28/1968)	GC/Multiple Residence (RM)
1968 (08/24/1968)	RM/RS7200
1968	RM
1982	Lowrise 3 (L-3)
2011	Lowrise 3 (LR3) per Ordinance 123495
2019	LR3 with MHA suffix (LR3(M) per Ordinance 125791

Previous zoning changes in and around the area include the following: a city-initiated rezone of portions of the Northgate area in 1993 (Ordinance number 116794); four contract rezones between the years 1999 and 2016; designation of the Northgate area as an Urban Center in 2004 (Ordinance number 121701); and the city-initiated MHA rezone in 2019 described above (Ordinance number 125791).

The 1993 city-initiated rezone accompanied adoption of the Northgate Area Comprehensive Plan pursuant to ordinance number 116794. Portions of the Northgate Area were rezoned to help achieve the goals of the Northgate Area Comprehensive Plan and "protect and promote the health, safety, and welfare of the general public" (ordinance number 116794). The City published a FEIS studying the effects of the zone change, along with final rezone maps in 1992. The subject sites were not rezoned at this time; however, notable is that the property immediately abutting to the north was rezoned from NC2-40 to L-3.

The four contract rezones approved between 1999 and 2016 each increased the allowable height, and in two instances, the zoning designation changed from MR to NC. The below table (Table C: Previous Contract Rezones in Area) identifies each contract rezone with project number references and existing and approved zoning districts. The last column (Current Zone) reflects the impact of the city-wide MHA rezone of 2019 (described above). There are no contract rezones proposed in the vicinity as of the date of this document.

TABLE C: PREVIOUS CONTRACT REZONES IN AREA

YEAR	ADDRESS	MUP #	CF #	ORDINANCE	PREVIOUS ZONE	APPROVED ZONE	CURRENT ZONE
1999	300 NE Northgate Way	9802979	302803	119621	MR	NC3-65	NC3-75(M)
2012	11200 1 st Ave NE	3006101	311240	124025	MR	NC3-85	NC3-95(M)
2013	525 NE Northgate Way	3014776	312357	124272	NC3-65	NC3-85	NC3-75 (M) and NC3-95(M)
2016	10711 8 th Ave NE	3018442	314287	125035	NC3-40	NC3-65	NC3-75(M)

In 2004, the Northgate area, including the subject sites, was designated an Urban Center with adoption of an updated Comprehensive Plan. The area was found to be a unique area of concentrated employment and housing, with direct access to high-capacity transit, and a wide range of supportive land uses such as retail, recreation, public facilities, parks, and open space.

Lastly, the city-wide MHA rezone in 2019 rezoned portions of the Northgate area, including the contract rezones listed above and the subject sites. The MHA rezone changed the sites' zoning designation from LR3 to LR3(M). The applicant now proposes a change from LR3(M) to MR(M1).

This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

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.
2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.
3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.
4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The subject sites (North Site and South Site) are within the Northgate Neighborhood Plan and are covered by the adopted portions of that plan which can be found in the City of Seattle Comprehensive Plan, Adopted Neighborhood Plans section. This Neighborhood Plan was adopted in 1993 and was amended in 2004 (effective 2005) and again in 2012 (Ordinance number 123854).

The adopted portions of the Northgate Neighborhood Plan include goals and policies that relate to rezones and properties within the Northgate Neighborhood Plan area generally and the core subarea specifically. The subject sites are located within the

Northgate Neighborhood Plan but outside the core subarea which is located across the street to the west. The applicable plan goals and policies include:

NG-G2: A thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area.

NG-G3: The surrounding single-family neighborhoods are buffered from intense development in the core, but have ready access to the goods, services, and employment located in the core via a range of transportation alternatives including walking, bicycling, transit, and automobile (the core area is shown on the Northgate map).

NG-G4: The most intense and dense development activity is concentrated within the core.

NG-P6: Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.

NG-P7: Reduce conflicts between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed.

NG-P8.5: Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.

NG-G7: Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.

The proposed rezone is in conformance with the applicable policies of the Northgate Neighborhood Plan in the following ways:

The rezone will further the vitality of the mixed-use center by increasing residential density and promoting livable high-density housing and reducing reliance of vehicle trips to access services and transit. The proposed rezone will not affect the surrounding single-family neighborhoods. Rather, it will provide a transition to the intense, dense development within the core, while in turn providing ready access to a variety of goods and services within proximity to the Northgate transit center along well-established transit routes.

The proposed rezone would have minimal if any adverse impact to the transition between the existing Neighborhood Commercial zoning to the north and west and adjacent lowrise and single-family properties to the east and south. The proposed

MR zone will provide a gradual transition from neighborhood commercial to lowrise and single-family residential zoning. The proposed rezone does not include any single family-zoned properties.

Finally, the proposed rezone site is located adjacent the North Core Subarea of the Northgate District and support of this rezone would allow for increased residential density within proximity to the Northgate transit center which is approximately within a 10-minute walk from the site. The applicant proposed, and Director supported, condition to provide an east-west public pedestrian connection through the North Site would contribute to a network of pedestrian connections that encourages pedestrian activity . The increased demand for nearby goods and services by the increased density could also reduce the number and length of vehicle trips and make travel by foot and bicycle more attractive.

No neighborhood plan amendment is pending or required.

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

The proposed MR(M1) zone would create a transition from the more intensive zones, neighborhood commercial to the north and west, down to the residential zones of LR3 and single-family to the south and east. A transition in height limits will also be provided by the rezone, transitioning from the tallest of 95-feet to the northwest, fronting Northgate Way NE, down to the 30-foot allowable in the single-family zone. Properties abutting to the north and west are zoned neighborhood commercial and have height limits ranging from 55 to 95-feet. Abutting to the east and south are properties zoned LR3(M) and SF7200(M) with allowable heights of 50 and 30-feet. A property zoned LR3(M) abuts the subject sites (south of the North Site and east of the South Site) and separates the two with a 30-foot wide driveway. This LR3(M) zoned property provides a gradual transition from the proposed MR(M1) to SF700(M), including height limits.

In addition to a transition in height, the impact of more intensive zones on less intensive zones is minimized by the use of buffers such as setbacks, right-of-way widths, city owned natural areas, and topography. Existing setbacks on the subject sites include an 80-foot setback on the North Site and a 22.7-foot and 43-foot setback on the South Site. Further buffering is provided by right-of-way widths including Roosevelt Way NE (with an 80-foot width) and NE 106th Street (with a 60-foot width). Additionally, buffering is provided by a Riparian Management Area (RMA) on the South Site and the Beaver Pond Natural Area which is described in response to SMC 23.34.008.E.2. below. The LR3(M) zoned property abutting the subject sites provide a transition in the more intensive zones of neighborhood commercial and midrise to the single-family zoning to the southeast.

Future development of the subject sites will be subject to setback and other development standard requirements for the zone. Additionally, the Design Review process (SMC 23.41) will likely be required for future development which will consider response to context and height, bulk, and scale transitions to the less intensive adjacent zones. While

the proposed rezone does not propose development at this time, the applicant did submit a sun shadow analysis and viewshed analysis to demonstrate potential impacts from a structure built at a maximum height of 80-feet. As shown, shadow impacts are focused primarily to the north toward the more intensive zones.

The proposed zoning aligns with existing lot lines and street centerlines. The established boundaries between commercial and residentially zoned properties remains unchanged.

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;*

Natural features such as topography, streams, an arterial, and open space/greenspace are provided between the proposed MR(M1) zoning and the single-family zoning to the east and south.

The subject sites have a moderate slope from north to south of less than ten percent, with the southernmost portion of the South Site approximately 30-feet lower than the northern portion of the North Site. Due to the topography, existing developments north and west of the site are higher than the maximum height of 80-feet allowed by the proposed zoning of MR(M1). Additionally, the closest single-family development, located south of the subject sites, is at an elevation approximately 40-feet higher than the lowest portion of the site (at the site's southernmost end).

Immediately abutting the sites to the south is the Beaver Pond Natural Area and Thornton Creek, a City owned greenway and natural area. The natural area provides an additional 400-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the North Site and adjacent single-family development to the south and a 130-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the South Site and single-family development to the south.

As mentioned above in response to SMC 23.34.008.E.1., the Roosevelt Way NE right-of-way width of 80-feet provides a physical buffer between the proposed MR(M1) zoning and existing residential development to the east. Additionally, the LR3(M) zoned property abutting to the southeast will provide a buffer through existing conditions such as building setbacks, easements, and parking access. This property bisects the North and South Sites with an approximately 30-foot wide stretch of land and various access, encroachment, and driveway easements.

Furthermore, any future development of the site will likely be subject to the Design Review process (SMC 23.41) which will consider design strategies to minimize the appearance of height, bulk, and scale and consider transitions to adjacent properties to mitigate the impacts of the zone edge.

Physical buffers such as topography, Thornton Creek and the Beaver Pond Natural Area, and the right-of-way widths of Roosevelt Way NE and NE 106th Street provide an effective separation between the proposed rezone and existing, lower intensity zoning to the east and south.

3. *Zone Boundaries*

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

- (1) *Physical buffers as described in 23.34.008E.2; and*
- (2) *Platted lot lines.*

The proposed zone boundaries follow existing platted lot lines and those physical buffers as described in response to SMC 23.34.008.E.2. above.

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.*

The proposed rezone would maintain the existing pattern of commercially-zoned properties facing residential properties on 8th Avenue NE and residentially-zoned properties facing residentially zoned properties on Roosevelt Way NE. The proposed rezone will not create a new boundary between commercial and residential areas.

4. *In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 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 subject sites are located in an urban center and the proposed rezone would allow a maximum building height of 80-feet. The proposed zone with 80-foot height limit is consistent with the Northgate Neighborhood Plan and existing built character of the area.

- 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;*

A total of 148 existing residential units are located on site within six, three-story apartment buildings: four buildings on the North Site and two on the South Site. The applicant notes that each unit rents at a rate in the 70-90% average monthly income (AMI) range. The proposed rezone would increase the floor area ratio from 2.3 to 4.5. The applicant notes that the rezone would allow a total of 1,100 residential units (ranging from studio to two-bedroom units) and proposes a condition requiring future residential development include 148 new market rate two-bedroom units be provided in order to replace the existing two-bedroom units and reduce potential displacement impacts. The applicant proposes this be a condition of the PUDA.

In addition to providing 148, two-bedroom units with future development, the applicant proposes to provide on-site MHA performance at a rate of nine percent and voluntary participation in the MFTE Program at a rate of 20% of all units.

Future development will be subject to the requirements of MHA (SMC 23.58B and/or SMC 23.58C); therefore, the Director recommends a modified condition that would require on-site performance at a rate required by the land use code and associated Director's Rules at the time of application of future development.

These applicant-proposed conditions appear consistent with the Northgate Neighborhood Plan policy NG-P6 which states, "Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas," and the Director recommends modified conditions as listed in response to SMC 23.24.004.A. above and at the end of this document. The modified conditions would require MHA performance on site and participation in the MFTE program.

b. Public services;

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. With future development, increased security provided by security lighting and the surveillance of eyes on the street is seen as having a positive impact and may be seen as mitigating the increased demand.

Any future development and increased demand for services such as fire protection, police protection, public transit, health care, and schools, will be typical to urban residential uses.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by residential activities, as is permitted with the current zoning. Future construction will be required to comply with the applicable requirements of codes such as the Noise Ordinance (SMC 25.08) and Street Use Ordinance (SMC Title 15).

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 30-foot height at this site. Future Air Quality measures shall comply with applicable Federal, State, and City emission control requirements.

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be infiltrated or conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be in conformance with City of Seattle standards.

Flora and fauna – No noticeable change in impacts will result from a change in zoning. Existing landscaping and trees may potentially be removed for future construction, but additional vegetation proposed shall comply with Land Use Code requirements and the Tree Ordinance, if applicable. The change in zoning would not reduce the vegetation requirements for future development.

Glare – No noticeable change in impacts will result from a change in zoning.

Odor – No noticeable change in impacts will result from a change in zoning.

Shadows – The increase in height from 50-feet to 80-feet will create additional shadows. The applicant submitted shadow studies, massing diagrams, and related materials demonstrating potential impacts from possible future development. Shadow impacts from the North Site to the east are mitigated by the 80-foot wide right-of-way width of Roosevelt Way NE. Shadow impacts from the South Site may impact the existing LR3(M) zoned property abutting to the east in the afternoon. While the additional height may create some additional shadow impacts, future development will be subject to the Design Review process (SMC 23.41) and SEPA analysis (SMC 25.05) which will include consideration and potential mitigation of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development will be required to comply with the City of Seattle energy codes and may perform better than the code requirements due to available programs that incentivize improved energy performance.

d. Pedestrian safety

No noticeable change in impacts will result from a change in zoning. Future development will likely be required to provide public right-of-way improvements for pedestrian safety, such as a new sidewalk and planting strip which is expected to increase pedestrian safety. Pedestrian safety related to specific development proposals will be regulated by requirements in SMC 23.53 (Requirements for Streets, Alleys, and Easements), SMC 23.71 (Northgate Overlay), and the Street Improvement Manual. Furthermore, the applicant proposes a condition be included in the PUDA requiring an east-west pedestrian accessway be provided along the north property line of the North Site at time of any future development to facilitate access to transit and improve pedestrian connectivity in the neighborhood. The Director supports this condition and recommends the Hearing Examiner condition the project as such. A recommended condition is included at the end of this report.

e. Manufacturing activity;

The existing and proposed zoning would both prohibit manufacturing activity at this site. No change will result from the change in zoning.

f. Employment activity;

The proposed zoning would permit some ground floor commercial uses at this site. Uses are limited in type and size. The sites' proximity to the Northgate Core Subarea makes

this an appropriate location for limited commercial uses and could increase employment activity in the area.

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

The site is not within or near a character area recognized for architectural or historic value.

h. Shoreline view, public access and recreation.

The proposed sites are located approximately two-miles east of the shoreline of Puget Sound, 3.5-miles west of the shoreline of Lake Washington, one-mile north of the shoreline of Green Lake and therefore will not directly impact shoreline view, public access, or recreation. Due to existing development and vegetation, there are no views visible from Roosevelt Way NE or NE 8th Street. There are no nearby public parks with shoreline views across the subject property.

The Land Use Code does not include criteria for protection of views from private property. Most private property views of Puget Sound, Lake Washington, and Green Lake would be blocked by topography and development built to the current maximum zoning at the site. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

The applicant submitted view studies, massing diagrams and related materials demonstrating that there are no territorial views, and existing and proposed developments to the north, south, and west are at a higher elevation than the subject site. Viewshed impacts to the Northgate Manor Apartments immediately west of the site are no greater or different than those that would be associated with redevelopment of the site under the existing LR3(M) zoning as the north-south massing would be identical but with a lower height. Views would not be possible over an MR(M1) building or an LR3(M) building, so the additional height is negligible when it comes to views.

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;*

The subject properties abut Roosevelt Way NE, 8th Avenue NE and NE 106th Street. The applicant submitted transportation analyses (Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1, TENW, March 17, 2020; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that analyzed access and capacity in the area. For the purpose of the traffic analysis, year 2025 was selected as the build-out year based upon anticipated completion of future redevelopment in a phased approach. Phase I (297 units) by 2023, Phase II (402 units) in 2024, and Phase III (401 units) in 2025.

Street access, street capacity, transit service, and parking capacity are discussed therein, and were reviewed by the SDCI Transportation Planner. Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. Baseline traffic volumes for the screenline were obtained from the Director's Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development's trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the level of service (LOS) standard. As shown in the studies, the v/c ratios with the anticipated future redevelopment were less than the LOS standard for all screenlines. Therefore, no system concurrency mitigation is required. Additional analysis is provided below in the SEPA analysis. The site is located within a five-minute walk of transit stops served by Metro Routes 41, 67, 75, 347, and 348: each meets the definition of frequent transit. An existing transit stop is located adjacent the North Site on Roosevelt Way NE. Furthermore, the site is within a half-mile of the future Northgate Light Rail Station.

The proposed rezone will not exceed the service capacities in the area. In December 2009, the City prepared and issued a programmatic FEIS in conjunction with reviewing and potentially modifying the zoning for some properties within the Northgate Urban Center, including the subject site. The City examined a No Action Alternative and three action alternatives (Alternatives 1, 2 and 3) for amending the subarea plan along with other potential code amendments. The subject site is located within Subarea D of the Northgate Urban Center in the FEIS. The alternatives that were evaluated included rezoning of multiple properties to NC3-65 or higher. One alternative evaluated rezoning to 125-foot. No service deficiencies were anticipated by any of these alternatives which were all contemplating rezones much greater in area than the subject proposal.

Development which can reasonably be anticipated based on the proposed development potential is not anticipated to exceed the service capacities which can reasonably be anticipated in the area, including street access to the area, street capacity in the area, transit service, and parking capacity.

e. Utility and sewer capacity;

Existing public drainage infrastructure includes an eight-inch sanitary sewer main at 8th Avenue NE and an 18-inch storm drainage main at both 8th Avenue NE and Roosevelt Way NE. Future development will be subject to review and shall conform to applicable stormwater management, flow control, and/or water quality standards.

The King County Wastewater Treatment Division (WTD) indicated that any direct connections to a King County WTD sewer will require review and approval (December 13, 2019).

The applicant submitted a conceptual stormwater plan and Stormwater Improvements Assessment (BCRA, June 15, 2017). As noted, the parcel is required to provide flow control, water quality, and on-site Best Management Practices to the maximum extent feasible at time of future development. Due to the site's proximity to Thornton Creek,

future development will be subject to flow control wetland protection standards of the Seattle Stormwater Manual and shall prevent impacts to the wetlands (SMC 22).

No adverse impacts to utility and sewer capacity are anticipated.

f. Shoreline navigation

The area of the rezone is not located within a shoreline environment; therefore, shoreline navigation is not applicable to this rezone.

- 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 designation in Chapter 23.34.*

As mentioned above, in November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004. Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the subject site's zone from LR3 to LR3(M).

Approximately one-half mile to the west of the site is the location of the future Northgate Link Light Rail Station. The Northgate Link Extension light rail system was a component of the region's voter approved Sound Move and Sound Transit 2 plans, Sound Transit's program for regional high capacity transportation. City Council passed resolution 31465 approving the alignment and transit station location in September 2013. Construction is currently underway and opening of the station is anticipated for 2021.

In a 2019, a MUP (3031301-LU) was issued for the redevelopment of the Northgate Mall, an approximately 40-acre site one-half mile to the west. The redevelopment of that site included construction or renovation of up to 15 total buildings including an indoor participant sports facility (National Hockey League training center and community ice rinks), office, retail, restaurants, and hotel, along with 2,818 parking spaces. The development proposal looks to transform Northgate Mall into a walkable, mixed use, transit-oriented district, with a special focus on active and healthy lifestyles. A network of new streets and pedestrian corridors breaks down the superblock of the existing site, organizing the new development while providing access to new and existing buildings. Completion of Phase I will coincide with the opening of the Link Light Rail Northgate Station in 2021.

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

The site is not located in any of Overlay Districts defined in the Land Use Code, including:

- Airport Height Overlay District (SMC 23.64)
- Shoreline SMC (23.60A)
- Station Area Overlay SMC (23.61)
- Special Review Districts SMC (23.66)
- Southeast Seattle Reinvestment Area (SMC 23.67)
- Major Institution Overlay (SMC 23.71)
- Sand Point Overlay (SMC 23.72)
- Pike/Pine Conservation Overlay District (SMC 23.73)
- Stadium Transition Area Overlay District (SMC 23.74)

The site is located within the Northgate Overlay (SMC 23.71). This district was amended in April 2019 (Ordinance number 125792/Council Bill 119445). The amendment did not impact the site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District.

The Northgate District Overlay includes specific development standards as described in SMC 23.71. The purpose of the overlay is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:

- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and
- B. To protect the residential character of residential neighborhoods; and
- C. Support the use of Northgate as a regional high-capacity transportation center.

The proposed rezone request to allow for additional density and height will allow a greater density in near the core subarea of the Northgate Urban Center, which in turn will increase pedestrian activity, support the subarea's growing commercial center and leverage the City's investment in the Northgate transit center. No significant impacts on surrounding residential neighborhoods are expected.

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 mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. The North and South Sites are both currently developed with three-story apartment buildings, surface parking lots, and landscaping. Beaver Pond Natural Area is located to the south and southeast of the sites. Based on review of the various reports submitted by the applicant (Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE, Altmann Oliver Associates, LLC, April 14, 2020; Preliminary Site Research Report, BCRA, June 12, 2019; Utility and Environmental Critical Areas (ECA) Exhibits, BCRA, June 12, 2019; Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA, Altmann Oliver Associates, LLC, March 6, 2019; and Stormwater Improvements Assessment, BCRA,

June 15, 2017) future redevelopment of the properties will require compliance with the applicable regulations of the critical areas ordinance (SMC 25.09).

As demonstrated in these reports, the area mapped steep slope erosion hazard area on the North Site is located in an area currently developed with two, three-story apartment buildings and associated surface parking and lawn areas and appear to be created by human activity. The mapped riparian corridor is more specifically described as a riparian management area and covers a small area at the southern portion of the South Site, an area currently paved and serving as driveway and surface parking and maneuvering area. The riparian management area is required due to the existence of a nearby watercourse located to the south.

Specifically, a Category III wetland is located off-site to the south and is associated with Maple Leaf Creek, a Type F watercourse. This category of wetland requires a 110-foot buffer (SMC 25.09.160), and this type of watercourse requires a 100-foot riparian management area (SMC 25.09.200). Given the sites' proximity to these features, and according to the Wetland and Stream Reconnaissance Report (Altmann Oliver Associates, LLC, March 6, 2019), the following buffers would be required: a wetland buffer along the southeast portion of the North Site and a wetland buffer and riparian management area along the south portion of the South Site.

SDCI reviewed the reports and development that future development will require compliance with the standards of SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conversation areas).

The applicant notes that no development is proposed now, or in the future, for this portion of the site, and recommends a condition be included in the PUDA to prohibit future development in this area. Alternatively, if necessary, the applicant would be amenable to removing that portion of the site encumbered by the riparian management area from the proposed rezone such that it remains zoned LR3(M).

The prohibition of development within this riparian management area, along with future development's compliance with applicable codes such as the critical areas ordinance (SMC 25.09) and stormwater code (SMC 22) are anticipated to mitigate potential impacts to the nearby critical area. The Director recommends that a condition be included in the PUDA prohibiting future development within that area of the South Site encumbered by the riparian management area and that a restoration plan be submitted with future development, consistent with the requirements of the critical areas ordinance (SMC 25.09).

Furthermore, the additional density allowable from the rezone to MR is anticipated to potentially impact the nearby ECA. It is the City's policy to protect the ecological functions and values of fish and wildlife conservation areas and prevent erosion on steep slopes, protect public health, safety, and welfare, and avoid development that causes physical harm to people, property, public resources, or the environment (Comprehensive Plan, Land Use page 68).

Land Use Policy 17.5 states, "Review rezones in or adjacent to an environmentally critical area or a hazard-prone area by considering the effects on the ecological functions

and values of the critical area and on public health, safety, and welfare, and recognize that lower-intensity zones and uses are generally more appropriate than higher-intensity zones in these areas. Review subdivisions and lot-boundary adjustments in or adjacent to wetlands, fish and wildlife habitat conservation areas, steep slope–erosion areas, and other environmentally critical areas by considering the effects on the ecological functions and values of those critical areas.”

As noted above, future development would require compliance with the standards of the critical areas ordinance, such as SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conservation areas) which are intended to mitigate impacts to the critical areas and mitigate effects on the ecological functions and values of the critical areas and on public health, safety, and welfare.

The proposed rezone to MR is a lower intensity zone than the adjacent existing Neighborhood Commercial zones to the north and east, allowing for multifamily development with limited commercial uses at the ground floor. The Director finds the MR zone an appropriate designation for the subject sites and recommends a condition to prohibit development within the riparian management area to further mitigate potential impacts to the ecological functions and values of the nearby critical areas and on public health, safety, and welfare.

23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria

- A. *Functions. The dual functions of the LR3 zone are to:*
1. *provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
 2. *accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

The subject sites are located in the Northgate Urban Center, adjacent the Northgate Core Subarea, an area characterized as containing a variety of multifamily and commercial development of moderate greater scale. Existing structures range in height from two to eight-stories. The North Site fronts Roosevelt Way NE, an arterial street with a mix of commercial and residential structures. The South Site fronts 8th Ave NE, a non-arterial street characterized as a predominantly multifamily neighborhood of moderate scale and density.

- B. *Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*
1. *The area is either:*
 - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City*

Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or

- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*

The subject sites are located in the Northgate Urban Center, immediately adjacent to the Northgate Core Subarea, with moderate to greater height, scale, and density. Uses include multifamily and commercial.

- 2. The area is near neighborhood commercial zones with comparable height and scale;*

The subject sites abut neighborhood commercial zones to the north and west at heights of 55 to 95-feet. The height and scale permitted within these commercial zones is greater than that permitted in an LR3 zone.

- 3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*

The subject sites do not abut LR1 or LR2 zones, but are located such that a transition could be provided between existing LR3 and SF700 zones and neighborhood commercial zones. The parcel bisecting the North Site and South Site, as well as abutting to the south and east, is zoned LR3(M) and provides a transition to the SF7200 zoning further to the south and east.

- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

The North Site has frontage on Roosevelt Way NE and NE 8th Avenue. Two-way traffic and parking along at least one curb are available on both streets along the site's frontages. The South Site has frontage on 8th Avenue NE and NE 106th Street. Two-way traffic and parking along at least one curb is provided on 8th Avenue NE, but NE 106th Street lacks an improved width to accommodate two-way traffic or parking.

- 5. The area is well served by public transit;*

The subject sites are within an area designated as a frequent transit area. An existing bus stop is located on the frontage of the North Site along Roosevelt Way NE. The Site is within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard. The Northgate Light Rail Station is located within a half-mile radius of the sites and is anticipated to open in 2021.

- 6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*

The subject sites are located on or near arterial streets: NE Northgate Way and Roosevelt Way NE. NE Northgate Way is located approximately 300-feet north, while Roosevelt Way NE abuts the North Site to the east.

7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The area is well supported by existing and projected facilities and services used by residents, such as a variety of retail sales and services, the Beaver Pond Natural Area, Homestead Park, the Northgate Community Center, Seattle Public Library, and pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The subject sites are not located in the Delridge High Point Neighborhood Revitalization Area.

- D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*
1. *was created by human activity, or*
 2. *is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

As described in greater detail in response to SMC 23.34.024 below, the subject sites contain small areas mapped ECAs due to their proximity to off-site wetlands and Thornton Creek. SDCI Geocortex mapping indicates the North Site has a mapped steep slope erosion hazard area in an area currently developed with apartment buildings and predominately flat. The technical reports submitted by the applicant (and referenced in response to SMC 23.34.024.A. below) explain that the off-site watercourse would necessitate a riparian management area on the southern portion of the South Site. The sites are not designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.

The area is predominately developed to an intensity greater than LR3. The applicant notes that, if necessary, they would be amenable to removing the riparian management area from the proposed rezone such that it remains zoned LR3(M). The Director does not support this approach as it would create a zoning boundary within a parcel and not follow physical buffers as described in 23.34.008E.2. or and platted lot lines.

SMC 23.34.024 Midrise (MR) zone, function, and locational criteria

- A. *Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.*

The subject site is located in the Northgate Overlay District, an area that provides concentrations of housing, pedestrian oriented urban development with convenient access to regional transit stations, a full range of residential services and amenities, and opportunities to live within walking distance of employment. The Sound Transit light rail station is located within one half mile from the site, and many commercial and office employment opportunities are located nearby. The immediate area includes a concentration of housing including densities of 15 units per acre.

B. Locational criteria

1. *Threshold conditions. Subject to subsection 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:*
 - a. *Properties already zoned Midrise;*
 - b. *Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*
 - c. *Properties within an urban center or urban village.*

The subject site is located within the Northgate Urban Center in an area already developed predominately to the intensity permitted by the Midrise zone. The proposed zoning designation would allow for a floor area ratio (FAR) of 4.5 (SMC 23.45.510) which is identical to the FAR permitted in the NC-65 zone (SMC 23.47A.013) which abuts the North Site to the north and west.

2. *Environmentally critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:*
 - a. *Was created by human activity, or*
 - b. *Is a designated peat settlement; liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.*

The South Site contains properties designated as environmentally critical. Approximately 1,350-square feet, three percent, of the South Site is designated as Riparian Management Area (RMA). The applicant submitted the following reports and materials further describing this area:

- *Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE (Altmann Oliver Associates, LLC, April 14, 2020);*
- *Preliminary Site Research Report (BCRA, June 12, 2019);*
- *Utility and Environmental Critical Areas (ECA) Exhibits (BCRA, June 12, 2019);*
- *Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA (Altmann Oliver Associates, LLC, March 6, 2019); and*
- *Stormwater Improvements Assessment (BCRA, June 15, 2017).*

As demonstrated in these reports, this RMA, located at the southeast portion of the South Site, is associated with the nearby watercourse located off-site to the south and east. This portion of the site is currently developed with existing paved parking lot. Any future development within the RMA will require compliance with the standards of the Environmentally Critical Areas (ECA) Ordinance (SMC 25.09), namely SMC 25.09.200 (Development standards for fish and wildlife habitat conversation areas).

As stated above in response to SMC 23.34.007 (Rezone Evaluation), the provisions of chapter 23.34 have been weighed and balanced together to determine which zone designation best meets the provisions of the chapter, this includes the zone function statements to assess the likelihood that the proposed rezone will function as intended. As described in response to the MR zone function statement above (SMC 23.34.024.A.), the Director finds the proposed MR zone will function as intended.

Furthermore, no provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval; thus, the various provisions have been weighed and balanced together to determine the appropriate designation for the site (as described in response to SMC 23.34.007.B. above). The Director has weighed and balanced the various provisions of Chapter 23.24, including this criterion, and finds that the appropriate designation for this site is MR.

As noted in response to the locational criteria of SMC 23.24.024.B.1., the North and South Sites may be considered for the MR designation; therefore, the Director recommends that the entirety of the North and South Sites be rezoned to MR(M1). Then, in response to this criterion (SMC 23.24.024.B.2.) and given the existence of the environmental critical designation on the southeast corner of the South Site, the Director recommends future development within this portion of the South Site be restricted and the area restored consistent with the provisions of the ECA Ordinance (SMC 25.09). The restriction of development in this area is intended to mitigate potential impacts to the ECA resulting from the rezone and increase in anticipated density as explained in response to SMC 23.34.008.I. above. The Director recommends the following conditions be included in the PUDA (these conditions are also included at the end of this report):

- Prior to Issuance of Council Action 3033517-LU, the applicant shall submit a signed and recorded Environmentally Critical Areas Ordinance covenant restricting future development within the Riparian Management Area located on the South Site. The covenant shall be consistent with the provisions of the ECA Ordinance (SMC 25.09.335).
- Prior to Issuance of a Master Use Permit for future development of the South Site, the applicant shall submit a restoration plan for the area of the South Site encumbered by the Riparian Management Area. The restoration plan shall be consistent with the applicable requirements of the Environmentally Critical Areas Ordinance (SMC 25.09).

In addition to the RMA located on the southeastern portion of the South Site, the North and South Sites contain properties mapped as steep slope erosion hazard area and wetland buffer. These areas are also currently developed with existing structures and associated parking areas and are relatively flat in grade. After review of the technical documentation submitted by the applicant (listed above) it was determined that the steep slope erosion hazard area was created by human activity and the wetland buffer is not a designated environmentally critical area; therefore, these portions of the North and South Sites may be rezoned to the MR designation and no conditioning is recommended.

3. *Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*
 - a. *Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The subject sites are located adjacent to business and commercial areas with comparable height and bulk. Properties abutting to the north and west are zoned Neighborhood Commercial, range in height from 55-feet to 95-feet and are in the Northgate Core Subarea of the Northgate Urban Center. Commercial uses predominately face NE Northgate Way.

- b. Properties in areas that are served by major arterials and where frequent transit service and street capacity could absorb the traffic generated by midrise development;*

The subject sites are located in an area designated as a frequent transit area and are served by major arterials, including NE Northgate Way to the north and Roosevelt Way NE to the east. The applicant submitted transportation impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that demonstrate the street capacity could absorb the potential traffic generated by midrise development. Additional analysis is included in the SEPA section below.

- c. Properties in areas that are in close proximity to major employment centers;*

The subject sites are located in close proximity to major employment centers including the Core Subarea of the Northgate Urban Center, Northgate Mall, Seattle Kraken practice facility (projected to open in 2021) and a number of other commercial uses. The John Lewis Bridge is scheduled to open late in 2021, connecting the subject site to the walkshed of North Seattle College.

- d. Properties in areas that are in close proximity to open space and recreational facilities;*

The subject sites are located in close proximity to the following open space and recreational facilities: Beaver Pond Natural Area (abutting to the south and east); Hubbard Homestead Park; Northgate Park; Northgate Community Center; Seattle Public Library, and the future Kraken Community Iceplex.

- e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*

As described in response to SMC 23.24.008.E. above, the sites are located along Roosevelt Way NE, an arterial street, and in an area where topographic changes provide a transition in scale to the single-family development to the south.

- f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*

The subject sites are in an area where the prevailing structure height is greater than 37-feet and include heights ranging from 50 to 95-feet. Properties abutting to the north are

generally higher in elevation and allow for greater structure heights. Existing development consists of both heights at the maximum allowable building height, and older development below maximum allowable height for the zone.

- g. *Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*

The topography of the subject sites results in a moderate slope from north to south of less than 10%. Relative to abutting properties, the sites lie lower, resulting in the perception of a lower maximum building height. The height and bulk of existing structures have already limited or blocked views from within the multifamily area to upland areas. The applicant submitted a viewshed analysis demonstrating views from around the site of potential development at the LR3(M) heights and MR(M1) heights.

- h. *Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and*

The subject sites have a modest slope from north to south and there are no east-west views perpendicular to the site's slope. The single-family developments to the south are on a steep slope and site approximately 40-feet higher than the site. The mature vegetation within the Beaver Pond Natural area (between the sites and the single-family development to the south) obscure any views of the site.

- i. *Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

The subject sites have a modest slope from north to south. The bulk of any future development would be obscured from the south by the mature vegetation of the Beaver Pond Natural Area. Properties west of the site sit higher and have no views across the site to the east.

Based on the analysis above, the project site is suited for the proposed MR designation.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone (below), and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from LR3(M) to MR(M1) be approved with conditions.

The Director recommends conditions be included in the PUDA; these are listed at the end of this document.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 18, 2018. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the project file submitted by the applicant or agents, and pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

SHORT TERM IMPACTS

As a non-project action, the proposed rezone would not have any short-term impacts on the environment. Future development affected by this legislation maybe subject to SEPA which would analyze anticipated short-term impacts on the environment.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions, parking, and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, historic resources, height bulk and scale, parking, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with future project construction and the future project energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Future development may be reviewed under SEPA. No mitigation is warranted pursuant to SMC 25.05.675.A.

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the Land Use Element of the Seattle Comprehensive Plan. Subject to the Overview Policy set forth in SMC 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (Height, Bulk and Scale), M (Parking), R (Traffic) and O (Public Services and Facilities) and are not addressed under this policy.

As analyzed in the rezone criteria, the department concludes that no adverse land use impacts are anticipated as a result of the rezone proposal. No mitigation is warranted pursuant to SMC 25.05.675.J.

Height, Bulk, and Scale

The proposed rezone does not include a development proposal. Future development will be subject to the Design Review process (SMC 23.41). Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c. of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

Despite no specific development proposed, the applicant submitted various massing analyses demonstrating potential impacts from a massing at maximum zoning potential (80-foot in height). The height, bulk and scale of future proposed development and relationship to nearby context will be addressed during the Design Review process for any new project proposed on the sites. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Historic Preservation

The existing structures, cabana, and pool on the sites are more than 50 years old. These features were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the features on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board, LPB 725/19, December 5,2019). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H. No structures are proposed for demolition at this time.

Parking

The proposed contract rezone does not include a specific development proposal. Instead, the applicant submitted traffic and parking analysis (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that analyze what the rezone could generate in terms of parking impacts. As indicated in the studies, the rezone could allow a net increase in 954 new housing units which would result in a peak demand for approximately 630 vehicles from the proposed rezone. Peak residential demand typically occurs overnight. 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 multifamily projects in King County. After the study for this project was completed, the County updated the Right Size Parking model, incorporating additional parking data. Using the updated model, the project is forecast to have a peak parking demand of approximately 630 vehicles. The studies note that all spaces will be provided on-site; therefore, no additional mitigation is warranted per SMC 25.05.675.M.

Transportation

The traffic impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) indicate that the rezone could allow a net increase of 954 new housing units which is expected to generate a net total of 3,410 daily vehicle trips, with 239 net new PM Peak Hour trips.

The additional trips are expected to distribute on various roadways near the project site, including (Roosevelt Way NE and 8th Avenue NE) and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R. Future review of proposed development may be required to submit a project specific transportation analysis.

DECISION – SEPA

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

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030(2)(c).

Page 32 of 33
Project No. 3033517-LU

The lead agency for this proposal finds that it does not have a probable significant adverse impact on the environment. An EIS is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS uses the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from LR3(M) to MR(M1) subject to the following conditions, which shall be contained in the PUDA:

Prior to Issuance of the Council Action No. 3033517-LU

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

Prior to Issuance of a Master Use Permit for Future Development

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.

RECOMMENDED CONDITIONS – SEPA

None.

Senior Land Use Planner Carly Guillory
Seattle Department of Construction and Inspections

Date: September 9, 2021

CG:adc

3033517-LU Decision.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met, and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

City of Seattle
Hearing Examiner Exhibit
Applicant _____
Department ADMITTED
Public _____ DENIED
FILE # CF-34441

10

Exhibit 10

Rezone Request, 2nd Amended Rezone Request Analysis

February 3, 2021

Memorandum

To: Nathan Torgelson, SDCI Director
From: Aaron M. Laing
Date: February 3, 2021
Subject: SDCI Record No. 013750-18PA/3033516-EG - Park at Northgate Site-Specific Rezone Request – 2ND AMENDED Rezone Criteria Analysis

CAM 228 REZONE APPLICATION SUBMITTAL INFORMATION

In response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, Applicant provides the following amended responses to item 8 on page 3 and item 12 on page five below. Newly-added text is in red font, stricken text is shown in red strike-through font. Previously submitted Attachments A – L are also re-submitted and references to new height, massing and shadow studies prepared in response to Items 3 and 4 of Correction Notice # 2 have been added.

- 1. Project number:** SDCI Record No. 013750-18PA/3033516-EG. A pre-application meeting was held on January 3, 2019. There is no associated Master Use Permit.
- 2. Subject property address(es):** The Site is comprised of two tax parcels located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617 (“North Parcel”) and King County tax parcel no. 292604-9626 (“South Parcel”) per King County’s July 2020 parcel segregation approval as shown in **Figure 1**.
- 3. Existing zoning classification(s) and proposed change(s):** Per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Site’s existing zoning designation is Lowrise 3 with a fifty foot (50’) height limit and a Mandatory Housing Affordability (MHA) suffix of (M) or LR3(M). The proposed zoning designation for the Site is Midrise with an eighty foot (80’) height limit and MHA suffix of (M1) or MR(M1), per newly-revised SMC Chapter 23.45.

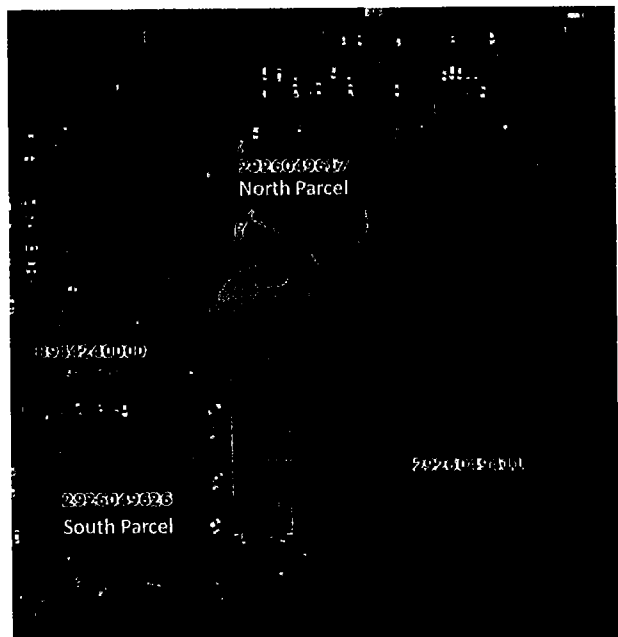
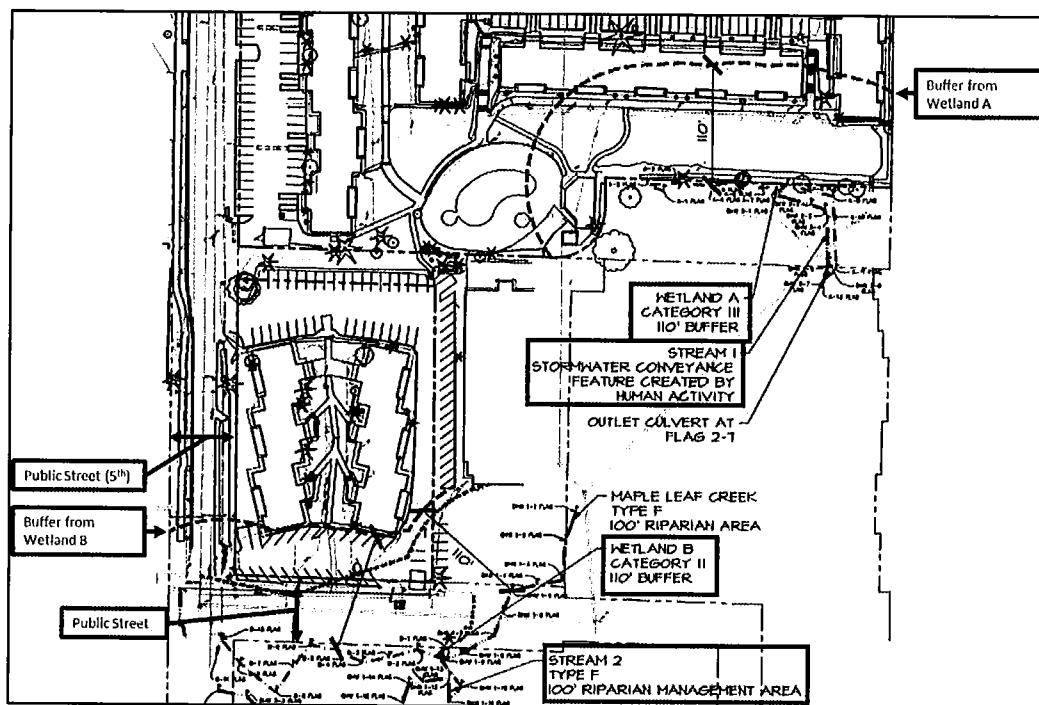


Figure 1 – Site’s North Parcel and South Parcel

4. **Approximate size of property/area to be rezoned:** The Site is approximately 5.24 acres/ 228,319 square feet.
5. **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, Environmentally Critical Area Site Plan Requirements.** Please refer to the April 14, 2020 “Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU” prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled “Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue” prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a *riparian management area* (“RMA”) from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA.



Map from Altmann Oliver report indicating location of Wetlands, Streams, Buffers and Riparian Management Areas. Blue boxes were added by the author of the April 29 memo to highlight the areas discussed therein.

6. Applicant information:

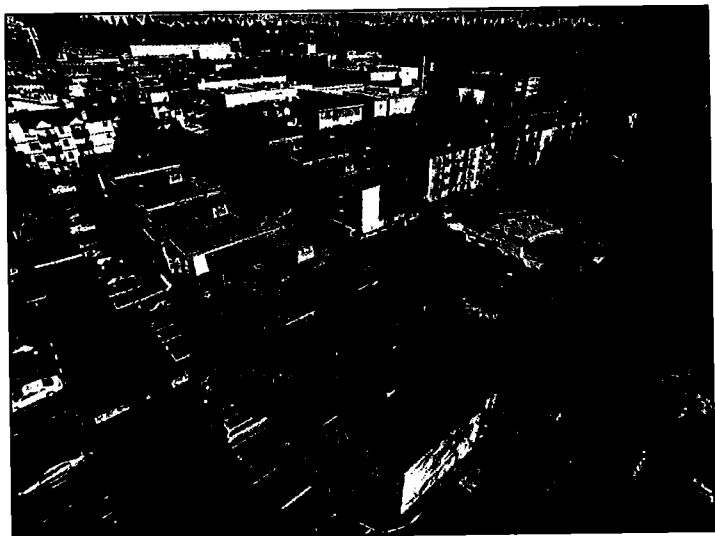
a. Property owner or owner's representative or – Property Owner: The property owner/Applicant is Wallace Properties – Park at Northgate LLC, and the property owner's representative is Kevin Wallace.

b. Other? (Explain) – N/A

7. Legal description of property(s) to be rezoned: The Site's full legal description and depiction are attached hereto as Attachment A, Bush, Roed & Hitchings, Inc.'s July 25, 2019 January 14, 2021 revised ALTA Survey of the Site. The Site's short form legal description is as follows:

South 1/2 of NE 1/4 of SW 1/4 of SE 1/4, Section 29, Township 26 N, Range 4 E, W. M., situated in King County, WA

8. Present use(s) of property: The Site is developed with a series of two-story wood-framed garden-style apartments, surface parking and a swimming pool, comprising a 148-unit apartment complex in six separate structures built in 1967. All units are two-bedroom, one bathroom, market-rate apartments that currently lease at rates affordable between 70% and 90%+ of Area Median Income (AMI). The Site is comprised of two tax parcels, the North Parcel and the South Parcel as shown in **Figure 1** above. Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, the tables below provide the existing and proposed development condition:



Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
BUILDING	Building 1	Building 2	Building 3	Building 2+3	North+South	Total Parcels
MHA Units	27	32	38	70	97	9%
MFTE Units	59	71	84	155	214	20%
MRKT Units	209	252	301	553	762	71%
TOTAL Units (620 Avg. SF)	295	355	423	778	1073	100%
TOTAL Stalls	217	291	262	550	770	

Existing	South Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2		5	7
Existing Units (950 Avg. SF)	36		110	146
Existing Stalls	44		157	201

PROPOSED MR(M1) TOTALS

	Unit Count	Avg Size (sf)	FAR	Density	Parking Provided	Percent Increase In # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

9. **What structures, if any, will be demolished or removed?** For the rezone, none of the structures identified in item #8 will be removed. Upon redevelopment of the Site, all of the structures and improvements on the Site identified in item #8 will be removed and replaced with new multifamily residential structures and associated parking and amenities. In Section 13 below, Applicant proposes to phase the demolition in order to reduce potential displacement impacts on existing Park at Northgate residents. No site-disturbing activities are proposed as part of or will result from the rezone.
10. **What are the planned uses for the property if a rezone is approved?** Applicant seeks both to rezone the Site to MR(M1) and to enter into a Property Use and Development Agreement (PUDA) with a 20-year term to allow development of multifamily housing, including affordable housing units, and associated parking and amenities. Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2. Based on our current analysis, if the Site is rezoned to MR(M1), Applicant may develop up to 1,100 multifamily dwelling units, of which:
- i. 9% (~97 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
 - ii. 20% (~214 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
 - iii. 71% (~778 units) would be at market-rate.

Through the PUDA, Applicant proposes to: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. Applicant will also provide an east-west pedestrian connection along the Site's northern property line in conjunction with redevelopment of that portion of the Site / phase to facilitate access to transit and improve pedestrian connectivity in the neighborhood. Redevelopment will also allow for enhanced water quality for storm water leaving the Site and discharging to Thornton Creek and its associated wetland complex.

11. **Does a specific development proposal accompany the rezone application? If yes, please provide plans.** No. A general phasing plan along with two massing diagrams prepared by BCRA for the PUDA are included as Attachment B. Please also refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1. No development is proposed for any portion of the Site's South Parcel encumbered by the offsite stream's RMA, and Applicant proposes to include that as a requirement in the PUDA. Alternatively, if necessary to comply with SMC 23.34.024.B.2, Applicant is amenable to having the portion of the South Parcel that contains the RMA excluded from the rezone and remain LR3(M), consistent with the approach the City has taken in similar circumstances (*i.e.*, offsite stream but onsite RMA). *See, e.g., In the Matter of the Application of TODD CURRY* for approval of a rezone of property located at

3012 NE 140th Street, Hearing Examiner File: CF 307580, SDCI # 3002989 (August 15, 2006). Applicant is amenable to exploring other options to address this condition, as well.

- 12. Reason for the requested change in zoning classification and/or new use.** While well-maintained, the Site's existing wood-framed units are over 50 years old and nearing the end of their useful life. The City and region have made significant transportation investments in the Northgate Urban Center, and the City has ongoing planning initiatives to leverage such investments and provide more affordable housing and a wider range of housing opportunities in the neighborhood.

On November 9, 2017, the City issued the Mandatory Housing Affordability SEPA Final Environment Impact Statement (MHA FEIS) with a LR3(M) as the Preferred Alternative for the Site. During the MHA SEPA process, Applicant requested that the Site be rezoned to MR(M1) due to the infeasibility of redeveloping the Site under the LR3(M) designation and the opportunity that the MR(M1) designation would provide for the development of a significant number of family-sized affordable units. Please see June 30, 2017 and August 7, 2018 correspondence, Attachment C.

Due to displacement concerns, the Site was rezoned to LR3(M) effective April 19, 2019, per Ordinance No. 125791 / Council Bill 119444. The rezone from LR3 to LR3(M) did not convey enough additional density to offset the cost of the MHA requirements, increasing the FAR from 2.0 to 2.3, a value of \$12.90/land square foot, but imposing an MHA requirement at a cost of \$30.48/land square foot; as such, redevelopment of the Site is infeasible without this requested rezone to MR(M1). Please see May 17, 2018 correspondence, Attachment C.

Applicant now requests that the Site be rezoned through this process to MR(M1), which will enable Applicant to provide the benefits outlined in Section 13 below. As explained in response to item #10 above, if granted, Applicant's request will allow for an increased density on the Site from 148 market-rate units to approximately 1,100 units, of which 29% will be affordable units per SMC Chapter 23.58C (MHA – 9%) and SMC Chapter 5.73 (MFTE – 20%). If granted, the proposed rezone also provides the opportunity to create an east-west pedestrian connection from Roosevelt Way NE across the Site and allow for enhanced water quality for storm water leaving the Site and discharging to Thornton Creek and its wetland complex.

Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, there are two buildings, 778 units and 553 parking stalls proposed for future development on the North Parcel, of which 70 will be MHA units and 155 will be MFTE units (225 total affordable units). For the South Parcel, one building, 295 units and 217 parking stalls are proposed for future development, of which 27 will be MHA units and 59 will be MFTE units (86 total affordable units). For reference, below please find the same chart prepared by BCRA and referenced in response to Item 8 above.

Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
BUILDING	Building 1	Building 2	Building 3	Building 2+3	North+South	Total Parcels
MHA Units	27	32	38	70	97	9%
MFTE Units	59	71	84	155	214	20%
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TOTAL Units (620 Avg. SF)	295	355	423	773	1073	100%
TOTAL Stalls	217	291	262	593	770	

Existing	South Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2		5	7
Existing Units (950 Avg. SF)	36		110	146
Existing Stalls	44		157	201

PROPOSED MR(M1) TOTALS						
	Unit Count	Avg. Size (sf)	FAR	Density	Parking Provided	Percent Increase in # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

13. Anticipated benefits the proposal will provide: Anticipated benefits include:

- a. The timely replacement of an aging, low-density apartment complex with a modern, energy efficient, transit-oriented development that will provide up to 1,100 homes, of which 29% will be rent-restricted affordable units in the heart of the Northgate Urban Center. The ~319 rent-restricted units alone will more than double the current rent-restricted unit count on Site under LR(3)(M) zoning.
- b. Support and leverage the City’s planning, affordability, and pedestrian goals through additional density and the opportunity for a pedestrian connection from Roosevelt Way NE to 5th Avenue NE.
- c. Allow for enhanced storm water treatment of water leaving the Site and discharging into Thornton Creek and the associated wetland complex south of the Site through compliance with current storm water regulations.
- d. Meet the City’s transportation, land use and housing objectives, including providing transit-oriented affordable housing per the goals established in the City’s Seattle 2035 Comprehensive Plan and the goals of the HALA / MHA process.
- e. Under the current LR3(M) zoning, it is not feasible to redevelop the Site as the cost of compliance far exceeds the value of the nominal increase in FAR provided by the rezone from LR3 to LR3(M). See May 17, 2018 correspondence, Attachment C. Even if redevelopment were feasible, the (M) zoning designation means only 5-7% of new homes would be reserved at 60% AMI affordable rents, as opposed to 9% with the requested (M1) zoning suffix. Redevelopment under the LR3(M) zoning would not require any phasing, retention of the family-sized two-bedroom units or other mitigation to reduce displacement impacts. By contrast, the proposed rezone, coupled with the proposed PUDA, will result in development of a significantly greater number of affordable, rent-restricted, family-sized units and mitigate displacement impacts.

- f. Applicant proposes to provide the 9% MHA units on-site, as opposed to paying the fee in lieu available under SMC Chapter 23.58C.
- g. Applicant proposes to provide 20% of the units at affordable rates pursuant to the (MFTE) incentive, as it currently exists in SMC Chapter 5.73.
- h. Applicant proposes to provide at least 148 two-bedroom family-sized units in the redevelopment, which is would replace the existing units at a minimum ratio of 1:1.
- i. To minimize impacts on existing residents of the Site, Applicant will agree to phase the redevelopment such that no more than two of the existing six buildings will be demolished within nine months of the others. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1.

Applicant is willing to commit to provide the benefits listed in (f), (g), (h) and (i) above through execution of a PUDA with a 20-year term.

- 14. Summary of potential negative impacts of the proposal on the surrounding area:** None. See analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below, for additional detail. Please also refer to the July 26, 2019 SEPA checklist submitted with this application and the studies referenced therein.
- 15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).** Property Use and Development Agreement (PUDA) to allow conditional phased redevelopment of Site over a period of twenty (20) years. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1.
- 16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.** See detailed analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below and supporting attachments. The rezone criteria analysis below has been updated in response to Items 6, 7, 11, 12, 13, 14 and 15 of SDCI's May 22, 2020 Correction Notice #1 and Items 3, 4 and 5 of SDCI's January 5, 2021 Correction Notice #2.
- 17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans coversheet. See Attachment A.** Please also refer to the materials by BCRA and submitted with this amended analysis in response to Item 5 of SDCI's May 22, 2020 Correction Notice #1 and Item 2 of SDCI's January 5, 2021 Correction Notice #2.

BACKGROUND INFORMATION

Summary of Request

The Land Use Code, Section SMC 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. This proposal includes a rezoning of the Site from LR3(M) with a fifty-foot (50’) height limit and MHA suffix (M) or LR3(M)¹ to MR with an eighty-foot (80’) height limit and MHA suffix (M1) or MR(M1) along with a Property Use and Development Agreement with a 20-year term that will require phased redevelopment, onsite performance / provision of affordable units, 1:1 replacement of the Site’s existing 148 two-bedroom units, provision of an east-west pedestrian connection along the Site’s northern property line and enhanced storm water treatment to Thornton Creek and its associated wetland complex. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI’s May 22, 2020 Correction Notice #1.

The Seattle 2035 Comprehensive Plan seeks to add 3,000 housing units to the Northgate Urban Center by 2035. Although the 2035 Comprehensive Plan was updated in April 2019, the updates do not change the analysis below. Consistent with the applicable goals and policies of the Seattle 2035 Comprehensive Plan Land Use, Housing and Transportation elements and the Seattle 2035 Northgate Neighborhood Plan, the zoning designation change (*i.e.*, LR3(M) to MR(M1)) will allow for a significant increase in density on the Site, which is within both the City’s adopted Frequent Transit Service Area and within the 10-minute walkshed for the Northgate Transit Center and soon-to-open (2021) light rail station. The increased density will allow phased replacement of market-rate units affordable at the 70%-90%+ AMI level with a wide-range of affordable housing options on the Site, and the significant increase in residential density will support the growing mix of businesses and services in the Northgate Urban Center. Through the PUDA, redevelopment will allow for the provision of an east-west pedestrian connection from Roosevelt Way NE to 5th Avenue NE.

Site and Vicinity Description

The Site is located at 10713 Roosevelt Way NE, on the east edge of the Northgate Urban Center. Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site’s west and north boundaries.²

¹ As shown in Tables A and B for newly-revised SMC 23.45.514, Structure height, the base height for, respectively, LR3-zoned properties in Urban Centers is 50’, and the base height for MR-zoned properties is 80’, provided that the property has an MHA suffix.

² Item 10 of SDCI’s May 22, 2020 Correction Notice states: “There are several instances in the rezone criteria analysis that describe the rezone site as being in the Northgate Core. However, the Northgate map of the North Core Area within the Northgate Urban Center and Overlay District in the Seattle 2035 Comprehensive Plan (pg. 356) shows that the project site is not within the ‘Core.’ In consideration of this fact, please amend your responses to rezone criterion SMC 23.34.008.D and elsewhere in the written analysis that references the project site as being located in the

The Site fronts on the east side of 8th Avenue NE midblock between NE Northgate Way and NE 106th Street NE, and it also fronts upon and has access to Roosevelt Way NE. Presently, it is zoned LR3(M). The Site is located within the ½-mile ten-minute walkshed of the Northgate Transit Center and soon-to-open Northgate Link Light Rail station and Seattle Kraken NHL practice facility and associated development. See Park at Northgate Transit Radius, Attachment E. The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City's adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and <http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>.

As shown in Attachment H, Site Elevation Cross Section, the Site is essentially flat, sits in a bowl and slopes from west to east and north to south. From north to south, there is an approximately 30' change in elevation across the Site, and the northernmost part of the Site sits 20' to 30' lower than NE Northgate Way. The southernmost portion of the Site along NE 106th Street sits at essentially the same elevation as the Thornton Creek wetland complex, and the topography rises steeply south of the creek moving up a hill toward the Maple Leaf neighborhood. The closest single-family neighborhoods to the south are along NE 105th Street, which is at an elevation approximately 40' higher than the lowest portion of the Site and in the same elevation as the northernmost portion of the Site. In sum, due to the topography, the Site sits significantly lower than the properties to the north along NE Northgate Way as well as properties to the south. The Site is not located within the shoreline environment. Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The Site's North Parcel does not contain any ECAs; a small portion of the parking lot on the South Parcel is encumbered by riparian management area (buffer) associated with an offsite stream segment. A public street lies between the South Parcel and the offsite stream segment.

Open space in the area includes a City Park (Hubbard Homestead Park) located between 5th Avenue NE and 3rd Avenue NE a few blocks northeast of the Site. Other open space includes Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. The soon-to-open (summer 2021) Seattle Kraken NHL practice facility and associated development on the Northgate Mall site will provide a significant park ringed by an amphitheater and commercial development. Open space also includes Thornton Creek Beaver Pond Natural

Northgate Core." All such references have been amended with similar language as provided here and the associated analysis amended accordingly.

Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools are located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. In addition to transit service, the Site is also well-served by the City's growing network of bicycle pathways. *See Attachment E.*

NE Northgate Way is a principal arterial, 5th Avenue NE is a minor arterial, Roosevelt Way NE is a minor arterial and 8th Avenue NE is a non-arterial access street. (*See* SDOT Street Classification Map). Parking in the area is a combination of structured parking, surface parking, and limited on-street parking.

Other uses and developments in the area include Northgate Mall, one- to seven-story commercial development and parking garages, one- to eight-story residential and mixed-use structures, and offices. The soon-to-open (summer 2021) Seattle Kraken NHL practice facility and associated development on the Northgate Mall site will provide a significant park ringed by an amphitheater and commercial development. Existing development represents a wide range of ages and styles of construction. Two blocks north of the Site along 8th Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are several three-to-four story apartment complexes with surface parking lots. Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography.

As shown in **Figure 3** below and Attachment G, the adjacent, abutting properties to the north are zoned NC2-55(M) and NC3-55(M); properties to the west along 8th Avenue NE are zoned NC3-95(M), NC3(75(M) and NC3-55(M), and abutting properties to the south are zoned LR3(M). The closest single-family zoning (SF 7200) is located to the southeast along Roosevelt Way NE. The single-family neighborhoods directly south of the Site along NE 8th Avenue are more than a block away and are physically separated by both public rights-of-way and the Thornton Creek Beaver Pond wetland complex.

As shown in the Figure 2 to the right, MR(M) zoning is located adjacent to and abutting LR(3)(M) zoning throughout the Northgate Urban Center. The proposed rezone of the Site to MR(M1) would result in this same common zoning condition as the adjacent property to the east of the South Parcel and south of the North Parcel (Northgate Manor Apartments) will remain LR3(M).

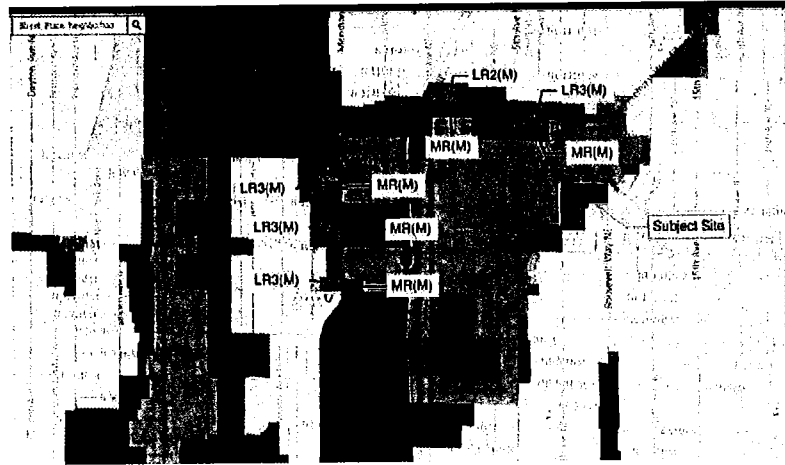


Figure 2 – Northgate Urban Center Zoning Map

MHA Adopted Zoning Changes <https://www.seattle.gov/development/land-use/mha/adopted-zoning-changes>

Search an address or click on the map to see information

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10713 ROOSEVELT WAY NE
 This is parcel 2928049017. It's 228,319 square feet in area. [Learn more about this parcel from the King County Department of Assessments.](#)

The new MHA zoning here is **LR3 (M)**.

In March 2019, the City Council voted 9-0 to adopt citywide MHA legislation, implementing affordable housing requirements in 27 urban villages throughout Seattle. The new MHA zoning took effect April 19, 2019.

LR3 (M) a Lowrise Multifamily zone. [Learn more about the size and type of development allowed in LR3 \(M\) zones with our Director's Report.](#)

The **(M)** suffix indicates that affordable housing requirements apply for development in this zone. MHA requirements vary both according to the suffix in the zone name, i.e., (M), (M1), or (M2), and geographically. This location is in a medium MHA area.

Interested in the specific MHA requirements for your property? Read our summary of how MHA works, and consult Tip 257 from the Seattle Department of Construction and Inspections.

MHA Zoning Categories

- Residential Small Lot (RSL)

Figure 3- MHA Zoning (Effective April 19, 2019)

As shown in Figure 3 to the left and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)). Most of those areas sit higher than the Site due to topography. See Site Elevation Cross Section, Attachment H. The allowed heights on the parcels directly west of the Site's North Parcel range between 85' and 95' (NC3-85 / NC3-95(M)), and allowed heights west of the Site's South Parcel range between 55' and 75' (NC3-55(M) and NC3-75(M)). Per Table A of SMC 23.45.510 and Table A of

SMC 23.47A.013 of the newly-adopted MHA Ordinance, the allowable FAR for MR-zoned sites with an MHA suffix is 4.5, and the allowable FAR for NC-zoned sites with heights from 55' to 95' ranges from 3.75 to 6.25. The allowable density on the Site under MR zoning would be consistent with the density allowed on other adjacent and nearby parcels.

Also, along 8th Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the MR zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the MR zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to similar heights and densities as the Prism.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. By comparison, NC3-55(M) zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level as the heights and allowable FAR are comparable both as-zoned and as-developed.

Permitted Use and Zoning History

Please refer to the Detailed Zoning History of the Subject Property, **Exhibit E** to the materials prepared by BCRA and submitted with this amended rezone analysis. Currently, the Site is developed with a 148 unit garden-style apartment complex. The units are market-rate and rent at the 70%-90%+ AMI affordability level. This low-density complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. The floor-area ratio (FAR) of the existing buildings is 0.66 (about 28 units per acre); current zoning allows an FAR of 2.3, per Table A of SMC 23.45.510. To say the least, the Site is underutilized from a housing standpoint. Much of the Site is covered with impervious parking lots and storm water runoff to Thornton Creek and its associated wetland is untreated.

In December, 2009 the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative, the Site was recommended for one increase in zoning height/intensity—that is, from LR3 to LR4. In 2010, the City eliminated the LR4 zoning designation. Under the City's current zoning designations, the next increment from LR3 is MR.

During the ten-year period between completion of the 2009 FEIS and adoption of the MHA Ordinance in March 2019, the City only increased density in the Northgate Urban Center via three

contract rezones. The Mullaly family received a contract rezone for their site on NE 1st Street/NE Northgate Way along I-5, going from MR to NC3-85. Two Wallace Properties affiliates obtained contract rezones, nominally increasing the height and density on land a block northwest (525 NE Northgate Way) and directly west of the Site (10711 8th Avenue NE). With the adoption of the MHA Ordinance, both of those sites have now been rezoned to higher heights and densities.

Consistency with Seattle 2035 Comprehensive Plan

Under the recently adopted MHA Ordinance, the Site was rezoned from LR3 with a 40' height limit to LR3(M) with a 50' height limit. This would allow one more level of residential units with 5-7% of homes reserved at affordable rents for low-income people. By contrast, this request to rezone the Site to MR(M1) combined with a PUDA would allow for the phased redevelopment of the Site over a period of twenty years to provide significantly more affordable units and ensure one-for-one replacement of the existing market-rate 148 two bedroom family-sized units. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request.

In November 2016, the City adopted its new Seattle 2035 Comprehensive Plan. Although the 2035 Comprehensive Plan was updated in April 2019, the updates do not change the analysis below.³ Please see newly-added Attachment L, which provides the applicable excerpts from the 2019 updates to the Northgate Subarea. As detailed in the Citywide Planning element, the heart of the City's growth strategy are the City's urban villages. Simply put, "The urban village strategy is Seattle's growth strategy." See Seattle 2035 Urban Village discussion at 22-26. The goal of the Seattle 2035 growth strategy is succinct:

GS G1 *Keep Seattle as a city of unique, vibrant, and livable urban neighborhoods, with concentrations of development where all residents can have access to employment, transit, and retail services that can meet their daily needs.*

From a zoning standpoint, Goal GS G1 is to be achieved through the following policies:

POLICIES

GS 1.1 *Designate places as urban centers, urban villages, or manufacturing/industrial centers based on the functions they can perform and the densities they can support.*

³ Item 7 of SDCI's May 22, 2020 Correction Notice states: "When applicable, please update all responses in the written analysis referencing the information in the amended 2035 Seattle Comprehensive Plan (2019)." The only applicable updates were an amendment to the Northgate Neighborhood map (which did not impact the Site) and revisions to Northgate Land Use Housing Policy NG-P8, which is addressed below.

GS 1.2 *Encourage investments and activities in urban centers and urban villages that will enable those areas to flourish as compact mixed-use neighborhoods designed to accommodate the majority of the city's new jobs and housing.*

...

GS 1.5 *Encourage infill development in underused sites, particularly in urban centers and villages.*

GS 1.6 *Plan for development in urban centers and urban villages in ways that will provide all Seattle households, particularly marginalized populations, with better access to services, transit, and educational and employment opportunities.*

GS 1.7 *Promote levels of density, mixed-uses, and transit improvements in urban centers and villages that will support walking, biking, and use of public transportation.*

GS 1.8 *Use zoning and other planning tools to shape the amount and pace of growth in ways that will limit displacement of marginalized populations, and that will accommodate and preserve community services, and culturally relevant institutions and businesses.*

....

GS 1.13 *Provide opportunities for marginalized populations to live and work in urban centers and urban villages throughout the city by allowing a variety of housing types and affordable rent levels in these places.*

(Bold text in original; underlining added.) By rezoning the Site to MR(M1) and entering into the proposed PUDA, each of these strategies is brought to fruition: more and a broader range of affordable housing will be provided in the Northgate Urban Center near jobs, businesses and transit, and displacement impacts will be minimized through phasing and retention of family-sized units on Site.

The second and related goal of the Seattle 2035 growth strategy is also succinct:

GS G2 *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.*

To accomplish this goal, the Seattle 2035 plan sets forth the following policies relevant to this proposed rezone:

GS 2.1 *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

GS 2.2 *Base twenty-year growth estimates for each urban center and manufacturing/ industrial center on the following criteria:*

- *Citywide targets for housing and job growth adopted in the Countywide Planning Policies*
- *The role of the center in regional growth management planning*
- *The most recently adopted subarea plan for the center*
- *Level of transit service*
- *Existing zoning capacity for additional commercial and residential development existing densities*
- *Current development conditions, recent development trends, and plans for private or public development, such as by major institutions*
- *Plans for infrastructure, public amenities, and services that could attract or support additional growth*
- *Access to employment for, and potential displacement of, marginalized populations*

....

GS 2.6 *Work with communities where growth is slower than anticipated to identify barriers to growth and strategies to overcome those barriers.*

(Bold text in original; underlining added.)

With specific regard to the City's Multifamily Residential Areas, the Seattle 2035 Land Use Element provides the following self-evident goals and policies that support this request to rezone the Site from LR(3)(M) to MR(M1):

GOAL

LU G8 *Allow a variety of housing types and densities that is suitable for a broad array of households and income levels, and that promotes walking and transit use near employment concentrations, residential services, and amenities.*

POLICIES

LU 8.1 *Designate as multifamily residential areas those places that either are predominantly occupied by multifamily development or are within urban centers or urban villages.*

...

LU 8.3 *Provide housing for Seattleites at all income levels in development that is compatible with the desired neighborhood character and that contributes to high quality, livable urban neighborhoods.*

LU 8.4 *Establish evaluation criteria for rezoning land to multifamily designations that support the urban village strategy, create desirable multifamily residential neighborhoods, maintain compatible scale, respect views, enhance the streetscape and pedestrian environment, and achieve an efficient use of the land without major impact on the natural environment.*

...

LU 8.6 *Establish multifamily residential use as the predominant use in multifamily areas and limit the number and type of nonresidential uses to preserve the residential character of these areas, protect these areas from negative impacts of incompatible uses, and maintain development opportunities for residential use.*

...

LU 8.11 *Use midrise multifamily zones to provide greater concentrations of housing in urban villages and urban centers.*

(Bold text in original; underlining added.) The Site is already designated and zoned for multifamily use, but the allowed density under LR3(M) zoning is not consistent with the City's vision for placing the highest levels of density in Urban Villages and Urban Centers, particularly in areas like the Site that are well-served by transit and have significant employment and service opportunities nearby.

The Seattle 2035 Comprehensive Plan's Housing element is focused, in part, on growth and equity. The Housing element was developed and adopted, following a process that began in 2013 with the review of the City's affordable housing incentive programs. In 2014, the City Council and Mayor jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee. In 2015, the Mayor and Council approved the Seattle Housing Affordability and Livability Agenda (HALA). The HALA contains sixty-five recommendations for how Seattle can create more affordable housing, including steps for-profit and nonprofit housing developers to build and preserve affordable housing. Seattle 2035's overarching housing goals provide:

H G2 *Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.*

H G3 *Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.*

(Underlining added.) To achieve this goal, the City adopted several dozen policies, of which several speak to rezoning underutilized properties like the Site to encourage redevelopment:

H 2.4 *Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.*

...

H 3.3 *Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.*

...

H 5.16 *Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.*

(Bold text in original; underlining added.)

With regard to the emphasis on housing affordability, the Housing Element provides the following relevant goals and policies that support rezoning the Site from LR3(M) to MR(M1):

GOAL

H G5 *Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.*

POLICIES

H 5.3 *Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.*

...

H 5.6 *Increase housing choice and opportunity for extremely low- and very low-income households in part by funding rent/income-restricted housing throughout Seattle, especially in areas where there is a high risk of displacement. Also increase housing choice in areas where lower-cost housing is less available but where there is high frequency transit service and other amenities, even if greater subsidies may be needed.*

H 5.7 *Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.*

(Underlining added.) Again, the Site is on the City's adopted Frequent Transit Service Area map, is adjacent to a transit stop on Roosevelt Way NE and within the ten-minute walkshed of the Northgate Transit Center and future light rail station. See Attachment E. By significantly increasing the density while requiring on-site performance of MHA affordability requirements, the Site will provide more than twice as many rent-restricted affordable units (over 300 such units) than the existing 148 market-rate units, which are affordable at the 70%-90%+ AMI level.

Finally, with regard to the Seattle 2035 Plan's Natural Environment and Urban Design – Built Environment goals and policies, the following policies are relevant for the proposed conditions of the PUDA requested as part of this rezone:

GS 3.3 *Encourage design that recognizes natural systems and integrates ecological functions such as storm water filtration or retention with other infrastructure and development projects.*

GS 3.4 *Respect topography, water, and natural systems when siting tall buildings.*

....

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.*

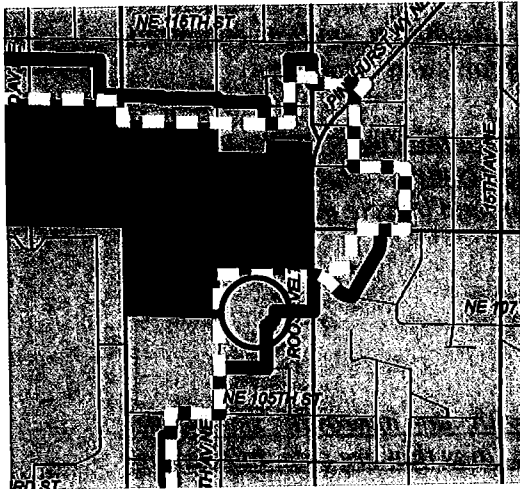
...

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.*

(Bold text in original; underlining added.) By requiring the east-west pedestrian connection across the Site, the rezone and PUDA will better meet the goals and policies above that development under the existing LR3(M) zoning. By allowing for redevelopment under the City's current storm water code, the quality of storm water discharged to Thornton Creek and its wetland complex will be significantly improved. Also, the Site's topography lends itself to higher buildings as it sits in a bowl, relative to surrounding properties.

Consistency with Seattle 2035 Northgate Neighborhood Plan

The Site is adjacent to and abuts the Core of the Northgate Urban Center, per the Seattle 2035 Future Land Use Map as amended in April 2019. See **Figure 4**, excerpt of amended Map of the Northgate North Core Area within the Northgate Urban Center and Overlay District. Please also refer to newly-added Attachment L, which contains the April 2019 amendments to the Northgate Neighborhood Plan Element of the Seattle 2035 Comprehensive Plan.



As described in the Seattle 2035 Land Use Element, the Northgate Urban Center is planned for increased intensity of development, including increased residential density. The Seattle 2035 Northgate Neighborhood Plan provides the following goals and policies that speak to and support increased density on the Site through the proposed rezone to MR(M1).

Figure 4 - Northgate Urban Center (Site in Red Circle / Core Boundary in White Dashes)

LAND USE & HOUSING POLICIES

NG-P2 Use land use regulation to cause new development to locate close to transit stops and provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.

...

NG-P6 Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.

...

NG-P8 Maintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as rowhouses, townhouses, and low-rise apartments. Encourage primarily residential uses in these

areas while allowing for commercial and retail services for the village and surrounding area.⁴

NG-P8.5 *Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

TRANSPORTATION GOALS

NG-G6 *An economically viable commercial core with improved alternative means of access, good vehicular and pedestrian circulation, and an enhanced, interesting environment that attracts customers, visitors, and employers.*

NG-G7 *Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.*

....

TRANSPORTATION POLICIES

NG-P11 *Promote pedestrian circulation with an improved street-level environment by striving to create pedestrian connections that are safe, interesting, and pleasant.*

....

DRAINAGE POLICY

NG-P16 *Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.*

(Bold text in original; underlining added.)

Of further note, the Transportation Element of the Seattle 2035 Plan identifies high priority pedestrian investments in the Northgate Urban Center as part of the strategy to implement the following policies:

⁴ This policy was amended in April 2019 and replaced a policy that focused on single-family as opposed to “lower-intensity” areas in the Northgate Urban Village. This changed policy does not impact the analysis as the Site and the areas immediately surrounding and abutting it are not “lower-intensity” areas; the “lower-intensity” areas nearby are a block south along NE 105th Street or on the east side of Roosevelt Way and separated from the Site by natural features and public rights-of-way.

T 3.10 Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.

T 3.11 Develop and maintain bicycle and pedestrian facilities, including public stairways, that enhance the predictability and safety of all users of the street and that connect to a wide range of key destinations throughout the city.

(Bold text in original; underlining added.) By providing the east-west pedestrian connection across the Site as a condition of the PUDA in conjunction with redevelopment of the North Parcel, the rezone will further these policies.

SMC CHAPTER 23.76 CRITERIA & ANALYSIS OF REZONE FROM LR3(M) TO MR(M1).

Pursuant to SMC 23.76.036.A.1. and SMC 23.76.058.C., this is a request for a quasi-judicial Type IV City Council land use decision to for a site-specific rezone from LR3(M) to MR(M1) and a related request to enter into a Property Use & Development Agreement. As required by SMC 23.76.040, Applicant is the holder of record of fee title to the subject property and authorizes the undersigned and BCRA to pursue this application on its behalf. Applicant submits this amended memorandum to address the substantive criteria set forth in those provisions and SDCI's May 22, 2020 Correction Notice #1 and SDCI's January 5, 2021 Correction Notice #2 and respectfully requests that the City Council approve this request.

Per SMC 23.34.004, Contract rezones, the City Council may approve of rezone subject to the execution, delivery and recording of a PUDA with "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" and "self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property." Applicant's proposed PUDA will further mitigate any potential housing displacement impacts by ensuring phased development and 1:1 replacement of the Site's existing 148 two-bedroom, one bathroom family-sized units.

Per SMC 23.34.007, and as detailed below, Applicant's request is not a request to correct a mapping error; it is a request for a site-specific rezone and to enter into a PUDA. The request is consistent with the MR zone function statement and the Comprehensive Plan. The Site is not within the shoreline jurisdiction and does not contain any critical areas.

SMC 23.34.007.A. provides in part that "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." SMC 23.34.007.B. further states that "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.” Applicant’s request meets all of the substantive criteria for approving the requested rezone, subject to the proposed PUDA.

With regard to the substantive criteria applicable to this request, Applicant provides the following analysis of the criteria in SMC 23.76.008, SMC 23.76.009, SMC 23.76.024. For clarity, the provisions of the code appear in bold italicized text, and the responses appear in regular text below.

SMC 23.34.008 - General rezone criteria⁵

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

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

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map. Per Urban Village Figure 8 of the Urban Village Element of the Comprehensive Plan (amended in 2015). The proposed rezone to MR(M1) will allow for an increase in density (not a reduction) and will not result in the zoned capacity of the Northgate Urban Center falling below 125% of growth estimates. To the contrary, it will better help ensure the City meet its growth targets. This criterion is met.

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 Growth Strategy Element of the Comprehensive Plan.

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map, and the proposed rezone from LR(3)(M) to MR(M1) will significantly increase allowable density on the Site and will not result in a decrease of zoned capacity, taken as a whole. Please see response to section SMC 23.34.008.A.1. above. This criterion is met.

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.

Presently the site is zoned LR3(M). As detailed below, the proposed rezone to MR(M1) meets both the function and locational criteria of the MR zone. Please refer to the discussion below under SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria. This criterion is met.

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

⁵ Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Please refer to the materials prepared by BCRA and submitted with this amended analysis in response to Item 9 of SDCI's May 22, 2020 Correction Notice #1, which includes the August 16, 2020 Zoning History for 10713 Roosevelt Way NE prepared by SDCI Land Use Permit Specialist Supervisor Johnny Harris. Although the City commenced and studied a comprehensive upzone for all of the Northgate Urban Center in the mid-2000s (culminating in the publication of a Final Environmental Impact Statement in 2009), the Council never acted on the proposed rezone. The zoning on the Site and in many nearby areas remained unchanged until March 19, 2019, when the Council enacted Ordinance No. 125791 / Council Bill 119444, the Mandatory Housing Affordability Ordinance, which became effective on April 19, 2019. During the roughly decade from the publication of the 2009 Northgate rezone FEIS and the adoption of the MHA ordinance, two properties within two blocks of the Site (the 525 Northgate and Prism properties) were rezoned in accordance with the 2009 FEIS to allow increased height and density. These two site-specific rezones were accompanied by PUDAs, and each of these rezones increased height and density on the subject properties. With the adoption of the MHA Ordinance, all nearby properties have seen an increase in height and allowable density.

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.

There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan. Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

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

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

As detailed above in the section titled "Consistency with Northgate Neighborhood Plan," the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

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

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

As detailed above in the section titled "Consistency with Northgate Neighborhood Plan," the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

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

See response to subsections 1-3 above. To the extent this criterion is applicable, this criterion is met.

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

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

The Site is located in an increasingly dense area adjacent to and abutting ~~within~~ the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. See Attachment E. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5th Avenue NE. There are significant and growing employment opportunities within a few blocks of the Site both west and north, including the Seattle Kraken's practice facility that will open in 2021.

Along 8th Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 25

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3-55(M) zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)).

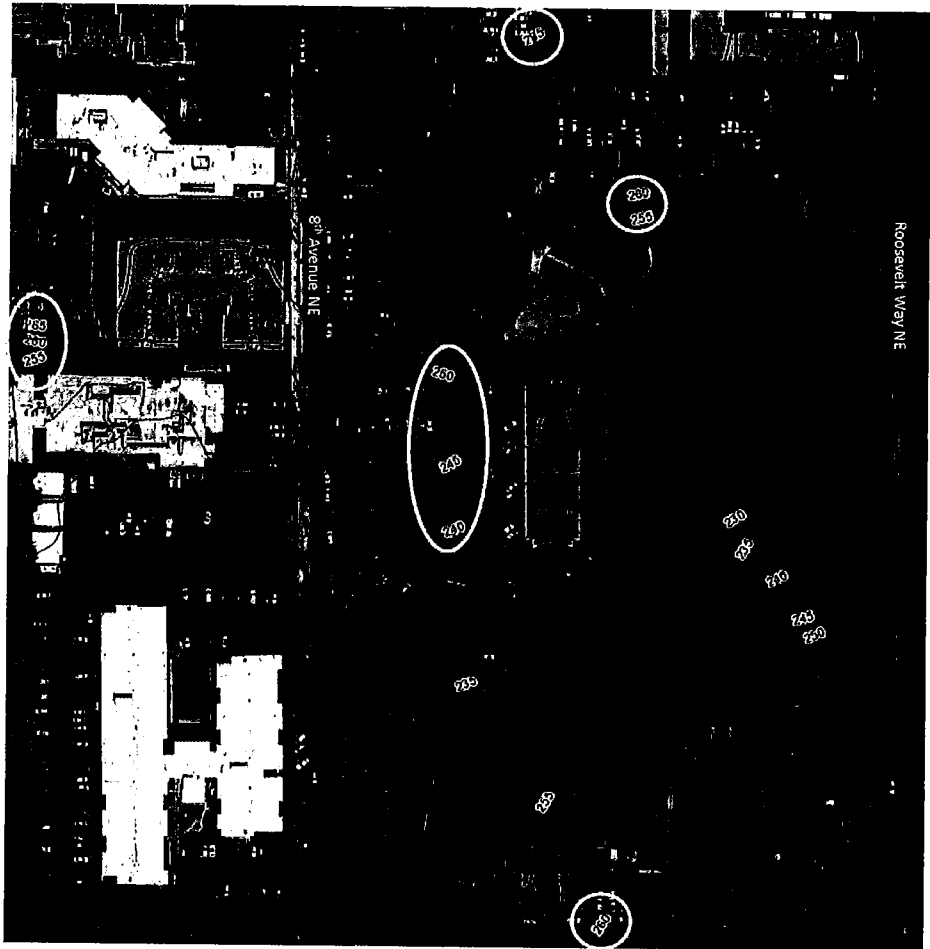
The neighborhoods a few blocks south of the Site (south of NE 105th Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. In addition, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. See Attachment K, July 21, 2019 photographs of tree canopy from south of Site along 105th Street NE.

The Site itself has a moderate slope from north to south of about 5%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106th Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. This criterion is met.

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;

Topographically, the Site sits in a depression, below the private properties to the north, south and west. As shown in the map to the right, the Site slopes from north to south and from west to east, with elevations ranging from 240'-260'; surrounding properties to the north, south and west of the Site sit higher, at 260-265'. Please refer to Attachments A and H. To the south of the Site just south of NE 106th Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous



trees, which largely obscure the Site from views from the south. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. See Attachment K.

The Thornton Creek ravine continues on the east side of Roosevelt Way NE to the southeast of the Site and provides an additional natural buffer. This criterion is met.

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

As shown above, the Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion is met.

c. Distinct change in street layout and block orientation;

The Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion may not be applicable, but to the extent that it is applicable it is met.

d. Open space and greenspaces.

As noted and shown above, to the south of the Site just south of NE 106th Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. See above and Attachment K. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. This criterion is met.

3. Zone Boundaries.

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

(1) Physical buffers as described in subsection 23.34.008.E.2; and

(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.

The proposed rezone to MR(M1) will ensure that residential development, as now exists on the Site, will continue and will be adjacent to and facing other existing residential uses. As shown in **Figure 1** and Attachments E and G, the Site is located in an increasingly dense area adjacent to and abutting the core of the Northgate Urban Center and the Northgate Transit Station's ten-minute walkshed.

Within a two-block area of the Site, many parcels have been recently developed to heights and residential densities similar to those permitted by the Midrise zone. For example, the Prism multifamily project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3

zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). This criterion is met.

4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 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.

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. This criterion is met.

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 proposed rezone to MR(M1) and PUDA will allow Applicant to develop approximately 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant will: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom, one bathroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. By contrast, redevelopment of the Site under the LR3(M) zoning would result in far fewer affordable units, no phasing and potentially little or no onsite performance. Please refer to the materials prepared by BCRA and submitted with this amended analysis in response to Item 12 of SDCI's May 22, 2020 Correction Notice #1 and Item 5 of SDCI's January 5, 2021 Correction Notice #2. This criterion is met.

b. Public services;

The Site is well-served by public services, and the rezone will not result in an unplanned or unanticipated burden on or impact to public services. See Attachments E, F and J. Fire Station 31 is located at 1319 N Northgate Way a little over a mile west of the site, and the City's North Precinct station is about a mile west of the Site near North Seattle Community College. The Northgate library branch is located just south and east of the Site, and there are athletic fields, trails, schools and playgrounds within a few blocks of the Site in all directions. The Site is well-served by transit, and the street network is sufficient current and planned growth in the neighborhood. This criterion is met.

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

With specific regard to environmental factors, please refer both the June 28, 2019 SEPA checklist and associated reports submitted with this application as well as the following analysis, which that the proposed rezone from LR3(M) to MR(M1) will not result in any significant adverse environmental impacts:

Noise – No significant impacts are anticipated from the proposed increase in density and height that would result from the rezone. The resulting height increase will simply allow for more planned and desired residential density, including affordable units, in the Northgate Urban Center. As with any site in the Northgate Urban Center, noise from the anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Development as the result of a proposed rezone is unlikely to create significant additional noise in this area.

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. Sustainable measures related to air quality include CFC reduction in HVAC equipment, ozone depletion prevention, and Indoor Environmental Quality measures. Increasing residential density in the Northgate Urban Center, which is well-served by transit center and amenities, should decrease the number and length of vehicle trips and thereby reduce impacts on air quality associated with motorized trips.

Water quality – No noticeable change in impacts will result from a change in zoning. When future redevelopment occurs, storm water runoff from the associated project will be conveyed to a City drainage system via a storm water detention system designed in compliance with the City storm water code. Presently, such water is discharged from the Site untreated to Thornton Creek and its associated wetland complex south of the Site. Sustainable design related to water quality will also be attained through compliance with the City green factor requirements and through compliance with other elements of the City codes. The proposed rezone will allow for redevelopment to occur that, in turn, will allow for significant improvements in water quality.

Flora and fauna – Redevelopment of the Site under the proposed rezone will not impact existing landscaping and trees in any manner different than redevelopment under the existing zoning designation. Any redevelopment will require a landscaping plan and compliance with the City’s regulations. No noticeable change in impacts will result from the proposed height change. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC Chapter 23.45 and any exceptional trees proposed for removal would need to go through the process described in SMC Chapter 25.11.

Glare – No noticeable change in impacts will result from a change in density or height.

Odor – No noticeable change in impacts will result from a change in density or height.

Shadows – Please refer to the attached solar (shadow) studies. See Attachment I. Please also refer to the shadow studies, massing diagrams and related materials prepared by BCRA and submitted with this amended analysis in response to Items 11, 14 and 15 of SDCI’s May 22, 2020 Correction Notice #1 and Items 3 and 4 of SDCI’s January 5, 2021 Correction Notice #2. While the additional height may create some additional shadows on existing sites to the north, depending on season, weather and time of day, the additional shadow impacts will be imperceptible and essentially the same as those associated with the existing LR3(M). Also, future redevelopment of the Site would be subject to design review, which would include consideration of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

Views – Please also refer to the shadow studies, massing diagrams and related materials prepared by BCRA and submitted with this amended analysis in response to Items 11, 14 and 15 of SDCI’s May 22, 2020 Correction Notice #1 and Items 3 and 4 of SDCI’s January 5, 2021 Correction Notice #2. There are no territorial views, and existing and proposed developments to the north and west sit higher than the Site, as do the neighborhoods to the south of the Site south of Thornton Creek. Viewshed impacts to the Northgate Manor Apartments immediately west of the Site’s South Parcel are no greater or different than those that would be associated with redevelopment of the Site under LR3(M) zoning as the north-south massing would be identical but with a lower height. One could not see over an MR(M1) building or an LR3(M) building, so the additional height makes no difference.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no significant adverse environmental impacts. This criterion is met.

d. Pedestrian safety;

Future development of the Site will be required to complete any required street improvements such as sidewalks and sight lines for driveways subject to Design Review, which includes review of the

pedestrian environment. Future development may also require submittal of specific traffic impact information, including consideration of how driveway placement may impact pedestrian traffic on sidewalks and at crosswalks. Pedestrian safety is also regulated by requirements in SMC Chapter 23.53 (Streets and Alleys) and the Street Improvement Manual.

Also, future redevelopment will be conditioned per the proposed PUDA to provide an east-west pedestrian connection across the Site's northern boundary, which will improve pedestrian access in the area and improve pedestrian safety.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no demonstrable adverse impacts to pedestrian safety. This criterion is met.

e. Manufacturing activity;

The Site is not zoned or proposed to be rezoned to allow for manufacturing activity. This criterion is met.

f. Employment activity;

The Site is not zoned or proposed to be rezoned for commercial (employment) activity. The increased density will, however, support commercial uses and employment in the Northgate Urban Center. This criterion is met.

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

The proposed rezone will not adversely impact any recognized architectural or historical character. This criterion is met.

h. Shoreline view, public access and recreation.

The Site is not located within any shoreline view, public access or recreation area. This criterion is met.

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

a. Street access to the area;

The Site has adequate street access, and the proposed rezone for additional density and height will not impact local street access. Please see the attached updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. This criterion is met.

b. Street capacity in the area;

The area surrounding the Site has adequate street capacity, and the proposed rezone for additional density and height will not exceed the service capacity of the local street network. Please see the attached updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. This criterion is met.

c. Transit service;

The Site is well-served by transit (*i.e.*, is within the 1/2-mile walkshed from the Northgate Transit Center and is within the City's adopted Frequent Transit Service area), and the proposed rezone for additional density and height will not exceed the transit service capacity for the area. Please see Attachment E and the updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. The proposed rezone will leverage the City's existing and planned transit investments in the Northgate Urban Center. This criterion is met.

d. Parking capacity;

The proposed rezone to MR(M1) will allow for additional density and height and will not create a parking deficiency. Any redevelopment of the Site will require compliance with the City's adopted parking standards. This criterion is met.

e. Utility and sewer capacity;

The Site has adequate utility and sewer capacity, and the proposed rezone for additional density and height will not exceed the utility and sewer service capacity of the area. See Attachment J. This criterion is met.

f. Shoreline navigation.

The Site is not located within or near any shoreline navigation areas. This criterion is met.

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 23.34.

Housing affordability is now a key, if not *the* key, issue facing the City. The City adopted the Seattle 2035 Comprehensive Plan (detailed above) and the Mandatory Housing Affordability Ordinance, effective April 19, 2019, to address this issue through a variety of tools, including rezoning properties throughout the Northgate Urban Center to higher heights to allow for additional density and affordable housing.

Since the adoption of the city-wide MHA rezone, the area has seen significant increase in density and height with the completion of the Prism and Lane projects adjacent to and west of the Site. The ongoing Northgate Mall redevelopment and NHL hockey training facility are other significant changes of circumstances. And prior to the redevelopment of the Site, light rail will open in 2021 and provide a 15-minute ride to Westlake Center station, with trains running every 4-6 minutes (<https://www.soundtransit.org/system-expansion/northgate-link-extension>).

Implementation of the Seattle 2035 Plan will require additional residential density and affordable housing. The proposed rezone from LR3(M) to MR(M1) coupled with the conditions in the

proposed PUDA will allow for the provision of increased density, affordable housing and a broader range of viable affordable residential development on the Site consistent with and in furtherance of the City's vision for 2035. The current LR(3)(M) zoning is inadequate to even allow for redevelopment, and even were it feasible to develop under such zoning, such redevelopment would result in far fewer affordable units, no phasing and potentially little or no onsite performance. *See Attachment C.* This criterion is met.

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 within the Northgate Overlay district, which was recently amended through the adoption of Ordinance No. 125792 / Council Bill 119445 effective April 19, 2019. The amendment did not impact the Site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District. To the extent it is applicable, this criterion is met.

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.

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs; a small portion of the parking lot on the South Parcel is encumbered by riparian management area (buffer) from an offsite stream segment. *See Attachment D.* A public street lies between the South Parcel and the offsite stream. No development is proposed with this rezone application, and no future development is proposed within the area on the South Parcel encumbered by the RMA, and Applicant proposes to include that as a requirement in the PUDA. Alternatively, if necessary to comply with SMC 23.34.024.B.2, Applicant is amenable to having the portion of the South Parcel that contains the RMA excluded from the rezone and remain LR3(M), consistent with the approach the City has taken in similar circumstances (*i.e.*, offsite stream but onsite RMA). *See, e.g., In the Matter of the Application of TODD CURRY for approval of a rezone of property located at 3012 NE 140th Street, Hearing Examiner File: CF 307580, SDCI # 3002989 (August 15, 2006).* Applicant is amenable to exploring other options to address this condition, as well. This criterion is met.

SMC 23.34.013 - Designation of multifamily zones⁶

An area zoned single-family that meets the criteria of Section 23.34.011 for single-family designation may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.

⁶ Item 6 of SDCI's May 22, 2020 Correction Notice states: "Please update the rezone criteria analysis document to include written responses to criteria found in SMC 23.34.013 (Designation of multifamily zones) and 23.34.020 (LR3 zone, function and locational criteria). Please remove written responses to the criteria per SMC 23.34.009 because these criteria are not applicable for this rezone request." This section, which addresses SMC 23.34.013, is added in response to Item 6.

The Site is zoned LR(3) and is not an area zoned single-family. This criterion is met.

SMC 23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria⁷

A. Functions. The dual functions of the LR3 zone are to:

- 1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and***
- 2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.***

The Site is located in an area predominantly zoned Neighborhood Commercial and developed (or planned for development) with buildings up to 75'. The first functional criterion is not met as the surrounding neighborhood is predominantly characterized by moderate to large scale mixed-use and multifamily residential structures. The Site is located in the Northgate Urban Center, so the second functional criterion is met.

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

- a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or***
- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;***

The Site is located in the Northgate Urban Center, so this criterion is met.

⁷ Item 6 of SDCI's May 22, 2020 Correction Notice states: "Please update the rezone criteria analysis document to include written responses to criteria found in SMC 23.34.013 (Designation of multifamily zones) and 23.34.020 (LR3 zone, function and locational criteria). Please remove written responses to the criteria per SMC 23.34.009 because these criteria are not applicable for this rezone request." This section, which addresses SMC 23.34.020, is added in response to Item 6.

2. The area is near neighborhood commercial zones with comparable height and scale;

The Site is near multiple properties zoned NC3 in a commercial area within the Northgate Urban Center, so this criterion is met.

3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;

There are no LR1 or LR2 zones adjacent to or near that Site to which the Site would provide transition. The Site is surrounded by NC3-zoned properties to the west and north and another LR3(M) property to the east. To the south, the Site is bounded by NE 106th Street and the Thornton Creek Natural Area, which both buffer and provide transition to neighborhoods to the south.

4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;

The area surrounding the Site, including 8th Avenue NE, allows for two-way traffic with parking along at least one side of the street. This criterion is met.

5. The area is well served by public transit;

The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City's adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and <http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>. This criterion is met.

6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 and March 19, 2020 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

7. The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

The Site is located in an increasingly dense area adjacent to and abutting within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5th Avenue NE. The Northgate Mall is undergoing significant redevelopment as the Seattle Kraken's practice facility (opening in summary 2021) and will include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

C. The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

This criterion is inapplicable as the Site is not within the Delridge High Point Neighborhood Revitalization Area.

D. Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:

- 1. was created by human activity, or***
- 2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.***

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a riparian management area ("RMA") from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA. It is worth noting that this criterion is applicable to both LR3 and the Site's

proposed MR zoning, so rezoning the Site to MR meets this criterion to the same extent as retaining the Site's existing LR 3 zoning.

SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria⁸

A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

The Site is located in an increasingly dense area adjacent to and abutting the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad and growing range of businesses and services along NE Northgate Way and 5th Avenue NE. There are significant employment opportunities within a few blocks of the Site both west and north, and the soon-to-open NHL practice facility and significant addition of office and retail space at Northgate Mall will bring more job, services and amenities to the neighborhood. The Site better meets the function criteria of the MR zone than the LR3 zone.

B. Locational criteria.

1. Threshold conditions. Subject to subsection SMC 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:

a. Properties already zoned Midrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Properties within an urban center or urban village.

The Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8th Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights that exceed 70' and will sit higher than the

⁸ Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Site due to topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3 zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site meets the criteria in both subsection b. and c. of the Locational criteria for the MR zone.

2. Environmentally critical areas. Except as stated in this subsection SMC 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either

a. Was created by human activity, or

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a riparian management area ("RMA") from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA. This criterion is met.

b. Is a designated peat settlement; liquefaction, seismic or volcanic hazard; flood prone area; or abandoned landfill.

The Site is not designated a peat settlement, liquefaction, seismic or volcanic hazard; it is not a flood prone area, nor is it abandoned landfill.

3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:

a. Properties that are adjacent to business and commercial areas with comparable height and bulk;

As detailed above, the Site is located in an increasingly dense area adjacent to and abutting the Core of the Northgate Urban Center adjacent to parcels along 8th Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8th

Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site is within and adjacent to a significant and growing business and commercial area in the Northgate Urban Center. The Site meets this criterion.

b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

c. Properties in areas that are in close proximity to major employment centers;

The Site is located in an increasingly dense area adjacent to and abutting ~~within~~ the Core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5th Avenue NE. The Northgate Mall is undergoing significant redevelopment as the Seattle Kraken's practice facility (opening in summary 2021) and will include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

d. Properties in areas that are in close proximity to open space and recreational facilities;

The Site is in close proximity to open space and recreational facilities, including Hubbard Homestead Park located between 5th Avenue NE and 3rd Avenue NE a few blocks northeast of the Site, Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent

to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools with recreational facilities are also located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. The Site meets this criterion.

e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

The east side of the Site is adjacent to Roosevelt Way NE, a principal arterial, and just south of NE Northgate Way, another principal arterial. The Site slopes from north to south along Roosevelt Way NE, which both provides an edge and allows for transition in scale from properties on the opposite side of the street and areas to the south of the Site. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. The mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south, as well. The Site meets this criterion.

f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;

As detailed in the preceding section, the Site is not in a flat area; however, the Site is in an area where the prevailing structure height is both greater than 37' and there is such a mix of heights that there is no established height pattern. More recent development west and northwest of the Site along 8th Avenue NE and NE Northgate Way have heights in the 40' to 75' range, and the trend over the past decade is for taller buildings in the area of the site. The Site meets this criterion.

g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

The Site has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106th Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, a minor arterial, each of which provides a further edge and transition from the Site to

neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and

As detailed in the preceding section, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. The neighborhoods a few blocks south of the Site (south of NE 105th Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. However, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. The trees are also of sufficient height to obscure future redevelopment of the Site from the south. To the extent there are any views over the Site, those views are also over the tree canopy and will be retained. The Site meets this criterion.

i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.

Again, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. Please refer to Attachments A and H. Because the Site sits in somewhat of a bowl vis-à-vis surrounding properties and Roosevelt Way NE, the bulk of any future development under the MR(M1) zoning would be obscured from the south by the height of the mature tree canopy in the Thornton Creek wetland complex. Properties west of the Site sit higher and have no views across the Site to the east, and the Site is bounded by Roosevelt Way NE to the east. The Site meets this criterion.

Summary and Request for Approval

In sum, Applicant requests the following:

- rezone the Site from LR3(M) to MR(M1);
- require on-site performance instead of paying a fee in lie by providing affordable units on Site, as a condition of the PUDA;
- require a one-for-one replacement of the existing 148 two-bedroom, one bathroom units to retain family-sized units on the Site, as a condition of the PUDA;
- limit demolition of existing buildings to two buildings within any nine month period, as a condition of the PUDA;
- require an east-west pedestrian access along the Site's northern property line to provide connectivity from Roosevelt Way NE across the Site, as a condition of the PUDA; and
- provide a twenty year term to allow for phased redevelopment of the Site, as a condition of the PUDA.

As detailed above, the proposed rezone from LR3(M) to MR(M1) combined with the PUDA is consistent with and implements the applicable goals and policies of the Seattle 2035 Comprehensive Plan and Northgate Neighborhood Plan and meets every one of the substantive criteria applicable to the Site under SMC 23.76.008, .013, .020 and .024. If granted, the rezone and PUDA will allow for a better development than would otherwise be permitted under the existing zoning, which itself would prohibit redevelopment. The proposed rezone will also allow for the creation of additional market-rate and a significant number of rent-restricted units affordable to a broad range of incomes, consistent with the City's vision for the neighborhood and City.

The Site is well-served by transit, and dense redevelopment will further the City's transit-oriented growth strategy. For the past decade, the surrounding neighborhood has been undergoing redevelopment to larger scale and higher density buildings, including the recent projects immediately adjacent to the Site along 8th Avenue NE. There are no adverse impacts associated with the proposal. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request. Applicant respectfully requests that the City Council rezone the Site from LR3(M) to MR(M1) and enter into a PUDA.

AAL:aal

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 43

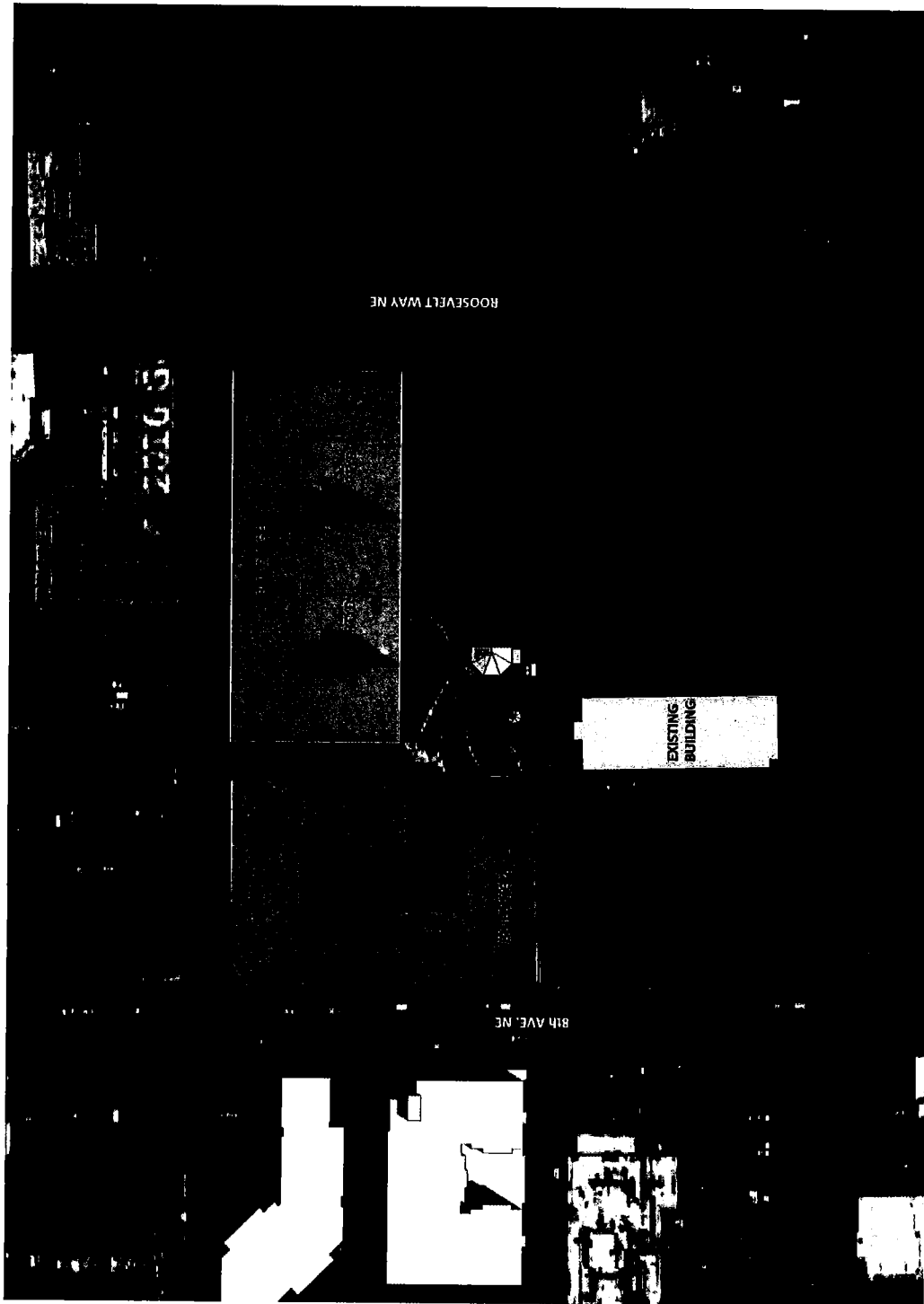
ATTACHMENT A

Bush, Roed & Hitchings, Inc.'s ~~July 25, 2019~~ January 14, 2021 ALTA Survey

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 44

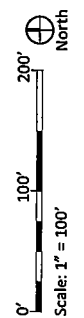
ATTACHMENT B

Phasing Plan prepared by BCRA



LEGEND

- Phase One
- Phase Two
- Phase Three



Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 45

ATTACHMENT C

June 30, 2017 Comment Letter on MHA DEIS

May 17, 2018 Comment Letter on OPCD MHA Citywide Ordinance

August 7, 2018 Comment Letter on OPCD MHA Citywide Ordinance



June 30, 2017

Department of Neighborhoods, City of Seattle
jesseca.brand@seattle.gov
halainfo@seattle.gov

Office of Planning and Community Development
Attn: MHA EIS
MHA.EIS@seattle.gov

Tom Hauger
tom.hauger@seattle.gov

Re: Request for Modification to Northgate Urban Villages Draft Mandatory Housing Affordability (MHA) Map Zoning Designation from LR3 to MR(M1)

Dear All:

On behalf of Wallace Properties – Park at Northgate LLC¹, the owner of the Park at Northgate apartments (the “Site”), we request that the Mandatory Housing Affordability (MHA) Map zoning designation for our property be changed from LR3 to MR(M1) with an 80’ height limit.² In the coming months, we will be applying for a contract rezone from LR3 to MR-60. Through that process we will provide a detailed analysis to support additional density on the Site. Our request here is to modify the MHA Alternatives for the Site to the MR(M1) designation, because MR(M1) is the most consistent with our contract rezone and best meets the City’s housing and affordability goals for the neighborhood. The remainder of this letter describes the Site and provides support for the MR(M1) zoning designation.

The Site is located at 10735 Roosevelt Way NE, on the east edge of the Northgate Urban Center.³ The map to the right is an excerpt from the MHA draft Environmental Impact Statement (DEIS) Exhibit H-41 Proposed Zoning, Alternative 2: Northgate Urban Village, with the Site circled in blue. The land area of the Site is 5.24 acres, it is located within ½ mile

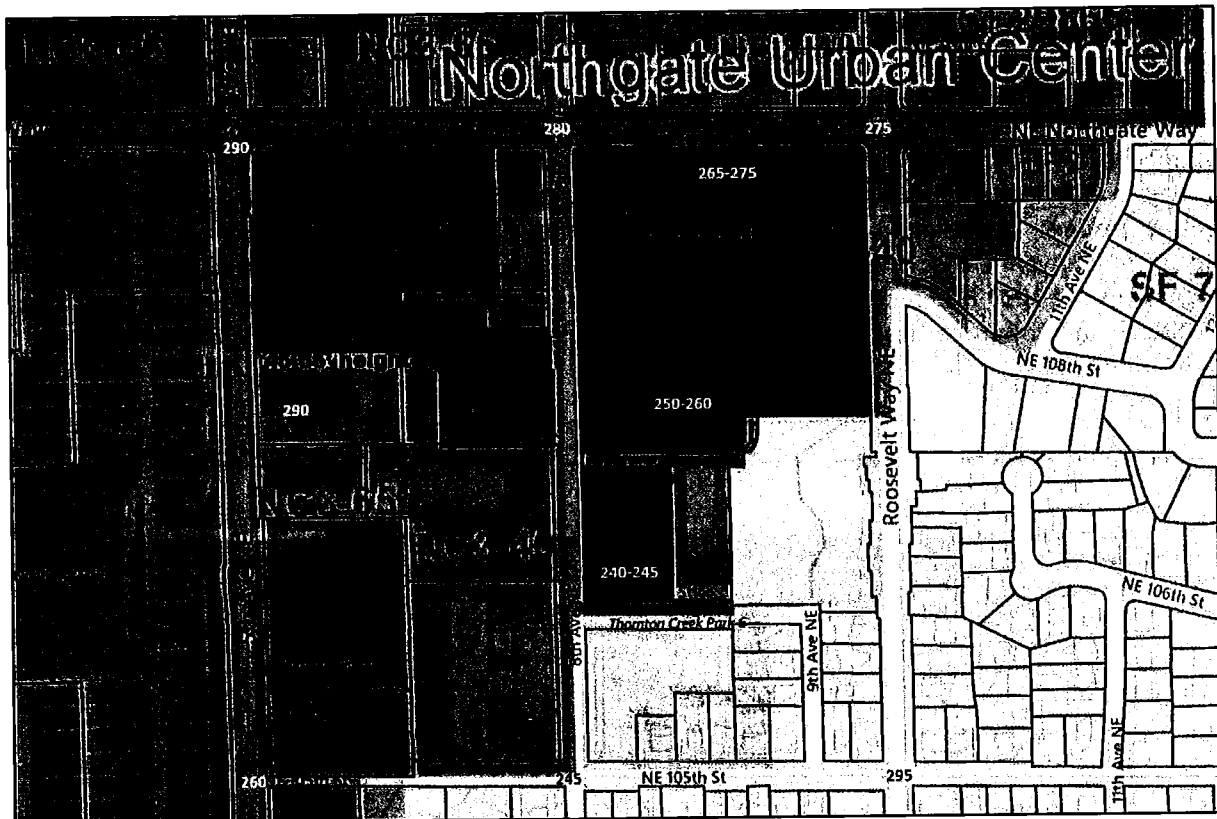


¹ This entity is an affiliate of Wallace Properties. The MHA draft environmental impact statement (DEIS) indicates 1,137 residential units have been built in Northgate since 1996. Wallace Properties built 430 of them, and over 100 of those are rent restricted under the Multi-family Tax Exemption (MFTE) program. This fall we will break ground on another 138 apartments across the street from the Site.

² We are amenable to a 60’ height limit, but there is no proposed zoning category at that height.

³ Parcel # 894423-0005.

of the Northgate Transit Center and light rail station (see map on page 5), and it is adjacent to an existing transit stop on Roosevelt Way NE. The Site is presently developed with the Park at Northgate garden-style apartment complex, with 148 residential units. This low-density complex is well-kept but over forty years old. As such, there is a viable opportunity for a phased redevelopment of the Site with new transit-oriented workforce housing, if sufficient density is provided.

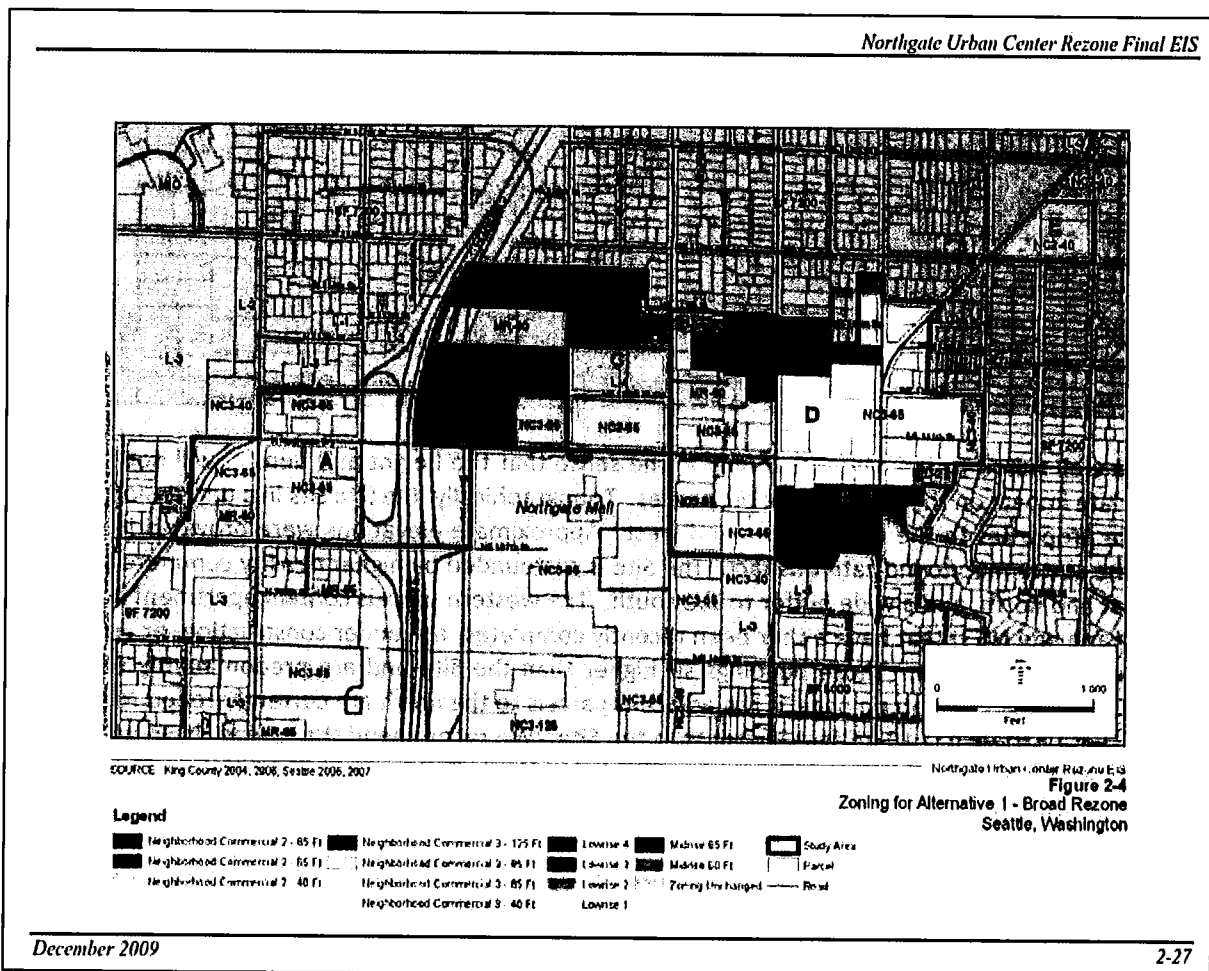


The Site is well suited to the MR(M1) zoning in the sense that the height and density will not have an inappropriate impact on the surrounding properties. Topographically, the Site sits in a depression, below the private properties to the north, south and west. Approximate elevations were provided in several areas of the above map to indicate this fact. The Site is surrounded by higher density commercial zones to the west and north, and a wide buffer to the south. The western parcels contain apartment buildings (Enclave, Lane and NG3) that have either been recently completed, are under construction, or are about to commence construction. Those buildings sit higher than the Site and are predominantly 65-70' in height. As shown in the map on page 1, the adjacent parcels to the north are currently zoned NC2-40 or NC3-40. These parcels are 10-15 feet higher than the Site. We recommend the zoning these parcels be designated NC3-75(M) due to their adjacency to Northgate Way. To the south the Site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area.

Historical Land Use Context Supports the MR(M) Designation. In 2009, the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative in the 2009 FEIS, the Site was recommended for one increase in zoning height / intensity—that is, from LR3

to LR4⁴. If implemented, the 2009 Rezone would have resulted in an additional story of height (from three- to four-stories) and a 25% increase in density. The 2009 Rezone examined the impacts, including traffic impacts, of up-zoning essentially all properties with the Urban Village, including significant up-zones for most "core" area properties. At the same time the City completed the Northgate Coordinated Transportation Improvement Plan (CTIP) that laid out the path for growth to occur in Northgate's Urban Center at the densities called for in the 2009 FEIS. Since that time the City has been methodically implementing the CTIP projects. Unfortunately, the 2009 Rezone was never brought to a vote of the Council.

Instead, since the completion of the 2009 FEIS, the City has increased density in Northgate via three contract rezones. The Mullaly family received a contract rezone for their site on NE 1st Street / NE Northgate Way along I-5, going from MR to NC3-85. Wallace Properties affiliates have obtained two contract rezones, increasing the density on land directly to the west of the Site (525 NE Northgate Way and 10711 8th Avenue NE). The adjacent parcels to the north of the Site have not yet sought a contract rezone, but the 2009 FEIS recommended they be increased to NC2/3-65. These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level.



⁴ The LR4 zoning designation was eliminated in 2010. Currently, the next increment from LR3 is MR-60.



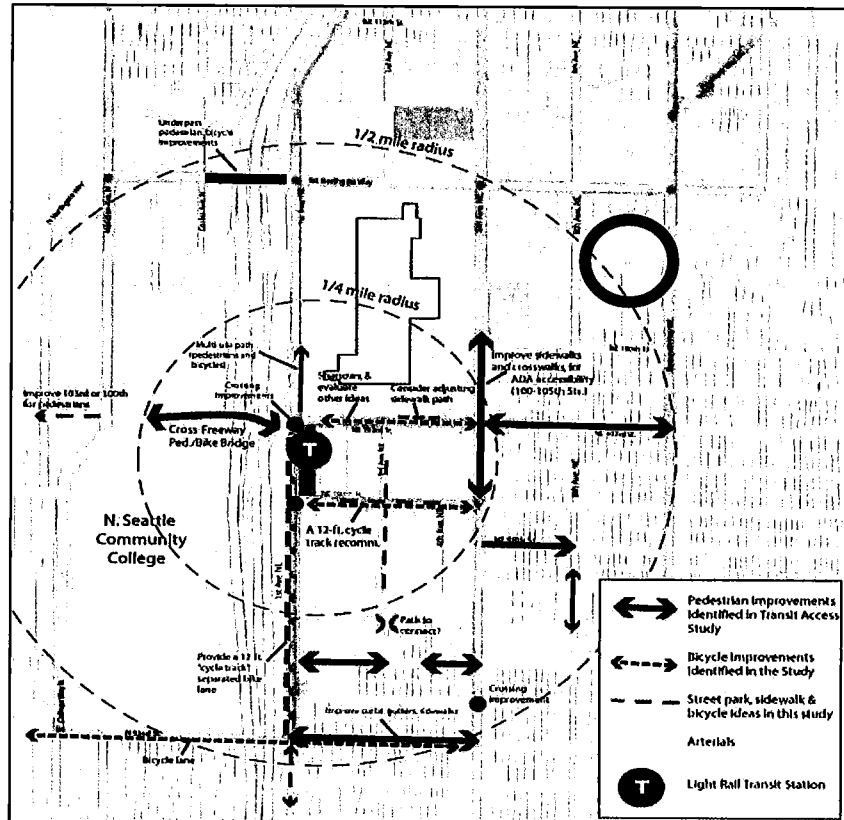
In October 2015, the City released its Urban Center / Village Growth Report, which found that Northgate had only achieved 41% of its targeted residential growth under the City's adopted growth targets for 2024—only 1,029 of a desired 2,500 units. In late 2016, the City adopted the new Seattle 2035 Comprehensive Plan, which proposes significant additional residential growth targets for the Northgate Urban Village by 2035. As explained in Chapter 3.2, Land Use, of the MHA DEIS, the MHA rezone alternatives are intended to facilitate the planned growth in the Seattle 2035 Comprehensive Plan while ensuring there is a mix of affordable units. According to MHA Exhibit 2-8, the two proposed rezone alternatives for the Northgate Urban Village are expected to increase residential units by approximately 50% over the 'no action' alternative.

Based on our understanding of Northgate, we think this projected increase is unlikely to occur under the currently proposed zoning designations. Working with the planning/design firm BCRA, we analyzed properties within the Northgate Urban Village to determine the likelihood that, based on their current use (including type, size and age of structures) and the proposed MHA rezone alternatives, a property was likely to redevelop by 2035. As shown in the map above, nearly half of the land (236 acres) within the

Northgate Urban Village is unlikely to redevelop by 2035, despite the proposed rezones. This is especially true for properties in the “core” of the Urban Village, including the Northgate Mall, Northgate North (Target), Thornton Place, Enclave, Lane and several other properties that have redeveloped within the last 15 years. Accordingly, providing additional density at the sites with development potential is essential to achieving the City’s growth target for the Northgate Urban Center, and should be done so long as the impacts of development can continue to be mitigated.

Per the map to the right (Site in blue circle), the Site is within the ½-mile walkshed for the Northgate Transit Center and soon-to-open (2021) Link Light Rail station. The City, along with Sound Transit, has made significant transit investments to serve the Northgate Urban Center and support the planned land uses. It is essential to leverage the value of the investment in light rail by providing adequate density within ½ mile of the stations.

Site-Specific Impacts can be Mitigated with the MR(M) Designation. Consistent with the principles in the Northgate Revitalization process, the 2009 FEIS Alternative 1-Broad Rezone



and the MHA DEIS alternatives, we are presently pursuing a contract rezone for the Site to increase the development intensity and height one level, to MR-60. The MR-60 zoning designation has a higher height than the former LR4 zoning designation (about 15’, based on application of the City’s height measurement rules), but the Site is surrounded by higher-density properties to the north and west, a significant natural buffer to the south (Thornton Creek and its associated wetland complex) and Roosevelt Avenue NE and commercially zones property to the east. The Site is also lower than the private property north and south.

As noted in MHA Exhibit 3.2-4, a rezone from LR3 to MR(M1) would be associated with a “moderate increase in height limit and FAR . . . and [therefore] density.” The MHA proposal would allow heights up to 50’ on the Site. Due to the topography, our proposed height increase to 60’ per the contract rezone will not impact views or shadow adjacent properties. This is also true should the MHA Map zoning designation for the Site be increased to MR (M1) with an 80’ height limit.⁵ Our rezone application will include shadow studies to support this.

⁵ We would also be willing to condition our Site to a 60’ height limit, if the 80’ height is a concern.

We generally concur with the impact assessment in the DEIS; however, we note that traffic impacts for the proposed Northgate Village rezone alternatives are likely overstated, because (as noted above) many of the properties proposed for rezoning are unlikely to redevelop for several decades or more.⁶ So mitigation of the Site's visual and traffic impacts is possible, and remaining impacts will be mitigated via the contract rezone or entitlement process.

The Site presents a significant and viable opportunity to provide dozens of additional transit-served affordable homes in the Northgate neighborhood, if it is rezoned to either to MR-60 or MR (M1). Like the 2009 FEIS proposal to rezone the Site to LR4, the MHA proposal to rezone the Site from LR3 with a 40' height limit to LR3 with a 50' height limit will not provide sufficient density to justify redevelopment of the existing buildings.

In closing, we ask that the City change the MHA Map's designations for the Site to MR(M1). We will continue to pursue a contract rezone for the Site to MR-60, but we are hopeful that through the MHA process additional height and density may be approved for the Site.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have questions or comments.

Sincerely yours,



Kevin Wallace, President
Wallace Properties

⁶ These same impacts were studied in detail in the 2009 FEIS—including rezone alternatives with much higher intensities on many sites than those proposed in the MHA DEIS—and the City concluded that planned capacity improvements along with project-specific mitigation would address them.



May 17, 2018

Seattle City Council

Attn: Councilmember Rob Johnson, Chair, Select Committee on Citywide MHA
Councilmember Debora Juarez, District 5

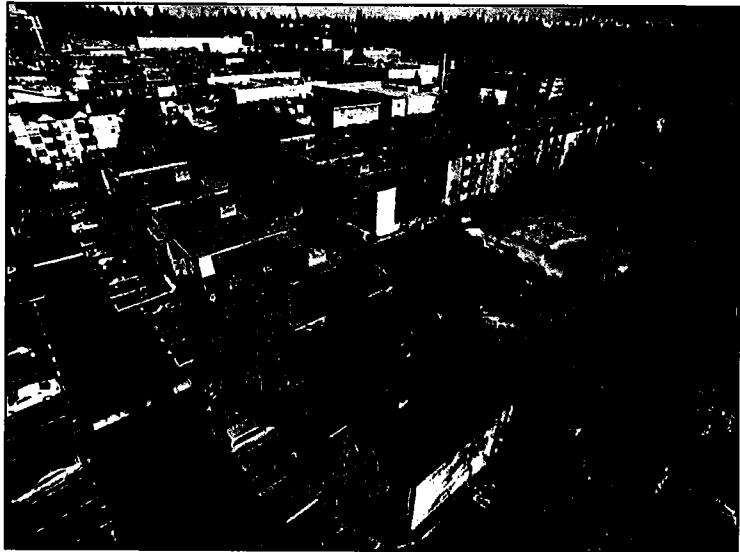
Via email: council@seattle.gov
citywideMHA@seattle.gov

Re: Comments on OPCD MHA Citywide Ordinance as it Pertains to Northgate & Specific Requests with Respect to Park at Northgate

Dear Councilmembers:

On behalf of Wallace Properties – Park at Northgate LLC,¹ the owner of the Park at Northgate apartments, we offer these comments in regard to the above-referenced Citywide Ordinance² (“Ordinance”) as it pertains to our property and the Northgate Urban Center (“NUC”).

Park at Northgate apartments are located at 10735 Roosevelt Way NE, on the east edge of the NUC between Roosevelt Way NE on the east and 8th Avenue NE on the west. The 5.24 acre site is presently developed with the a 148 unit garden-style apartment complex. This low-density³ complex is well-kept, but was built in 1967 and is now more than fifty years old. The



buildings are nearing the end of their useful lives. However, the project is also performing well – the average monthly rent is currently \$1,800, and renters pay utilities separately. This means the average unit is affordable to families earning 90% of Area Median Income (AMI).⁴

¹ This entity is an affiliate of Wallace Properties. The MHA final environmental impact statement (FEIS) indicates 1,137 residential units have been built in Northgate since 1996 (see Exhibit 3-1.14). Wallace Properties built 430 of them, and over 100 of those are rent restricted under the Multi-Family Tax Exemption (MFTE) program. In fall 2017, we broke ground on another 138 apartments across the street from Park at Northgate.

² http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD_MHA_Citywide_ORD.pdf.

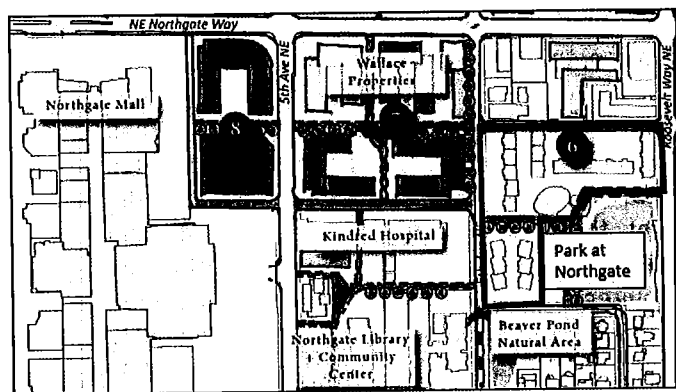
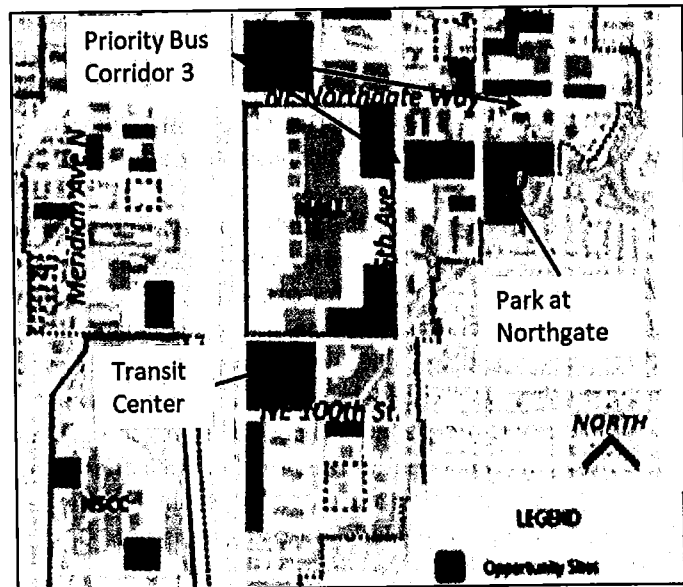
³ The FAR of the existing buildings is 0.66. Much of the site is covered with impervious parking lots and stormwater runoff to Thornton Creek is untreated.

⁴ See Seattle Office of Housing 2017 Income and Rent Limits. A 2-bedroom unit at 90% AMI is \$1,944 less the \$155 utility deduction equals \$1,789 base rent. Current average rent at Park at Northgate is \$1,800 plus utilities. https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits_MFTE.pdf.

The Northgate Urban Design Framework (“NUDF”)⁵ identifies Park at Northgate as an “Opportunity Site” for future development (see maps to the right). Park at Northgate comprises roughly two-thirds of “Superblock NGN #6” in the NUDF, which calls out the potential of the site for future infill multifamily development and identifies significant community benefits that will be achieved if the site is redeveloped.⁶

The redevelopment of the Park at Northgate property provides the opportunity to increase the number of homes on the site from 148 to between 700 and 1,000, with 175-280 *rent restricted* units (35-80 MHA and 140-200 MFTE), if the zoning and MHA fees provide an incentive to redevelopment. The new homes would be transit-oriented workforce housing, and the redevelopment would provide a number of community benefits, including the provision of pedestrian and bike connections and significant improvement to the quality of the stormwater entering into Thornton Creek.

The Ordinance in its current form effectively precludes redevelopment of Park at Northgate. The problem with the Ordinance is the benefit granted to the property in the form of additional FAR is not sufficient to offset the cost of the MHA fee, and is therefore a disincentive, not an incentive, and effectively downzones the site. The State enabling legislation for MHA requires it to be an incentive,⁷ and creating a disincentive will stifle growth and run counter to the City’s own MHA goals.⁸ In order to make it an incentive, the MHA fee needs to be reduced, the maximum FAR needs to be increased, or some combination thereof needs to occur so that the cost of the MHA fee is substantially lower than the value of the additional FAR.



⁵<http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/NorthgateStationAreaPlanning/CopyofNorthgateUDFFinal.pdf>.

⁶ *Id.* at pages 29-34.

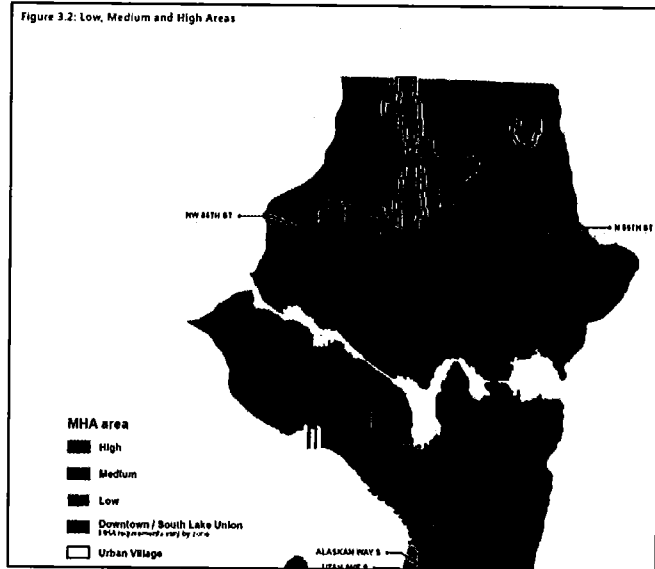
⁷ See RCW 36.70A.540, the enabling legislation, which authorizes the City to enact an affordable housing *incentive* program (See .540.1(a) “May enact or expand affordable housing *incentive* programs providing for the development of low-income housing units...” and .540.2 “Affordable housing *incentive* enacted or expanded under this section...” (emphasis supplied)). Also relevant is .540(1)(c), which states, “If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, the city may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.” So not only is it required to be an incentive, it also must be voluntary.

⁸ See, e.g., MHA FEIS, Appendix D, Environmental Scoping Report, page 5 “The proposal is not intended to limit or slow growth.”

The 0.3 FAR increase in the LR3(M) zone is worth approximately \$12.90 per square foot of land. The Ordinance proposes to change the zoning for Park at Northgate from LR3 to LR3(M). Currently the maximum FAR for LR3 is 2.0.⁹ LR3(M) limits the maximum FAR to 2.3,¹⁰ resulting in a net 0.3 FAR of additional density. According to McKee Appraisal, the value of an additional square foot of FAR for NUC properties is \$43.¹¹ So the extra value the Ordinance proposes to grant is $\$43 \times 0.3 = \12.90 per square foot of land.

The MHA Fee in LR3(M) costs \$30.48 per square foot of land. The Ordinance places increasing MHA fees on market areas by designating them as Low Area, Medium Area and High Area.¹² Because the NUC is designated a Medium Area, the MHA fee for residential is \$13.25 on all floor area.¹³ Thus the MHA fee (per square foot of land) for redevelopment of the site to its maximum FAR is $\$13.25 \times 2.3 = \30.48 .¹⁴ In other words, the Ordinance is providing \$12.90 worth of benefit and extracting \$30.48 worth of cost. Applied to the Park at Northgate site, which has 228,319 square feet of land, the proposed MHA fees would total approximately \$7.0 million, but the benefits received from the 0.3 FAR increase are worth only \$2.9 million. This is a disincentive, not an incentive, and the \$4.1 million reduction in development land value means it would not be feasible to redevelop the site. As such the Ordinance as applied to Park at Northgate is not consistent with the State enabling legislation, effectively downzones the property, and most importantly makes redevelopment unviable and contrary to the City’s MHA goals.

Solution 1: Designate the Northgate Urban Center as a “Low Area”, and reduce the MHA fee from \$13.25 to \$7.00. As shown in the map to the right, the NUC has been designated a “Medium Area,” which means that the MHA fee requirement for residential is \$13.25 per foot, instead of the \$7.00 per foot for the surrounding area (see the table to the right). This is an 89% increase over the Bitter Lake and Aurora-Licton Urban Villages, located only a few blocks west. And the fees are the same as in the University District, Ballard and Green Lake, where the prevailing rents and land values are significantly higher. The lower prevailing rents in Northgate mean that a fee of \$13.25 is too high.



MHA requirements for residential and highrise commercial

		low area		medium area	
		%	\$	%	\$
scale of zoning change	(M)	5%	\$7.00	6%	\$13.25
	(M1)	8%	\$11.25	9%	\$20.00
	(M2)	9%	\$12.50	10%	\$22.50

⁹ SMC 23.45.510.B & C. The maximum 2.0 FAR is achieved by complying with the Green Building Standard in SMC Ch. 23.58D and Director’s Rule 20-2017. In the Ordinance, the Green Building Standard is mandatory for all buildings above 1.1 FAR, so in comparing the current code to the Ordinance, using the 2.0 FAR maximum is correct.

¹⁰ Ordinance, Section 43, page 160.

¹¹ See McKee Appraisal Memorandum attached hereto as Attachment 3.

¹² MHA FEIS, page 2.19, Ordinance, Section 98, page 308, Table B and Section 99, page 314, Map A.

¹³ Ordinance, Section 97, page 305 and Section 98, page 308.

¹⁴ If Park at Northgate were on one square foot of land, the fee would be \$30.48. Park at Northgate contains 228,319 square feet of land, so the proposed maximum MHA fee is \$6,958,022.

The City's own 2016 MHA economic analysis (the "CAI Memo") identifies Northgate as a Low Area,¹⁵ and states:

In low market areas, nearly all development prototypes appear challenged. Smaller projects, particularly in RSL and LR zones, appear to yield enough development value to bear the cost of land acquisition in many cases. *Larger projects, however, will need to attain above-market rents in these areas to be feasible.*¹⁶

Exhibit 6 of the CAI memo shows that in an LR3 zone in a Low Area, Multifamily Neighborhood, projects are not feasible.¹⁷

The MHA FEIS, Section 2.19 states:

MHA geographic areas are categorized as low, medium, or high based on information about rental housing sub-markets in the Seattle area from Dupre+Scott Apartment Advisors reports. . . . As shown in Exhibit 2–6, higher MHA requirements would apply in the strong (high) market areas, and lower MHA requirements in weaker (low) market areas. Scaling requirements in this manner is a way to avoid burdening local housing markets and suppressing housing production.

Dupre+Scott is no longer in business, but the table to the right provides the most recent data for 2010 and newer buildings in each Seattle area that Dupre+Scott tracked. Northgate is in the North Seattle area, and it has the second lowest rents of any neighborhood in the City. It is important to stress that this data is not mixing in the older stock of rental units – it is limited to 2010 and newer buildings.¹⁸

Neighborhood/Area	2010 & Newer Actual Rent	2010 & Newer Rent/SF	Area
Belltown/Downtown/SLU	2,316	\$ 3.25	High
First Hill	2,354	\$ 3.21	High
Capitol Hill/Eastlake	1,951	\$ 3.07	High
University	1,754	\$ 3.06	Medium
Central	1,684	\$ 3.04	High
Greenlake/Wallingford	1,898	\$ 2.98	Medium
Queen Anne	1,972	\$ 2.92	Medium
Ballard	1,920	\$ 2.76	Medium
West Seattle	1,780	\$ 2.69	Medium
Magnolia	1,607	\$ 2.46	Medium
Rainier Valley	1,688	\$ 2.37	Low
North Seattle	1,570	\$ 2.24	Medium
White Center	1,273	\$ 1.67	Low

In summary, designating the NUC as a "Low Area" is justified by the City's MHA economic analysis and the Dupre + Scott data cited in the MHA

FEIS, is consistent with the goals of the MHA FEIS, and is necessary in order for redevelopment under the MHA rezones to be feasible. We ask that you designate NUC as a "Low Area."

¹⁵ Community Attributes Inc. Technical Memorandum to Geoff Wentlandt, dated November 29, 2016. See Exhibit 5, which indicates the Enclave at Northgate is a Low Market Area property. Enclave is located one block west of the Park at Northgate property, and is currently zoned NC3-85. So the land value and achievable rents are higher for Enclave than Park at Northgate. Despite that, CAI concluded Enclave was in a Low Market Area.

¹⁶ CAI Technical Memo, page 3 (emphasis supplied).

¹⁷ In addition, the CAI Memo did not analyze the additional burden created by requiring the Green Building Standard compliance but removing the 0.5 FAR bonus that incentivizes it, as discussed below.

¹⁸ This data is confirmed by paragraph 3 of the McKee Appraisal memo in Attachment 3 hereto.

Solution 2: Increase Density. Reducing the NUC to “Low Area” gets the paradigm closer to an incentive, but the MHA Fee cost of \$16.10 per square foot¹⁹ still exceeds the \$12.90 benefit conveyed, and therefore remains a disincentive. To achieve the incentive, additional density is required. Below we discuss three alternatives that we believe are viable from a land use, neighborhood and political standpoint:

1. Preserving the LR3(M) zoning but restoring the 0.5 FAR bonus for achieving the Green Building Standard.
2. Rezoning to NC2-55(M).
3. Rezoning to MR(M1).

Alternative 1. Amend the LR3(M) Zoning to Preserve the 0.5 FAR Green Building Standard Bonus.

Currently, LR3 zoning is defined under SMC Chapter 23.45. Inside an urban center, apartment projects are allowed an FAR of 1.5, or 2.0 if the applicant makes a commitment that the proposed development will meet the green building standard in accordance with SMC Chapter 23.58D.²⁰ The Green Building Standard is defined under Director’s Rule 20-2017 and can be summarized as requiring a LEED Gold certified building and energy use at least 15% lower than required by the 2015 Seattle Energy Code. This is not an insignificant requirement -- meeting this standard in redevelopment of Park at Northgate would add well over a million dollars in additional costs.

Zone	Location	Apartment ²
LR3	Outside of inside urban centers, urban villages, and the Station Area Overlay District	1.3 or 1.5 ⁴
	Inside	1.5 or 2.0

Existing SMC 23.45.510

Under the proposed Ordinance, an apartment project in an urban center on land zoned LR3(M) is afforded a maximum FAR of 2.3²¹ and a maximum structure height of 54 feet.²² The MHA provisions of SMC Chapters 23.58B and 23.58C are made applicable, imposing a multi-million dollar cost on the redevelopment of Park at Northgate.²³

ZONING		FAR LIMIT ^a		HEIGHT LIMIT		
Existing	Proposed	Housing Type	Existing	Proposed	Existing	Proposed
Lowrise 3 (LR3)	Lowrise 3 (LR3)	Cottage Housing	1.1	1.3	22'	22'
Inside of urban village, center, or station areas	Inside of urban village, center, or station areas	Townhouse	1.4	4-6 2.3	40'	50'
		Rowhouse	1.4	2-2 2.3	+ 5' roof pitch	+ 5' roof pitch
		Apartment	2.0	2.3		

^a To achieve the maximum FAR limit under existing regulations, a builder must meet standards for the location and configuration of parking and achieve green building performance. In the proposed builders must achieve green building performance standards.
Source: City of Seattle, 2017.

MHA FEIS, Appendix F

And on top of that, new section SMC 23.45.530 makes the Green Building Standard mandatory for redevelopments in excess of 1.1 FAR.²⁴ The 0.5 FAR bonus afforded under the current code for complying with the Green Building Standard has been eliminated. This is acknowledged in Exhibit F-2 of Appendix F of the MHA FEIS, which states as follows: “To achieve the maximum FAR limit under existing regulations, a builder must meet standards for the location and configuration of parking and achieve green building performance. In the proposed [zoning] builders *must* achieve the green building standard” (underlining

¹⁹ Max FAR of 2.3 x \$7.00 = \$16.10 per square foot of land.

²⁰ SMC 23.45.510.C.1 (emphasis supplied). There are additional requirements for lots abutting alleys, and parking is required to be totally enclosed within the same structure as the residential use, but these would not impose additional burdens on a redevelopment of Park at Northgate because it does not abut an alley and we will provide structured parking regardless of the requirement.

²¹ Section 34, page 99.

²² Section 36, page 109 (50 feet) and 113 (additional 4 feet).

²³ Section 38, page 132.

²⁴ Section 45, page 160.

added). Consequently, a seven-figure burden is imposed, and the benefit it previously conferred in the form of a 0.5 FAR bonus was eliminated.

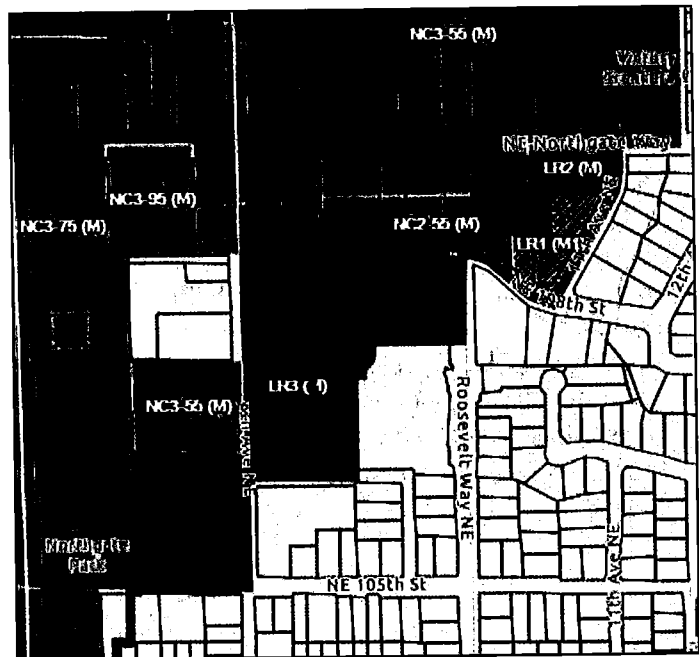
If the LR3(M) zone maintains the 0.5 FAR bonus for complying with the Green Building Standard, properties in the LR3(M) zone could be redeveloped to a reasonable level of density (a 2.8 FAR). The City would also receive benefits in the form of more energy efficient and otherwise environmentally friendly buildings, as well as additional MHA fees or MHA units.

With these changes, the benefit conveyed by the ordinance would be a 0.8 FAR increase x \$43.00 FAR value = \$34.40 per square foot, which would be greater than the MHA fee of \$7.00 x 2.8 = \$19.60 per square foot. The benefits exceed the costs, and the paradigm is an incentive.

Due to site constraints, Park at Northgate can only be developed to a 2.5 FAR if the height limit is 54 feet, but even at that level the MHA paradigm creates a small incentive. Redevelopment to the maximum 2.5 FAR would require payment of approximately \$4 million in MHA fees. We would also be able to construct roughly 700 new apartment homes on the property, a quarter of which would be rent restricted if we provided the MHA units on-site and pursued the MFTE. That would mean 175 rent restricted units (35 MHA and 140 MFTE).²⁵ The number of new affordable units would exceed the 148 market-rate units currently on the site.

Alternative 2. Rezone Park at Northgate NC2-55(M). Changing the zoning of the property from LR3(M) to NC2-55(M) would produce a somewhat greater incentive than Alternative 1, making it more likely for redevelopment to occur. Under NC2-55(M), the maximum FAR is 4.25. However, due to site constraints and fire code limitations, and the 55-foot height limit under the NC2-55(M) zoning (only one foot higher than LR3(M)),²⁶ we are unable to viably develop any more than we can under LR3(M). As a result, rezoning to this level does not merit an increase from (M) to (M1).²⁷ From a land use perspective, NC2-55(M) produces the same scale of buildings, and is consistent with the proposed zoning for the properties to the north of the site (see the map to the right). What makes this an improvement over Alternative 1 is the Green Building Standard is not a requirement for Commercial-zoned buildings.

Alternative 2 would produce the same results from a neighborhood impact and housing affordability standpoint, but it would make development more likely by eliminating the seven-figure cost of complying with the Green Building Standard. Attachment 2 includes an analysis of how the site meets the City's criteria for rezone to NC2 or NC3. The site complies with all of the criteria, and it is actually a little better-suited to NC3 than NC2.



²⁵ Assumes 5% MHA on-site performance and 20% compliance with MFTE.

²⁶ SMC 23.45.517.D.1 (50 feet) and SMC 23.45.514.F (additional 4 feet).

²⁷ Under Section 3 of the Ordinance, LR3, NC2-55 or NC3-55 are all "Category 3," so (M) is the correct designation for a change from LR3 to NC2-55.

Alternative 3. Rezone Park at Northgate MR(M1).

The third alternative is to grant our previous request²⁸ to rezone the site to MR(M1). As opposed to a rezone to NC, the zoning would remain multifamily, the max FAR would increase to 4.5²⁹, and the height limit to 80 feet.³⁰ Due to building code requirements and site constraints, we would not be able exceed 70 feet in height or a 3.8 FAR.³¹

The site is well-suited to the MR(M1) zoning for the following reasons:

- The additional density will not have an inappropriate impact on the surrounding properties.
- Topographically, the site sits in a depression, below the parcels to the north, south and west.
- The site is surrounded by higher density commercial zones to the west and north, a wide buffer to the south and Roosevelt Avenue NE and NC-zoned property to the northeast.
- The western parcels contain apartment buildings (Enclave, Lane and Northgate 3) that have either been recently completed, or are under construction. Those buildings sit higher than the site and are predominantly 65-70' in height.
- The adjacent parcels to the north are currently zoned NC2-40, and are proposed to be rezoned to NC2-55(M). These parcels are 10-15 feet higher than the site.
- To the south and southeast, the site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area and open space.
- There is no point at which a structure could be built on the site within 140' of an existing residential structure on a neighboring parcel.
- *The site meets all of the criteria for a rezone to MR(M1).* Please see Attachment 2 for our analysis of the City's criteria for rezoning a property to MR.



²⁸ Letter from K. Wallace to Jesseca Brand and Tom Hauger, dated June 30, 2017.

²⁹ Ordinance, Section 34, page 99.

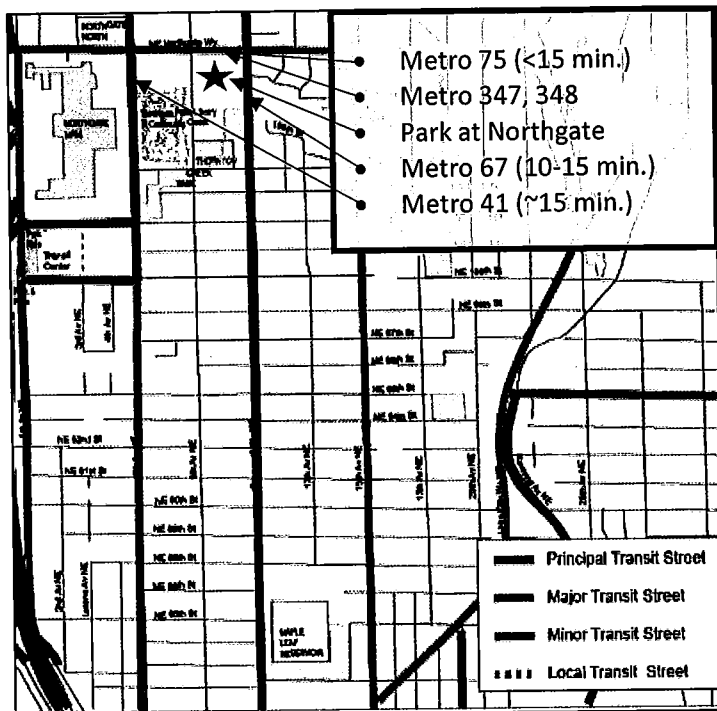
³⁰ Ordinance, Section 36, page 110.

³¹ If it were feasible to do so without going through a full contract rezone, we would be happy to execute a PUDA to limit the height and density to 70 feet and 3.8 FAR as part of the adoption of the Ordinance.

- Presence of frequent transit service within a 5-minute walk supports higher density.* In the MHA FEIS, the primary consideration for rezoning to M1 or M2 in a “high risk of displacement” neighborhood like Northgate is being located within a five-minute walk from frequent transit service.³² In Northgate, it appears that only the Northgate Transit Center was considered to have frequent transit service, but in fact, Park at Northgate is already surrounded by frequent transit nodes, and according to Seattle’s Transit Master Plan, even more service is slated to come. As shown on the maps below, Park at Northgate is within a five-minute walk of 5th Avenue NE, a Principal Transit Street, NE Northgate Way, a Major Transit Street, and Roosevelt Way, a Minor Transit Street. Metro Route 67 stops on Roosevelt abutting the site, runs on less than 15 minute headways from 5:50AM to 9:54PM (16 hours), and connects to the Northgate Transit Center. Route 75 stops 300 feet from the site, and runs on approximately 15 minute headways from 6:50AM to 10:50PM (16 hours). The site is also within a 10-minute walk of the Northgate Transit Center. As such, the MHA FEIS’ primary consideration for an M1-level increase is amply supported by the presence of frequent transit nodes around the Park at Northgate site.³³



Portion of Metro System Map



Northgate CTIP Final Report, Sept. 2006, Figure 3-15

The benefits afforded to Park at Northgate by the rezone to MR(M1) would be a 2.5 FAR increase from the current 2.0 to a maximum of 4.5 and an increase in height to a maximum of 80 feet. Due to building code and site constraints we would be unable to build higher than 70 feet and could not exceed a 3.8 FAR. So the

³² “[R]ecognizing the high risk of displacement in this community, we propose making only standard (M) zoning changes, except in areas within a five-minute walk of frequent transit.” MHA FEIS, Appendix B, Summary of Community Input, pages 39-65 (emphasis supplied). “Frequent transit service is defined as 15-minute headways (i.e., four buses per hour) for at least 16 hours a day.” Memorandum from Sara Maxana to Council Member Rob Johnson, dated May 3, 2018, Subject: Responses to questions at April 16, 2018 Select Committee meeting, page 3.

³³ According to the PSRC’s Growing Transit Communities strategy, the best metric for distance from the Northgate Transit Center is not the five-minute walkshed, but rather the ten-minute walkshed or one-half mile. See the definition of “Transit Community” in the Strategy (<https://www.psrc.org/sites/default/files/gtcstrategy.pdf>). Park at Northgate is within one-half mile of the Northgate Transit Center.

increase in Usable FAR is 1.8, and the benefit received is $1.8 \times \$43.00 = \77.40 per square foot of land, and the MHA Fee if the NUC were a "Low Area" would be $3.8 \times \$11.25 = \42.75 per square foot. Full build out to a 3.8 Usable FAR would generate an MHA Fee contribution of approximately \$9.8 million. The Green Building Standard would also be required, but the additional density would still be sufficient to create an incentive for redevelopment. Based on our preliminary analysis we would be able to construct approximately 1,000 new apartment homes with the MR(M1) zoning, of which 280 would be rent restricted if we provided the MHA units on-site -- 80 MHA units (8% of the units vs. 5% in Alternatives 1 and 2) and 200 MFTE.³⁴

Please see the table in Attachment 1 that summarizes the three alternatives, our analysis in Attachment 2 of the City's code requirements for rezones to MR(M1) or NC2-55(M), all of which are all met by the Park at Northgate site, and the McKee Appraisal letter in Attachment 3 indicating the value of the usable FAR in the NUC is \$43, and that the NUC should be a "Low Area".

We hope you appreciate our efforts to find common ground, and we hope you will work with us by designating the NUC as a "Low Area" and making one of the three zoning modifications we propose above.

Sincerely yours,



Kevin R. Wallace
Manager, Park at Northgate LLC
cc: Geoff Wentlandt, Brennon Staley
Office of Planning and Community Development

³⁴ Assumes 8% MHA on-site performance and 20% compliance with MFTE.

ATTACHMENT 1
EXCEL MODEL OF FAR BENEFITS AND MHA COSTS FOR PARK AT NORTHGATE

	City Proposed Ordinance LR3(M)	Alt. 1: LR3(M) with GBS Bonus	Alt. 2: Proposed NC2-55	Alt. 3: Proposed MR(M1)
1 Maximum FAR (Base is 2.0)	2.30	2.80	4.25	4.50
2 Additional FAR Granted	0.30	0.80	2.25	2.50
3 Usable FAR	2.30	2.50	2.50	3.80
4 Additional Usable FAR Granted	0.30	0.50	0.50	1.80
5 Applicable Residential MHA Fee	13.25	7.00	7.00	11.25
6 FAR Value (see Attachment 3)	43.00	43.00	43.00	43.00
7 MHA Fee per SF of Usable FAR (Line 3 * Line 5)	30.48	17.50	17.50	42.75
8 Value of Additional Usable FAR (Line 4 * Line 6)	12.90	21.50	21.50	77.40
9 Incentive/(Disincentive) (Line 8 - Line 7)	(17.58)	4.00	4.00	34.65
10 Maximum MHA Fee Contribution	0	3,995,583	3,995,583	9,760,637
11 Residential Units Produced	148	700	700	1000
12 MHA Units if on-site performance	0	35	35	80
13 MFTE Units	0	140	140	200
14 Total affordable units if on-site performance	0	175	175	280

The table above shows the financial incentive or disincentive for Park at Northgate, as well as the community benefits in the form of MHA Fee contributions, new units produced, and new affordable units produced.

- The Maximum FAR that would be available to the site under the Ordinance and the three alternatives.
- The increase in FAR over the current LR3 FAR of 2.0.
- Usable FAR is the amount of FAR we could realistically use given other code, cost and site constraints.
- Additional Usable FAR Granted is line 3 minus the current LR3 FAR of 2.0.
- The applicable MHA fee for residential as stated in the Ordinance (for a Low Area).
- The approximate value of an additional square foot of floor area in the NUC.
- The MHA Fee is the burden on the site that is imposed by the Ordinance. It is derived by multiplying the MHA Fee (Line 5) by the Usable FAR (Line 3). The MHA fee is likely understated here because the gross floor area on which the fee is charged exceeds the gross floor area under the definition of FAR.
- The value of additional usable FAR is the additional usable FAR granted (line 4) multiplied by the value of an additional square foot of floor area in the NUC (line 6).
- Incentive/(Disincentive) – where the number is in parentheses (negative) it indicates the paradigm is punitive. Where positive, the alternative is an incentive, and more likely consistent with state law.
- The maximum MHA Fee contribution is derived by multiplying the land area of the Park at Northgate site, 228,319 square feet, by the applicable MHA Fee (line 5). The MHA Fee under the proposed Ordinance is zero because redevelopment would not be viable.
- Residential Units Produced is the number of units we currently believe could be developed under the proposed zoning. This is based on our preliminary concept analysis. Under the Ordinance column, 148 is the number of units currently on the site.
- MHA Units if on-site performance multiplies the total number of units (line 11) by the applicable MHA percentage for the alternative.
- MFTE Units is derived by multiplying line 11 by 20%, except for the proposed Ordinance column, where MFTE units cannot be provided because redevelopment cannot occur.
- Total affordable units is line 12 plus line 13.

ATTACHMENT 2
REZONE CRITERIA ANALYSIS

Code §	Criterion	Response
General Criteria		
23.34.008.A.1	In urban centers the zoned capacity for the center shall be no less than 125% of the growth estimates adopted in the Comprehensive Plan for that center.	The proposed rezone will allow for an increase in density (not a reduction below 125% of growth estimates), so this criterion is met.
23.34.008.A.2	N/A - applies to urban villages.	
23.34.008.B	Match between zone criteria and area characteristics.	See discussion of specific zone characteristics below.
23.34.008.C	Examine zoning history and precedential effect.	Seattle 2035 Comprehensive Plan contains numerous provisions supporting development and additional density near frequent transit service. The MHA Ordinance rezones surrounding properties to NC2-55(M) and calls for M1 zoning increases for sites within a five-minute walk of frequent transit service.
23.34.008.D	Neighborhood Plans	The 2013 Northgate Urban Design Framework calls the property an "Opportunity Site" for redevelopment. It also identifies the site as "Residential Priority", which suggests that MR may be more appropriate than NC. The Northgate Comp Plan is from 1993 and is so dated that it is of little value at this point, but a rezone to NC2-55(M) or MR(M1) would be consistent with policies NG-G1, G2, G3, G4, G7, P1, P2, P5, P7, P8.5, P11.
23.34.008.E.1	Gradual transition between more intensive zones and less intensive zones.	The adjacent properties to the north are proposed to be rezoned to NC2-55(M), which is equal or similar to the proposed Max FAR and height. Properties to the west range from NC3-55(M) to NC3-95(M). Taking into consideration the 10-15 foot lower elevation of the site and the code and site constraints that limit our ability to build higher than seventy feet or more than a 3.8 FAR, the intensity is still lower on our site, even with the MR zoning. Properties to the east and south are buffered by Roosevelt and the creek buffer.
23.34.008.E.2	Physical buffers may provide effective separation.	This is the case with the creek buffer between the site and the residential properties to the southeast.
23.34.008.E.3.b	Zone boundaries.	Physical buffers create a boundary between the site and the properties to the south and east. The west is higher intensity commercial, the north is equal or similar intensity.
23.34.008.E.4	Height limits above 40' should be limited to urban villages.	The site is in the Northgate Urban Center.

Code §	Criterion	Response
General Criteria		
23.34.008.F	Impact evaluation.	The MHA FEIS assumes 3,000 units will be built in the Northgate Urban Center between 2015 and 2035. This is highly unlikely to occur without redevelopment of Park at Northgate to a density of 700-1,000 units. As a result we believe the FEIS adequately evaluates the impacts of a zoning increase to NC2-55(M) or MR(M1).
23.34.008.G	Changed circumstances.	The MHA FEIS outlines various changed circumstances that support the requested rezone. Housing affordability and increased transit service are primary factors.
23.34.008.H	Overlay districts.	The site is in the Northgate Overlay. We see no issues with continuing to comply with the requirements of SMC Chapter 23.71, as amended by the proposed Ordinance.
23.34.008.I	Critical areas.	The site and redevelopment will not impact any critical areas, including the stream buffer to the south. Redevelopment of the site would enable additional stormwater improvements that would improve water quality of Thornton Creek.
23.34.008.J	Applies to parcels with incentive zoning.	Not applicable.
23.34.009	Height limits.	Due to the low elevation of the site and the heights, the wide buffers to the south and east, and the proposed heights for properties to the west (75'+) and north (55'), an increase in height to the NC2-55 or MR levels is appropriate. Shadow studies can be provided upon request. Due to code limitations and site constraints we would not build higher than 70', and we would be willing to execute a PUDA or similar instrument to confirm this.
MR Zone Criteria		
23.34.024.B.1.c	Locational criteria includes properties within an urban center.	The site is within the Northgate Urban Center.
23.34.024.B.2	Properties designated as an environmentally critical area may not be rezoned to Midrise.	The site is not designated as an environmentally critical area.
23.34.024.B.3	Other criteria, with a list numbered (a) through (i). (a) adjacent to business and commercial areas. (b) served by major arterials where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development. (c) in close proximity to major employment centers. (d) in close proximity to open space and recreational facilities. (e) along arterials where topographic changes provide an edge or permit a transition in scale with surroundings.	The site complies with (a) through (e). (a), (b) and (c) are discussed in the letter. For (d), the site has its own open space, which will remain, and is close to the Thornton Creek water channel buffer as well as the Northgate Community Center. For (e), Roosevelt provides an edge for the properties to the east. (f) through (i) are dependent on the topography of the site. The site most closely responds to (g) - a moderate slope where the height and bulk of existing structures have already limited the multifamily area and upland areas.

Code §	Criterion	Response
NC2 Zone Criteria		
23.34.076.B	Locational criteria are: <ol style="list-style-type: none"> 1. Secondary business district in an urban center. 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors. 3. Lack of strong edges to buffer the residential areas. 4. A mix of small and medium sized parcels. 5. Limited or moderate transit service. 	The site responds to 1, 2 and 4. With respect to 2 and 5, the site responds better to the NC3 zone criteria. NC2 is proposed because the City Ordinance designates the adjacent parcels to the north as NC2. The parcels directly to the west are NC3.
NC3 Zone Criteria		
23.34.078.B	Locational criteria are: <ol style="list-style-type: none"> 1. The primary business district in an urban center. 2. Served by principal arterial. 3. Separated from low-density residential areas by physical edges, less intense commercial areas or more-intense residential areas. 4. Excellent transit service. 	The site responds to all of these criteria. NC2 is proposed because the City Ordinance designates the adjacent parcels to the north as NC2.

ATTACHMENT 3
MCKEE & SCHALKA MEMO

May 16, 2018

Kevin R. Wallace
Wallace Properties, Inc.
330 112th Ave NE
Bellevue, WA 98004

Re: Typical value of residential floor area in the Northgate Urban Center

Mr. Wallace:

At your request, I have analyzed the typical contributory value of increased development capacity within the Northgate Urban Center, proposed as part of Seattle's Citywide MHA Ordinance. This consulting analysis is not an appraisal as it does not pertain to any given subject property or properties; it is an examination of market data to determine the typical marginal value of residential floor area observed in the Northgate Urban Center. This memo is intended for use in conjunction with your cost/benefit analysis of the City's proposed zoning and development fees.

My work on this matter primarily involved examining recent sales of development land, with the analysis based on the potential floor area that can feasibly be constructed. The data was analyzed in terms of the marginal value brought by each additional square foot of building area that can be built on the land. Specifically, this analysis centers on the value of residential floor area on land suitable for typical-density apartment configuration. The most relevant sales were planned for apartment development, while some sales could have been typical apartment but were planned for other uses including hotel, congregate, and townhouse-style development.

I also examined current apartment rents within the market to understand the underlying economics at work in the pricing of development land, and also to identify locations for sale analysis that are comparable to Northgate Urban Center; neighborhoods with similar apartment rental rates are generally similar for land economics and pricing. On this basis I identified comparable locations and sale data (with similar apartment rents and corresponding land pricing) in the Lake City Urban Village, Aurora-Licton Springs Urban Village, in the vicinity of Lake City Way, and in the Pinehurst neighborhood. Considering that your use of this analysis involves the MHA Ordinance, I note that all of these comparable sale locations are classified as "Low" for MHA requirements, which is inconsistent with the subject Northgate Urban Center classification as "Medium". Other Medium designated MHA locations are almost all south of 85th Street, in neighborhoods that have higher apartment rents and correspondingly higher land values, but Northgate values and land economics are more correctly comparable to these nearby Low-designated locations.

Residential Floor Area in the Northgate Urban Center
May 10, 2018
Page 2

Many prospective sales were examined. The most relevant sales are those sales that best reflect the situation and value characteristics of the Northgate Urban Center. Primary emphasis was given to the most recent sales, to those that were purchased for construction of typical apartments, and to those that had comparable locations based on rental rate and proximity factors as discussed above. Analysis consideration was given to both practical maximum-density development, and to selected or achieved actual development density (as measured by the Floor Area Ratio maximum under the zoning, and to the constructed or planned floor area for each sale).

Based on analysis of the data, I conclude that the typical marginal value of residential floor area in the Northgate Urban Center is \$43 per square foot. In other words, each additional square foot of residential floor area that can or would feasibly be built typically adds \$43 to the value of the underlying property.

Please feel free to contact me should you have any questions regarding my analysis.

Respectfully,


Bates McKee, MAI, CRE

McKee Appraisal
Real Estate Appraisal Services & Consultants, Inc.

Land Sales - North Seattle

Name & Address	Zoning	Land Area (sq ft)	Actual FAR	Max FAR	# of Units	Sale Date	Analysis Price	SF/ Land	Actual SF/FAR	Max SF/FAR	Comments
Industrial/Development Use:											
1 Merritt Center Square 12303-12309 15th Ave NE Seattle, WA	NCR-40	15,613	2.41 <i>Proposed</i>	3.25	31	Oct-17	\$1,200,000	\$115	\$48	\$35	Two-parcel interchange situated at northwest corner of 15th Ave NE and NE 123rd St. Older commercial structures in place at the time. Buyer to redvelop with 4-story mixed use project. Proposed 31-unit apartment development containing 2,400 sq ft of ground floor retail along and 15 parking stalls.
2 Linden Springs Site 9510 Stone Ave N Seattle, WA	CR-65	15,000	3.89 <i>Proposed</i>	4.75	82	Jan-16	\$2,160,000	\$157	\$48	\$33	Corner site, rectangular in shape with alley access. Improved at time of sale with a second office and equipment shed. Master Use Permit (MULP) approved for 82 apartment units. Listed for sale at asking price of \$2,160,000 (\$26,000 per unit).
3 Orchard Apartments Site 12311 32nd Ave NE Seattle, WA	NCR-85	31,722	4.45 <i>Actual</i>	6.00	153	Mar-15	\$4,450,000	\$140	\$32	\$23	Midblock site two blocks off Lake City Way with alley access. Improved with several tear-down homes at the time of sale. Property was fully entitled for a 153-unit building (including 9 five-work units) with 2 floors of below-grade parking (228 stalls). Finished project. Origin Apartments, sold May 2018 for \$53 million (\$346k per unit).
Other:											
4 Northgate Marriott Site 10713 Marston Ave N Seattle, WA	NCR-40	29,375	2.66 <i>Actual</i>	3.25	140	Feb-15	\$2,990,000	\$98	\$37	\$30	Rectangular site with frontage on two streets and some steep slopes. Formerly improved as an Aloha fast food restaurant and in operation until the time of sale, but demolished by buyer after sale. Permitted for construction of a 140-room Courtyard Marriott hotel. Listed for sale in August 2013 and sold for full asking price.
5 Norona Plushmore Site 11202 Rosevelt Way NE Seattle, WA	NCR-40	16,485	1.34 <i>Proposed</i>	3.25	20	Aug-16	\$1,800,000	\$109	\$81	\$34	Corner site, generally rectangular in shape and level. Improved at time of sale with a vacant restaurant building. Buyer is underway with a 20-unit residential development, consisting of 7 townhome units along the arterial and 13 townhomes. Proposed residential FAR is 1.34 (including first floor garage/utility area).
6 Sedona 215 Site 2000 NE 85th St Seattle, WA	CR-65	22,231	2.22 <i>Actual</i>	4.75	198	May-16	\$3,900,000	\$175	\$79	\$37	Corner site just off Lake City Way, in use as surface parking lot. 80-bed micro-housing property to soon also sold to same buyer (same seller) in separate transaction. Vacant site was to be Phase II and had MULP for two-unit building. Access to existing 80-unit building is over vacant site; projects were to be joined together. Buyer has revised MULP to instead use contiguous and townhome project.
7 Franklin Building 11152 15th Ave NE Seattle, WA	NCR-40	16,299	N/A	3.25	50-60	Leasing	\$2,600,000	\$160	N/A	\$49	Property is under contract, subject to buyer's feasibility contingency. Price is close to asking, but not full asking. Marketing materials indicate site can accommodate 50-60 apartment units or 16 townhome units. Listing broker reported buyers have previously been looking at the site for townhome development.

Prepared by: McKee-Appraisal
May 2018



August 7, 2018

Councilmember Rob Johnson
Chair, Select Committee on Citywide MHA
Via hand delivery and email to: Rob.Johnson@Seattle.gov

Re: Comments on OPCD MHA Citywide Ordinance as it Pertains to Northgate & Specific Requests with Respect to Park at Northgate

Dear Councilmember Johnson:

This letter is presented as a supplement to our discussion this morning of the MHA Citywide Ordinance¹ (“Ordinance”) and the redevelopment of the Park at Northgate. On May 17, 2018 I sent a letter to you and Councilmember Juarez describing the challenges the Ordinance in its current form would present, primarily because the additional density granted is insufficient to offset the cost of the MHA requirements. This problem can be remedied by increasing the density granted, decreasing the fees/on-site performance requirements, or some combination thereof. I also presented several solutions that would remedy the problem and enable us to move forward with redevelopment.

Since that time I’ve received feedback from city staff that the best of the options presented was to rezone the property from the currently proposed LR3(M) to MR(M1). We also met with Councilmember Juarez, who responded positively and suggested we meet with you and Councilmember Mosqueda to provide an overview and explain the benefits of changing the proposed zoning of the property to MR(M1). We would also like to request the elimination of the Green Building Standard requirement and explain why it is important to maintain the multi-family tax exemption (MFTE) incentive.

For our part, we are willing to do our part to achieve the goals of MHA and ameliorate any concerns about displacement of the 148 2-bedroom market rate units currently on the site by making the commitments in the table below.

Requests	Commitments
Designate the site as MR(M1) instead of LR3(M).	Provide at least 148 2-bedroom units to replace the existing 148.
Eliminate the Green Building Standard requirement.	Provide MHA units on-site at 9% Medium Area level, 60% AMI rents, instead of paying the fee-in-lieu.
Maintain MFTE in its current form, with the 2017 definition of affordable rent.	Provide 20% of the units at MFTE rents, 65-85% AMI for 12 years.
	Phase the redevelopment to reduce the impact on existing renters as much as possible.

¹ http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD_MHA_Citywide_ORD.pdf.

Park at Northgate apartments are located at 10735 Roosevelt Way NE, on the east edge of the Northgate Urban Center between Roosevelt Way NE on the east and 8th Avenue NE on the west. The 5.24 acre site is presently developed with the a 148 unit garden-style apartment complex. This low-density² complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. However, the project is also performing well – the average monthly rent is currently \$1,800, and renters pay utilities separately. This means the average unit is affordable to those earning 90% of Area Median Income (AMI).³



As shown in the enclosed concept plans, the redevelopment of the Park at Northgate property under the MR(M1) zoning provides the opportunity to increase the number of homes on the site from 148 to 1,000 with 290 *rent restricted* units (90 MHA and 200 MFTE). The new homes would be transit-oriented workforce housing, and the redevelopment would provide a number of community benefits, including the provision of pedestrian and bike connections and significant improvement to the quality of the stormwater entering into Thornton Creek.

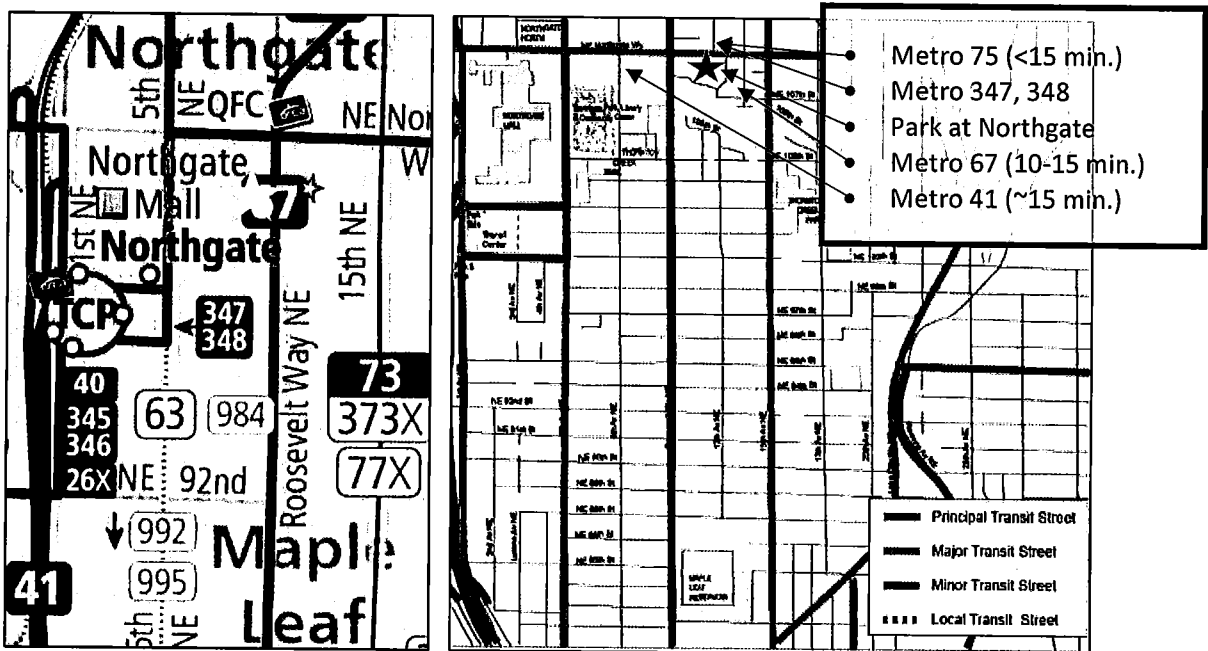
The site is well-suited to the MR(M1) zoning for the following reasons:

- The additional density will not have an inappropriate impact on the surrounding properties.
- Topographically, the site sits in a depression, below the parcels to the north, south and west.
- The site is surrounded by higher density commercial zones to the west and north, a wide buffer to the south and Roosevelt Avenue NE and NC-zoned property to the northeast.
- The western parcels contain apartment buildings (Enclave, Lane and Northgate 3) that have either been recently completed, or are under construction. Those buildings sit higher than the site and are predominantly 65-70' in height.
- The adjacent parcels to the north are currently zoned NC2-40, and are proposed to be rezoned to NC2-55(M). These parcels are 10-15 feet higher than the site.
- To the south and southeast, the site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area and open space.
- There is no point at which a structure could be built on the site within 140' of an existing residential structure on a neighboring parcel.
- *The site meets all of the criteria for a rezone to MR(M1). Please see Attachment 1 for our analysis of the City's criteria for rezoning a property to MR.*

² The FAR of the existing buildings is 0.66. Much of the site is covered with impervious parking lots and stormwater runoff to Thornton Creek is untreated.

³ See Seattle Office of Housing 2017 Income and Rent Limits. A 2-bedroom unit at 90% AMI is \$1,944 less the \$155 utility deduction equals \$1,789 base rent. Current average rent at Park at Northgate is \$1,800 plus utilities. https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits_MFTE.pdf.

- Presence of frequent transit service within a 5-minute walk supports higher density.* In the MHA FEIS, the primary consideration for rezoning to M1 or M2 in a “high risk of displacement” neighborhood like Northgate is being located within a five-minute walk from frequent transit service.⁴ In Northgate, it appears that only the Northgate Transit Center was considered to have frequent transit service, but in fact, Park at Northgate is already surrounded by frequent transit nodes, and according to Seattle’s Transit Master Plan, even more service is slated to come. As shown on the maps below, Park at Northgate is within a five-minute walk of 5th Avenue NE, a Principal Transit Street, NE Northgate Way, a Major Transit Street, and Roosevelt Way, a Minor Transit Street. Metro Route 67 stops on Roosevelt abutting the site, runs on less than 15 minute headways from 5:50AM to 9:54PM (16 hours), and connects to the Northgate Transit Center. Route 75 stops 300 feet from the site, and runs on approximately 15 minute headways from 6:50AM to 10:50PM (16 hours). The site is also within a 10-minute walk of the Northgate Transit Center. As such, the MHA FEIS’ primary consideration for an M1-level increase is amply supported by the presence of frequent transit nodes around the Park at Northgate site.⁵



Portion of Metro System Map

Northgate CTIP Final Report, Sept. 2006, Figure 3-15

⁴ “[R]ecognizing the high risk of displacement in this community, we propose making only standard (M) zoning changes, except in areas within a five-minute walk of frequent transit.” MHA FEIS, Appendix B, Summary of Community Input, pages 39-65 (emphasis supplied). “Frequent transit service is defined as 15-minute headways (i.e., four buses per hour) for at least 16 hours a day.” Memorandum from Sara Maxana to Council Member Rob Johnson, dated May 3, 2018, Subject: Responses to questions at April 16, 2018 Select Committee meeting, page 3.

⁵ According to the PSRC’s Growing Transit Communities strategy, the best metric for distance from the Northgate Transit Center is not the five-minute walkshed, but rather the ten-minute walkshed or one-half mile. See the definition of “Transit Community” in the Strategy (<https://www.psrc.org/sites/default/files/gtcstrategy.pdf>). Park at Northgate is within one-half mile of the Northgate Transit Center.

Green Building Standard. The Green Building Standard (GBS) requires compliance with LEED Gold or similar green building standard, plus demonstration that annual energy use is at least 15 percent lower than required by the 2015 Seattle Energy Code.⁶ GBS is imposed on the Park at Northgate project via Section 43 of the Ordinance, which requires all projects above a very low FAR threshold to comply with it. This is a marked shift from the incentive provided to LR2 and LR3 properties under the current code. As described in the enclosed letter to Councilmember Juarez dated July 31, 2018, compliance with GBS would add approximately \$525,000 in additional cost to the redevelopment of Park at Northgate.

Further, GBS is not required in Commercial zones, so if adopted, Park at Northgate would have to comply with GBS but our neighbors to the north and west would not. This unfairly penalizes the Multifamily zoned properties. So I ask that you remove this requirement and instead look to impose energy code requirements citywide via updates to the energy code instead of including them in the MHA Ordinance.

MFTE. Finally, in order to make all of this work financially it is important to maintain the MFTE incentive. I look forward to discussing this topic at our meeting.

Thanks for taking the time to meet today, and for considering our requests to enable the redevelopment of the Park at Northgate property.

Sincerely yours,



Kevin R. Wallace
Manager, Park at Northgate LLC

Enclosures

⁶ See SMC Chapter 23.58D and DR 20-2017.

**ATTACHMENT 1
REZONE CRITERIA ANALYSIS**

Code §	Criterion	Response
General Criteria		
23.34.008.A.1	In urban centers the zoned capacity for the center shall be no less than 125% of the growth estimates adopted in the Comprehensive Plan for that center.	The proposed rezone will allow for an increase in density (not a reduction below 125% of growth estimates), so this criterion is met.
23.34.008.A.2	N/A - applies to urban villages.	
23.34.008.B	Match between zone criteria and area characteristics.	See discussion of specific zone characteristics below.
23.34.008.C	Examine zoning history and precedential effect.	Seattle 2035 Comprehensive Plan contains numerous provisions supporting development and additional density near frequent transit service. The MHA Ordinance rezones surrounding properties to NC2-55(M) and calls for M1 zoning increases for sites within a five-minute walk of frequent transit service.
23.34.008.D.	Neighborhood Plans	The 2013 Northgate Urban Design Framework calls the property an "Opportunity Site" for redevelopment. It also identifies the site as "Residential Priority", which suggests that MR may be more appropriate than NC. The Northgate Comp Plan is from 1993 and is so dated that it is of little value at this point, but a rezone to NC2-55(M) or MR(M1) would be consistent with policies NG-G1, G2, G3, G4, G7, P1, P2, P5, P7, P8.5, P11.
23.34.008.E.1	Gradual transition between more intensive zones and less intensive zones.	The adjacent properties to the north are proposed to be rezoned to NC2-55(M), which is equal or similar to the proposed Max FAR and height. Properties to the west range from NC3-55(M) to NC3-95(M). Taking into consideration the 10-15 foot lower elevation of the site and the code and site constraints that limit our ability to build higher than seventy feet or more than a 3.8 FAR, the intensity is still lower on our site, even with the MR zoning. Properties to the east and south are buffered by Roosevelt and the creek buffer.
23.34.008.E.2	Physical buffers may provide effective separation.	This is the case with the creek buffer between the site and the residential properties to the southeast.
23.34.008.E.3.b	Zone boundaries.	Physical buffers create a boundary between the site and the properties to the south and east. The west is higher intensity commercial, the north is equal or similar intensity.
23.34.008.E.4	Height limits above 40' should be limited to urban villages.	The site is in the Northgate Urban Center.

Code §	Criterion	Response
General Criteria		
23.34.008.F	Impact evaluation.	The MHA FEIS assumes 3,000 units will be built in the Northgate Urban Center between 2015 and 2035. This is highly unlikely to occur without redevelopment of Park at Northgate to a density of 700-1,000 units. As a result we believe the FEIS adequately evaluates the impacts of a zoning increase to NC2-55(M) or MR(M1).
23.34.008.G	Changed circumstances.	The MHA FEIS outlines various changed circumstances that support the requested rezone. Housing affordability and increased transit service are primary factors.
23.34.008.H	Overlay districts.	The site is in the Northgate Overlay. We see no issues with continuing to comply with the requirements of SMC Chapter 23.71, as amended by the proposed Ordinance.
23.34.008.I	Critical areas.	The site and redevelopment will not impact any critical areas, including the stream buffer to the south. Redevelopment of the site would enable additional stormwater improvements that would improve water quality of Thornton Creek.
23.34.008.J	Applies to parcels with incentive zoning.	Not applicable.
23.34.009	Height limits.	Due to the low elevation of the site and the heights, the wide buffers to the south and east, and the proposed heights for properties to the west (75'+) and north (55'), an increase in height to the NC2-55 or MR levels is appropriate. Shadow studies can be provided upon request. Due to code limitations and site constraints we would not build higher than 70', and we would be willing to execute a PUDA or similar instrument to confirm this.
MR Zone Criteria		
23.34.024.B.1.c	Locational criteria includes properties within an urban center.	The site is within the Northgate Urban Center.
23.34.024.B.2	Properties designated as an environmentally critical area may not be rezoned to Midrise.	The site is not designated as an environmentally critical area.
23.34.024.B.3	Other criteria, with a list numbered (a) through (i). (a) adjacent to business and commercial areas. (b) served by major arterials where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development. (c) in close proximity to major employment centers. (d) in close proximity to open space and recreational facilities. (e) along arterials where topographic changes provide an edge or permit a transition in scale with surroundings.	The site complies with (a) through (e). (a), (b) and (c) are discussed in the letter. For (d), the site has its own open space, which will remain, and is close to the Thornton Creek water channel buffer as well as the Northgate Community Center. For (e), Roosevelt provides an edge for the properties to the east. (f) through (i) are dependent on the topography of the site. The site most closely responds to (g) - a moderate slope where the height and bulk of existing structures have already limited the multifamily area and upland areas.

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 46

ATTACHMENT D

Altmann Oliver Associates LLC's March 6, 2019 Wetland and Stream Reconnaissance

Altmann Oliver Associates, LLC

PO Box 578

Carnation, WA 98014

Office (425) 333-4535

Fax (425) 333-4509

AOA

Environmental
Planning &
Landscape
Architecture



March 6, 2019

Gareth Roe
BCRA Design
414 Stewart St., Ste. 200
Seattle, WA 98101

AOA-5330

**SUBJECT: Wetland and Stream Reconnaissance for:
Northgate Parcel 292604-9617, Seattle, WA**

Dear Gareth:

On November 29, 2016 I conducted an initial wetland and stream reconnaissance on the subject property utilizing the methodology outlined in the May 2010 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*. No wetlands or streams were identified on the subject property during the field investigation. On March 5, 2019, Altmann Oliver Associates (AOA) conducted a second site review to confirm that the initial no on-site wetlands or streams determination remained valid.

The subject parcel is split into two parts (see attached aerial photo) and consists of a multi-family development with six individual "garden court" style buildings, parking areas, and site landscaping. No native plant communities or areas of native soil were observed on the property and there was no evidence of ponding or prolonged soil saturation anywhere on the site during either site review. The ditch located along the east side of the 8th Ave. NE right-of-way conveys only artificially collected runoff from catch-basins within the right-of-way and is not considered or mapped as a regulated stream or critical area (see attached City mapping).

Off-Site Critical Areas

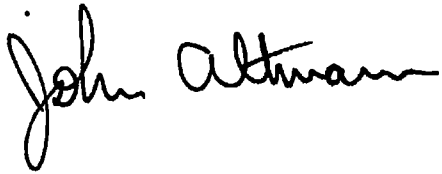
Although no wetlands or streams are located on the property, unclassified wetlands and streams were identified off-site to the south and southwest within Thornton Creek Park 6. These off-site critical areas would need to be classified to determine buffer width requirements as part of any future development proposal.

Gareth Roe
March 6, 2019
Page 2

If you have any questions regarding the reconnaissance, please give me a call.

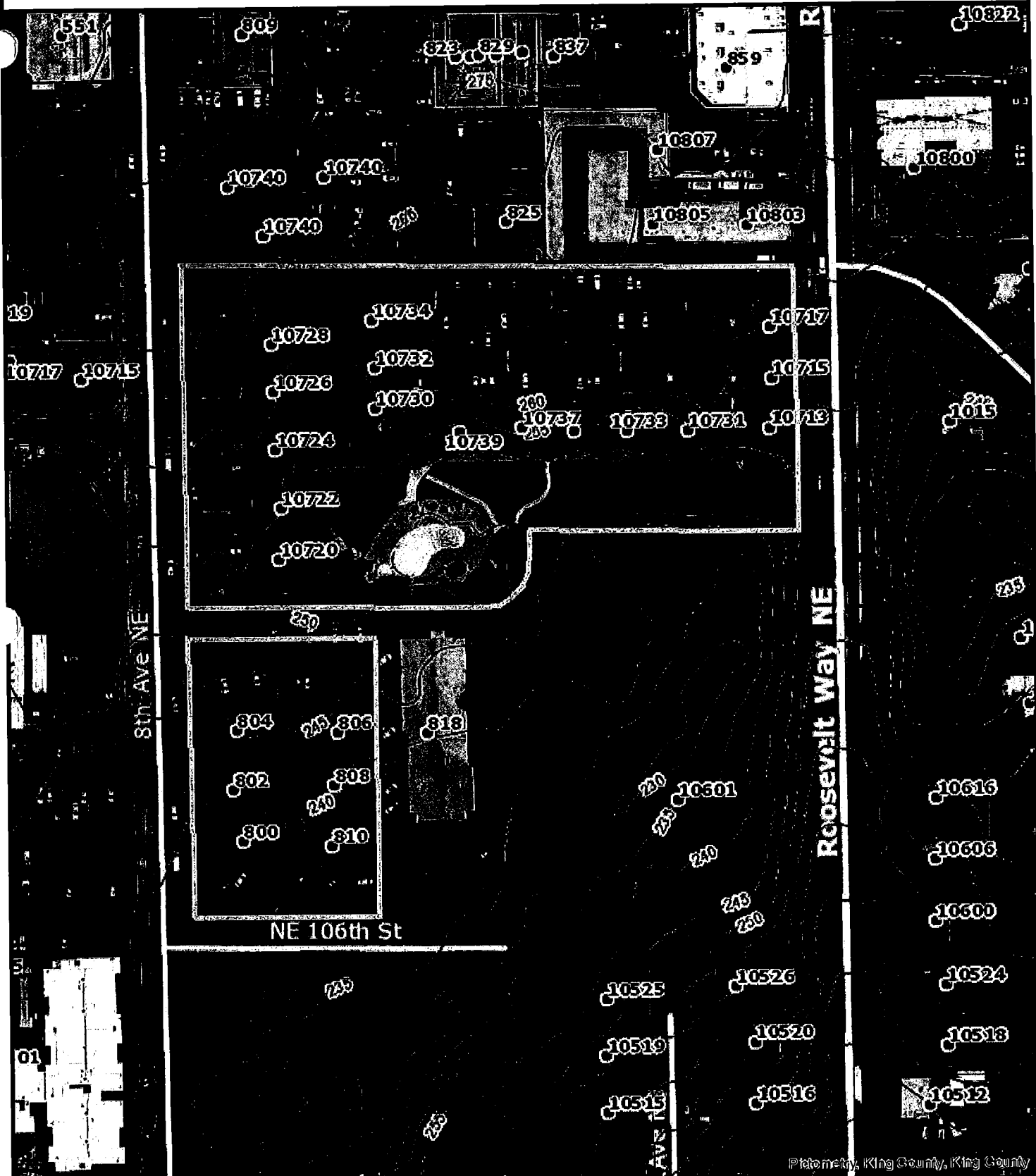
Sincerely,

ALTMANN OLIVER ASSOCIATES, LLC

A handwritten signature in black ink that reads "John Altmann". The signature is written in a cursive, flowing style.

John Altmann
Ecologist

Parcel 292604-9617



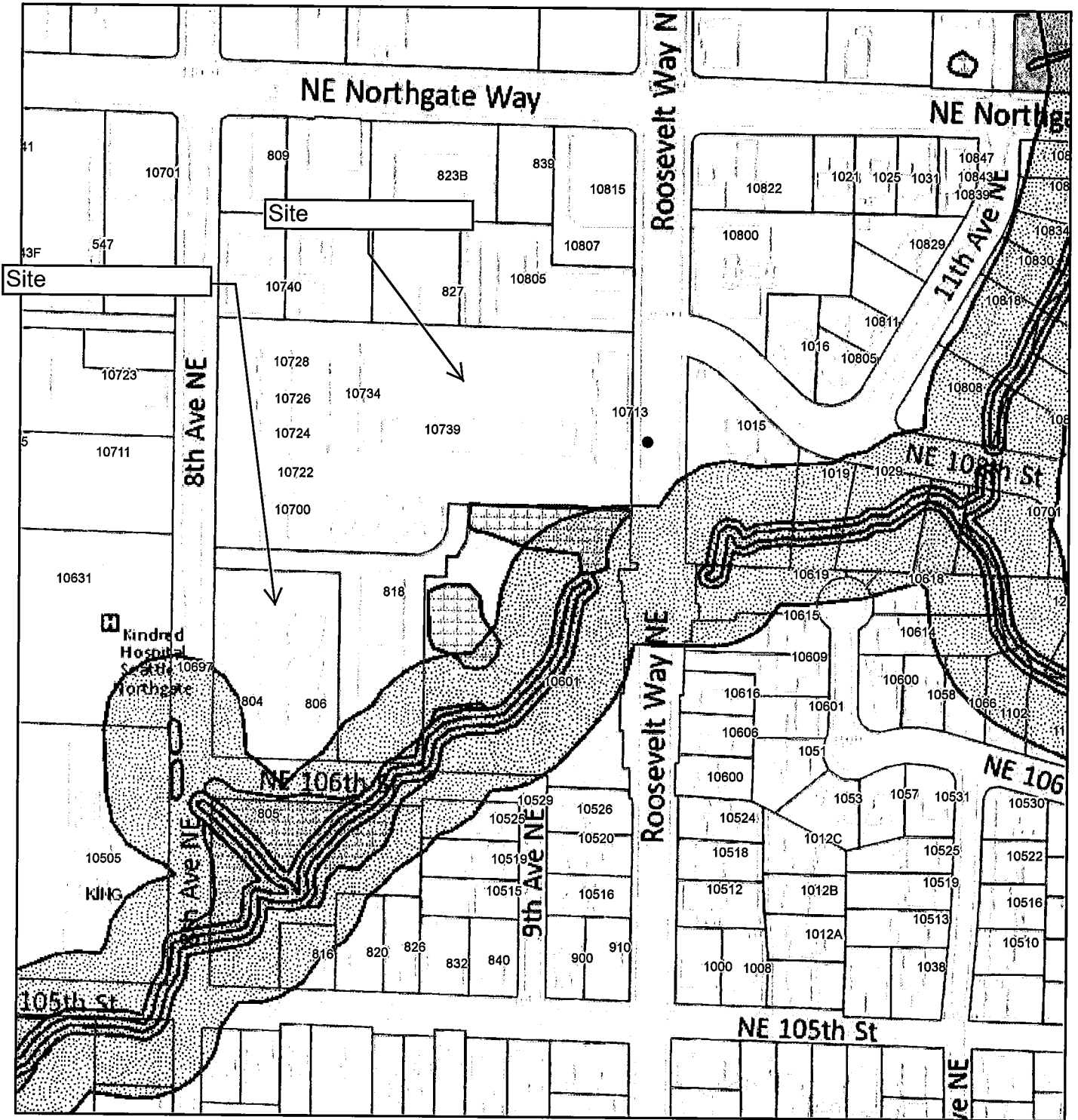
Pictometry, King County, King County

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



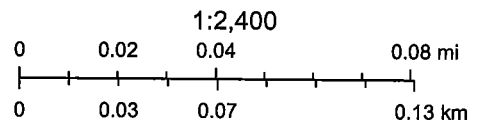
Date: 3/6/2019 Notes:

Parcel 292604-9617



3/6/2019, 10:36:06 AM

- Parcels
- Wetland-ECA4
- Riparian Corridor-ECA3



Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 47

ATTACHMENT E

Park at Northgate Transit Radius

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 48

ATTACHMENT F

**March 19th, 2020 The Park at Northgate - Comprehensive Plan/Zoning Analysis of
Traffic Impacts prepared by Transportation Engineering Northwest (TENW)**

MEMORANDUM

DATE: March 19, 2020

TO: Courtney Skony, Wallace Properties, Inc.

FROM: Michael Read, PE, Principal, TENW

SUBJECT: The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts
TENW Project No. 3522

This memorandum summarizes a review of a proposed comprehensive plan amendment associated with a rezone associated with redeveloping an existing 146-unit apartment complex with up to 1,100 new residential apartment units (net increase of approximately 954 new housing units) and an underground parking garage to serve the development. Known as *Park at Northgate*, the project site is located in the Northgate neighborhood of Seattle, WA south of NE Northgate Way fronting along 8th Avenue NE. Access to the project site would be provided via site driveways onto 8th Avenue NE and Roosevelt Way. A site vicinity map is provided in Figure 1, and a conceptual site plan is provided in Figure 2. Project completion is expected by 2025.

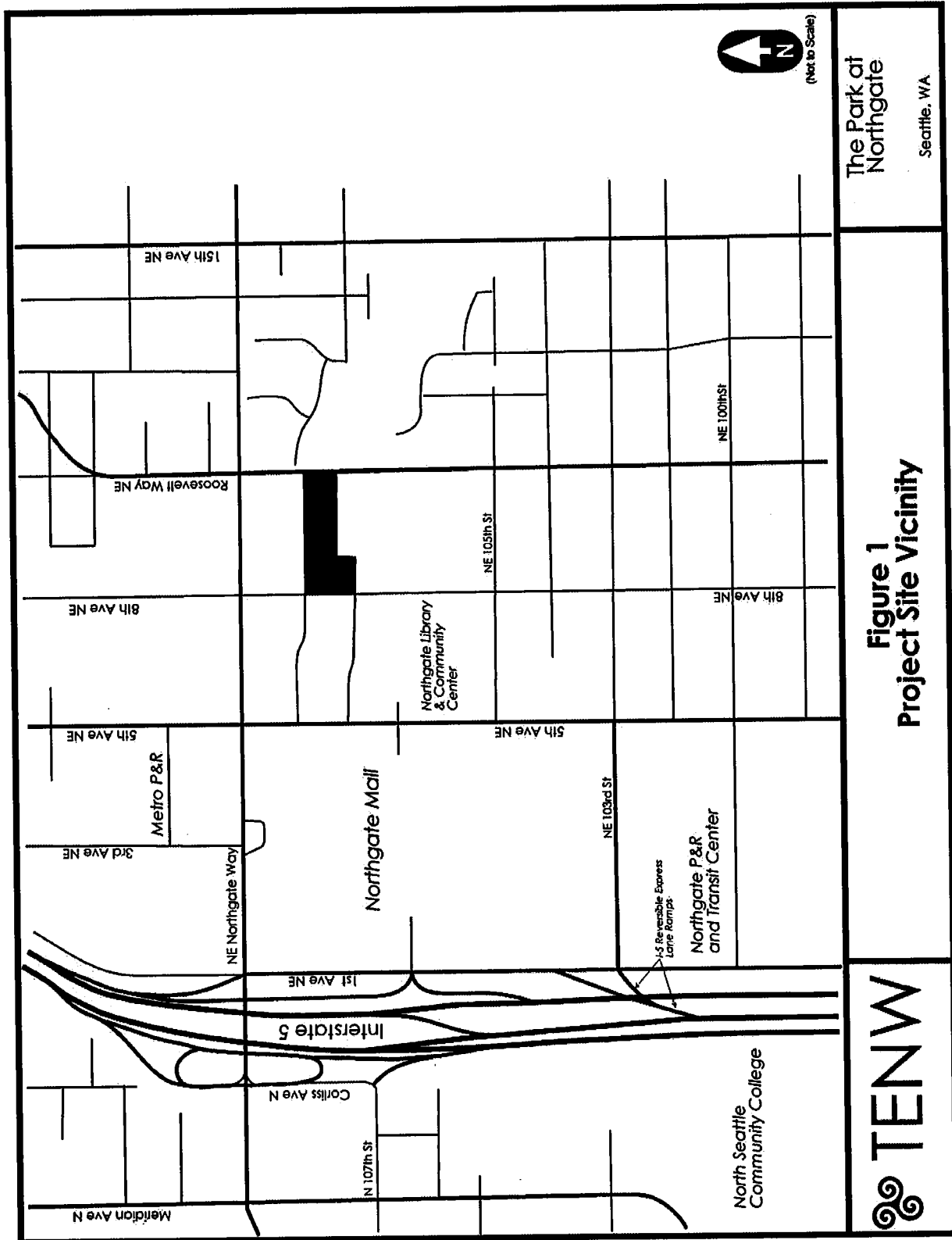
This memo includes an expanded project description, project trip generation, trip distribution, transportation concurrency, site access and circulation impacts, signal warrant analysis at the primary access of NE Northgate Way and 8th Avenue NE, and identification of any potential traffic impact fees.

Non-Project Traffic Forecasts

For the purpose of the traffic analysis, year 2025 was selected as the build-out year based upon anticipated completion of the *Park at Northgate* redevelopment in a phased approach. Phase I (297 units) by 2023, Phase II (402 units) in 2024, and Phase III (401 units) in 2025. Historical p.m. peak hour traffic counts were reviewed within the study area to determine background growth rates. Although several intersections have experienced a slight increase in growth since 2005, overall, traffic volumes at study intersections have declined since 2005. For consistency, 2034 baseline traffic volumes without the Northgate Mall Redevelopment and Link Light Rail were utilized (before the recent Covid-19 closures that have impacted schools, restaurants, employment sites, etc.).

Based on recent 2019/2020 and stabilized residential buildings in the immediate site vicinity, there are two known pipeline projects in the immediate vicinity that are considered in background traffic growth.

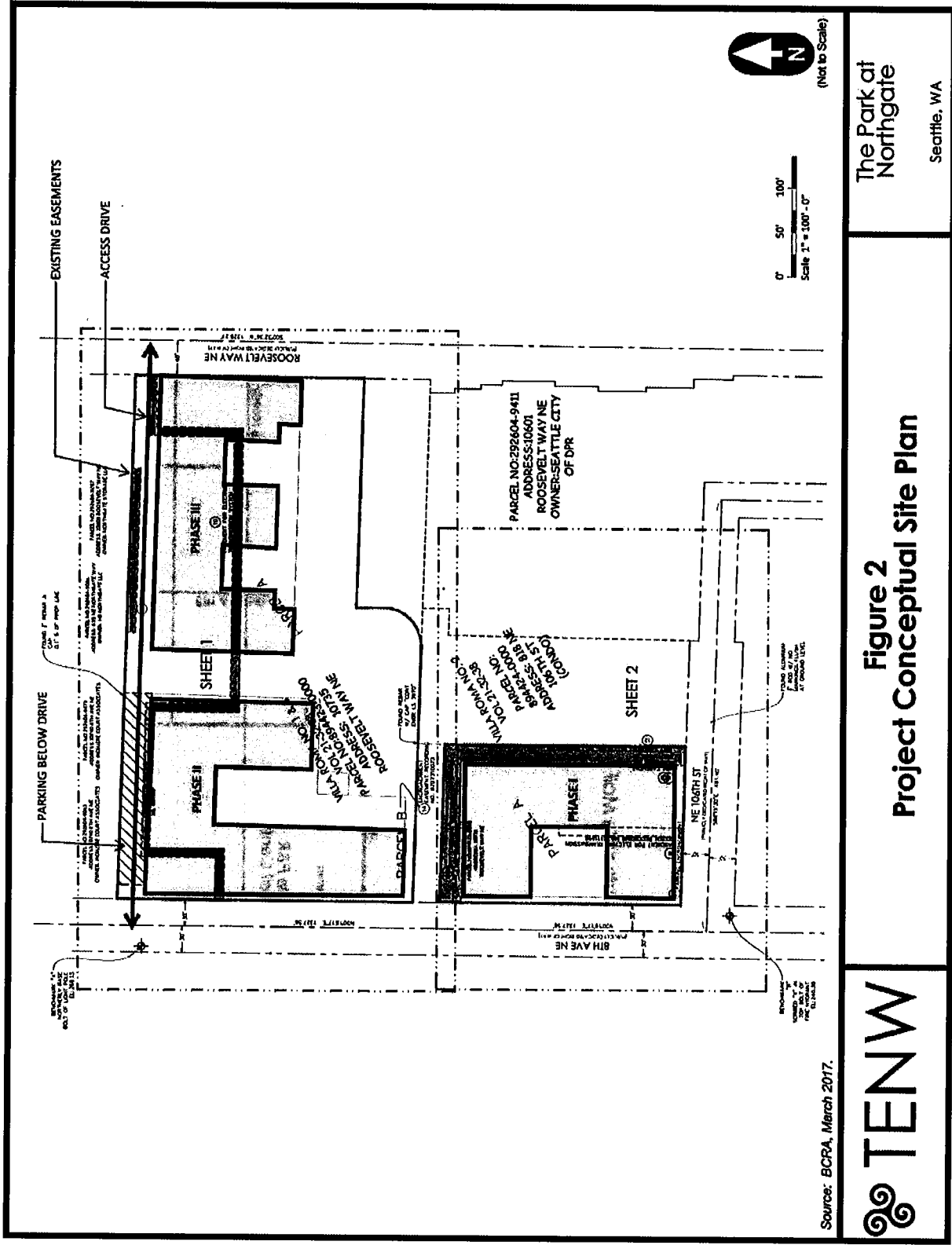
- *Northgate Mall Redevelopment.* With removal of many retail uses (approximately 770,00 square-feet) and construction of the proposed NHL training facility at the Northgate as well as opening of Link Light Rail at the Northgate Station by 2021, traffic demands during peak commute periods along NE Northgate Way, 5th Avenue NE, and Roosevelt Way are all reduced over 2019 traffic volumes.



The Park at
Northgate
Seattle, WA

Figure 1
Project Site Vicinity





The Park at
Northgate

Seattle, WA

Figure 2
Project Conceptual Site Plan



Source: BCRA, March 2017.

- *Modera Apartments.* With removal of many retail uses (approximately 770,00 square-feet) and construction of the proposed NHL training facility at the Northgate as well as opening of Link Light Rail at the Northgate Station by 2021, traffic demands during peak commute periods along NE Northgate Way, 5th Avenue NE, and Roosevelt Way are all reduced over 2019 traffic volumes.

Project Vehicle Trip Generation

Trip generation rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 10th Edition, 2017* was used to estimate daily and p.m. peak hour traffic that would be generated by the proposed project using the ITE land use categories of Apartments based upon 954 net new housing units. Two alternative methods were applied, application of Mid-Rise/High-Rise multifamily residential units in a dense urban environment (limited database) and High-Rise multifamily category with adjustments for light rail/transit access adjustment and walkability mode share adjustments. The density of the project, proximity to adjacent mixed land uses, and the Link light rail station (LRT) station area are all considered in the ITE rates applied to the proposed residential project, however, these studies have a comparative limited number of samples. These trip generation rates are consistent between both Mid-Rise and High-Rise multifamily residential uses in these land use environments (i.e., high density, mixed-use).

A detailed summary of trip generation calculations is provided in Appendix A. As shown in Table 1, an estimated net increase of approximately 3,140 daily and 239 new p.m. peak hour vehicular trips (146 entering and 93 exiting) would be generated based on the more conservative approach.

Table 1
The Park at Northgate - Trip Generation Summary

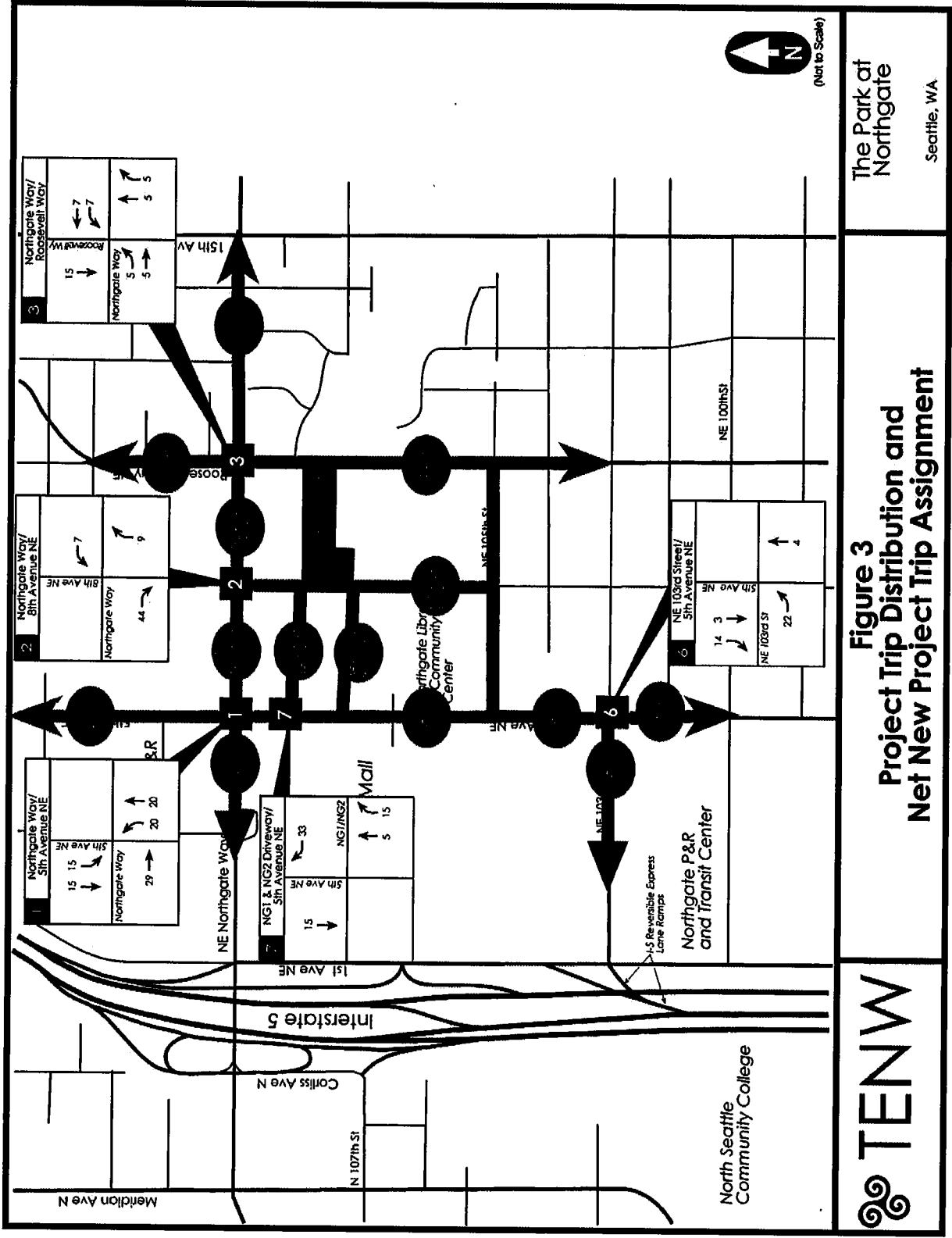
Time Period	In	Out	Total
Weekday PM Peak Hour	146	93	239
Weekday Daily	1,570	1,570	3,140

Source: Trip Generation Manual, 10th Edition, ITE, 2017.

Under the existing land use zoning (LR3), up to 285 units could be constructed on the site, and would result in a net increase of only 139 new multifamily units. Under this buildout scenario, the relative net increase in vehicle site trip generation would be reduced to approximately 146 new daily and 35 new p.m. peak hour vehicle trips. The ITE Trip Generation Manual and mode share estimates published by Sound Transit in the vicinity of the Northgate Light Rail station were used to estimate nonmotorized person trips for the site (Attachment A).

Project Trip Distribution and Assignment

To distribute trips onto the vicinity-street and arterial network, trip distribution patterns were established based on the City of Seattle DPD Director's Rule 5-2009. The distribution patterns are anticipated to be similar to those estimated for the adjacent 507 and 525 Northgate Way Lane and Prism projects. Figure 3 illustrates the anticipated distribution of inbound and outbound net new project-generated trips during the p.m. peak hour, while Figure 4 provides detailed turning movement forecasts at buildout with the project and known pipeline projects using 2034 forecasts from the Northgate Mall Redevelopment Transportation Impact Study, additional pipeline growth, and the net increase in vehicle trips generated by The Park at Northgate rezone with 954 new residential units.

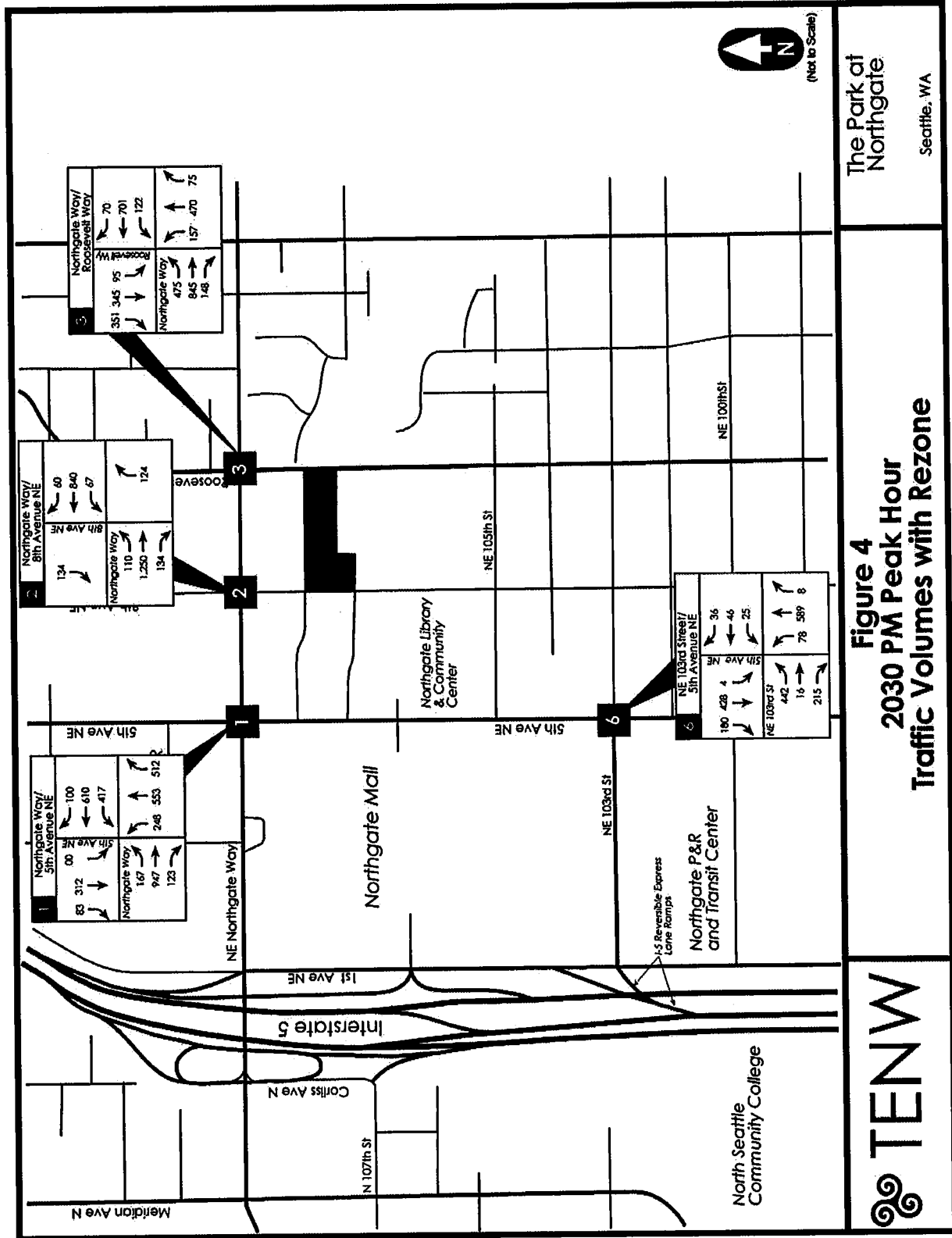


The Park at
Northgate

Seattle, WA

Figure 3
Project Trip Distribution and
Net New Project Trip Assignment





Transportation Concurrency

Prior to development approval, a transportation concurrency analysis is conducted based on the City of Seattle's Director's Rule 5-2009. Transportation concurrency standards are used to determine the acceptable balance between the demand for use of the arterial systems and the capacity of the transportation system. Total capacity is based not only on the facilities currently in existence, but also on known future projects.

Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. The following screenlines were evaluated:

- 1.12 North City Limit – Meridian Avenue N to 15th Avenue NE
- 6.13 South of NE 80th Street – Linden Avenue N to 1st Avenue N
- 7.12 West of Aurora Ave – N 80th Street to N 145th Street
- 13.12 East of I-5 – NE 65th Street to NE 80th Street

Baseline traffic volumes for the screenline were obtained from the Director's Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development's trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the LOS standard. Table 2 summarizes the transportation concurrency review results for *The Park at Northgate* project. As shown, the v/c ratios with the development were less than the LOS standard for all screenlines. Therefore, no system concurrency mitigation is required.

Table 2
The Park at Northgate - Transportation Concurrency Review

Screenline	Description	2008 Capacity	Baseline Peak Hour Volume	Planned Pipeline Trips	Proposed Project Trips	With Project V/C Ratio	LOS Standard
6.14 South of N(E) 80 th Street – Linden Avenue N to 1 st Avenue N							
	EB	5,880	3,614	11	20	0.62	1.00
	WB	5,080	2,257	6	8	0.45	1.00
7.12 West of Aurora Ave – N 80 th Street to N 145 th Street							
	EB	8,380	3,575	4	6	0.43	1.00
	WB	8,380	4,299	3	3	0.51	1.00
13.11 East of I-5 – NE 65 th Street to NE 80 th Street							
	NB	5,160	2,996	23	41	0.60	1.00
	SB	5,160	3,252	17	34	0.65	1.00

1. Data obtained from Director's Rule 5-2009.

Site Access and Circulation Impacts

Vehicular site access for *The Park at Northgate* project is proposed at three locations. The north project site driveway would access the east leg of a shared east-west access driveway between 5th Avenue NE and 8th Avenue NE that serves the Lane Apartments and adjacent properties. The south project site driveway would access the east leg of a shared east-west access driveway between 5th Avenue NE and 8th Avenue

NE that serves the Prism Apartments and adjacent properties. Full turning movements at the north and south project site driveways would be provided onto 8th Avenue NE and access would also be allowed from these project site driveways onto 5th Avenue NE. These connections "through adjacent properties" are not considered to serve or provide secondary fire/emergency vehicle access.

In addition, a third driveway onto Roosevelt Way NE would be maintained. Access onto Roosevelt Way NE was assumed to be restricted to right-in, right-out only and would be required to meet fire/emergency vehicle access requirements given the proposed residential density.

Traffic Impact Fees

Based upon this preliminary traffic analysis associated with a proposed Comprehensive Plan/Zoning Analysis, to mitigate area-wide impacts to the Northgate Area, the City collects fair share contributions towards planned transportation improvements identified in the *Northgate Coordinated Transportation Investment Plan (CTIP)*, 2007. The City currently assesses this fee at \$634 per dwelling unit per Transportation Mitigation Payments 243 in Northgate. This translates into approximately \$604,836 in traffic impact fees.

On-Site Parking

Parking for the project would be built to accommodate demand for the project and would not create on-street parking needs except for possible short-term parking along 8th Avenue NE related to deliveries, drop-off/pick-up trips and other similar short-term parking needs along the site frontage. The recently updated King County Right Size Parking Calculator Version 2.0 lets professionals estimate parking use in the context of a specific site, based on a model using current local data of actual parking use correlated with factors related to the building, its occupants, and its surroundings—particularly transit, population and job concentrations. The calculator's estimates are based on a model developed from field work on data collected mostly in the winter and spring of 2012 on over 200 developments in urban and suburban localities in King County, Washington (Seattle and its suburbs), with nearly 100 new buildings added to the model in 2017. The calculator estimates a parking/unit ratio for an average residential building based on the characteristics of each location. The calculator can help analysts, planners, developers, and community members weigh factors that will affect parking use at multi-family housing sites, and assists developers and public agencies to consider how much parking is "just enough" when making economic, regulatory, and community decisions about development.

As this model considers the adjacency of mixed used, transit services, walkability, vehicle ownership factors, and other considerations in its assessment of parking demands, and is based on a comprehensive study of local surveys throughout the King County area (both urban and suburban areas), this tool is considered by most jurisdictions in the region as a best practices tool for determining parking supply at multifamily developments. Application of the Right Size Parking Model for the residential uses indicates a built parking ratio of 0.57 stalls per dwelling unit using the new model based on its location, proximity to transit/light rail, affordable units, number of bedrooms, rental market, and average unit size. Attachment B provides the King County Right Size Parking Model results for the project, which recommends 630 stalls.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or mikeread@tenw.com.

Appendix A

Detailed Trip Generation Estimate
Nonmotorized Mode Share Estimates

**ITE Trip Generation, 10th Edition, 2017
Park at Northgate**

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit				
Mid-Rise Apartment (Dense Urban Mixed-Use, Vicinity Light Rail)	954	221/222	23	168	191	107	42	2.59	0.20	fitted curve
Total			23	168	191	107	42			2,470

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit				
High-Rise Apartment (Typical Suburban/Urban)	954	222	67	213	280	198	126	4.45	fitted curve	
Total			50	157	207	146	93			3,141

Sound Transit LRT /Walk Access¹
 20% reduction for residential trips
 5% mode share reduction for walkability to jobs/retail/service

1. Source: Sound Transit Access Mode Analysis of Northgate Station Access Study.
 A walk mode share of 35% of an assumed 60% home-based work trips was applied.

Mode Share Estimates - Total Person Trips (Trip Generation Manual, 10th Edition, High-Rise 222, Dense Urban Mixed Use)						
	X	LU Code	AM Peak		PM Peak	
Total Persons	1,100	222	800	290	600	7250
In Vehicles (AVO 1.2 peak, 1.1 daily)			80	60	330	2695
Bikes (10-20%)			160	130	80	1450
Transit/LRT (20%)			270	80	2380	725
Walk (30-35%)			800	600	600	2380
						7250

Appendix B

King County Right-Size Parking Model

Enter a location...

Parking/Unit Ratio (Number of Stalls/Unit)
 0.50



2 Parcels Selected

Building & Parking Specifications

Location Characteristics

Parking Impacts

0.57

parking optimization estimates and guidance on unbounded and affordable housing options.

	NUMBER OF UNITS	AVERAGE RESIDENTIAL RENT (\$)	AREA (SQ FT)
STUDIOS:	450	\$1,250	350
1 BEDROOMS:	550	\$1,750	550
2 BEDROOMS:	100	\$2,250	750
3+ BEDROOMS:	0	\$0	0
TOTAL:	1100	\$1,691	555,000

AFFORDABLE UNITS: 200

PARKING

PARKING STALLS: 630 Right Sized

PRICE PER STALL (S/MO): \$50

Optimized Parking Supply and Market Price

Modeled parking utilization per building is 630 parked cars and this estimate has a range of 583 - 677 cars per building.

✓ 630 stalls is the optimal parking capacity priced at \$50/mo **PER TRIS**

✓ Optimal pricing for 630 stalls is estimated at \$50/mo per stall.

Appendix A

Detailed Trip Generation Estimate

ITE Trip Generation, 10th Edition, 2017
Park at Northgate

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	Daily Rate	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit					
Mid-Rise Apartment (Dense Urban Downtown, Vicinity Light Rail)	954	221	23	168	191	107	42	149	2,470	0.20	fitted curve
Total			23	168	191	107	42	149	2,470		

Appendix B

Signal Warrant Analysis

Date: 6/27/2019

Location Information

Major Street

NE Northgate Way

Minor Street

8th Avenue NE

Objective Warrants

Traffic Study Information

Number of approach lanes on major street

2

Number of approach lanes on minor street

1

Minimum eight-hour vehicles per hour on major street (total of both approaches)

600

Minimum eight-hour vehicles per hour on higher-volume minor-street approach (one direction only)

150

Four-Hour vehicles per hour on major street (total of both approaches)

1,800

Four-Hour vehicles per hour on higher-volume minor-street approach (one direction only)

100

Maximum peak-hour total stopped time delay on one minor street approach

28

Peak-Hour vehicles per hour of on same minor street approach as above

88

Peak total entering vehicles per hour

2,317

Four-Hour pedestrians per hour crossing major street (total of all crossings)

165

Peak-Hour vehicles per hour on major street (total of both approaches)

2,067

Peak-Hour pedestrians per hour crossing major street (total of all crossings)

132

Distance to the nearest signal or stop controller intersection

650



City of Seattle

Seattle Department of Transportation

Number of gaps in traffic stream during schoolchildren crossing	N/A
Number of minutes in schoolchildren crossing period	N/A
Peak-hour number of schoolchildren crossing	N/A
Applicable crashes within 12-month period	1
5-year projected minimum eight-hour vehicles per hour on major street (total of both approaches)	612
5-year projected minimum eight-hour vehicles per hour on higher-volume minor-street approach (one direction)	153
5-year projected four-hour vehicles per hour on major street (total of both approaches)	1,836
5-year projected four-hour vehicles per hour on higher-volume minor-street approach (one direction)	102
5-year projected maximum peak-hour total stopped time delay on one minor street approach	29
5-year projected peak-hour vehicles per hour of on same minor street approach as above	90
5-year projected peak total entering vehicles per hour	2,364
5-year projected four-hour pedestrians per hour crossing major street (total of all crossings)	168
5-year projected peak-hour vehicles per hour on major street (total of both approaches)	2,109
5-year projected peak-hour pedestrians per hour crossing major street (total of all crossings)	135
Distance to stop or yield line of grade crossing	N/A
Clear storage distance	N/A

Warrant 1: Eight-Hour Vehicular Volume	<i>DOES NOT MEET WARRANT</i>
Warrant 2: Four-Hour Vehicular Volume	<i>DOES NOT MEET WARRANT</i>
Warrant 3: Peak Hour	<i>DOES NOT MEET WARRANT</i>
Warrant 4: Pedestrian Volume	<i>MEETS WARRANT</i>
Warrant 5: School Crossing	<i>DOES NOT MEET WARRANT</i>
Warrant 7: Crash Experience	<i>DOES NOT MEET WARRANT</i>



City of Seattle

Seattle Department of Transportation

Warrant 8: Roadway Network

DOES NOT MEET WARRANT

Warrant 9: Intersection Near a Grade Crossing

DOES NOT MEET WARRANT

Subjective Warrants

Warrant 1: Eight-Hour Vehicular Volume

DOES NOT MEET WARRANT

Warrant 6: Coordinated Signal System

Warrant 7: Crash Experience

Warrant 8: Roadway Network

Other

<i>DOES NOT MEET WARRANT</i>

Engineering Justification: (Must be filled out if subjective warrant is used):

Engineer's Signature _____

City Traffic

Engineer's Signature _____

Transportation Operations

Division Director's Signature _____

Appendix C

Proportional Share Contributions

Attachment E Park at Northgate Proportional Share Contributions

Improvement # ¹	Intersection #	Intersection/Roadway	Baseline PM Vehicles in 2025	Project PM Peak Trips	Total PM Vehicles in 2025	Pro-Rata Share	Project Cost ²	Project Pro-Rata Contribution
E8	5	NE Northgate Way/8th Avenue NE	2,923	42	2,965	1.4%	\$495,000	\$7,012
E1		Northgate Corridor Signal Coordination				1.4%	\$1,040,000	\$14,352
B3		8th Avenue Sidewalk				10.4%	\$388,000	\$40,158
							Total	\$51,522

1 - Source: Northgate CTIP, Figure 7-3.

2 - Based on the total project cost.

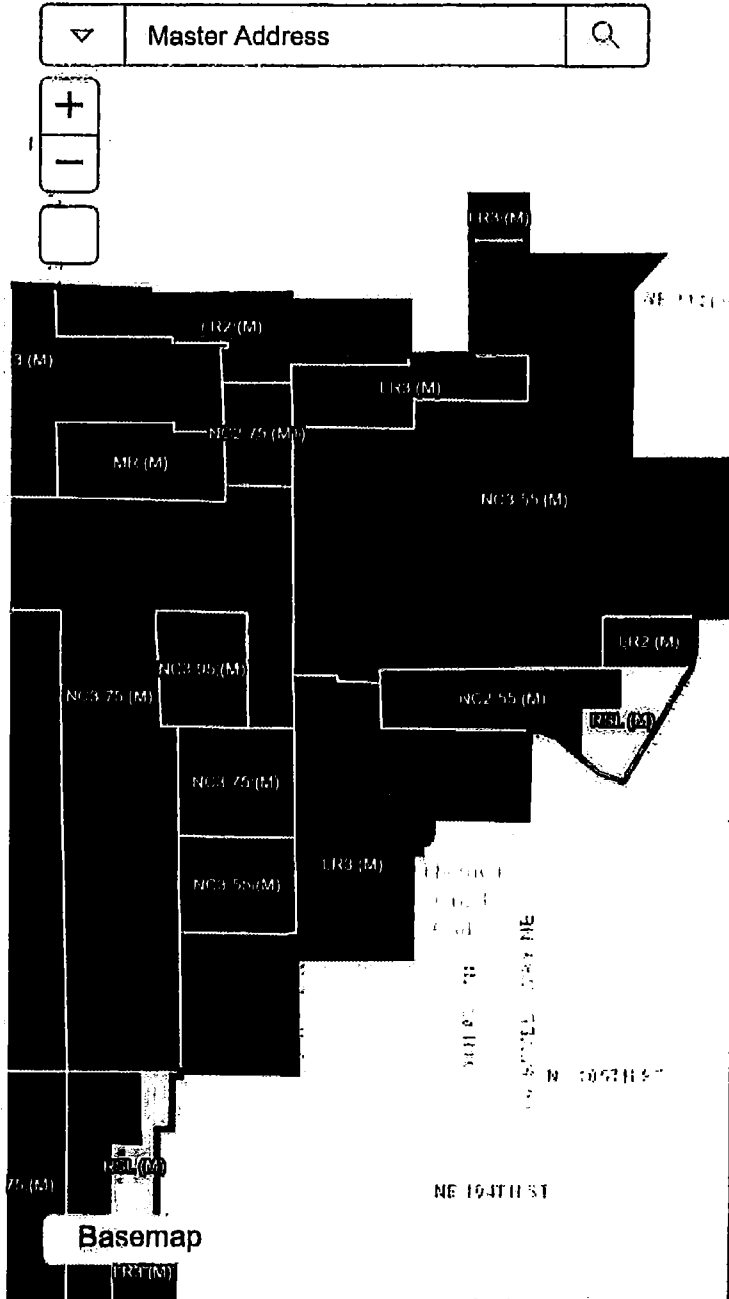
Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 49

ATTACHMENT G

MHA Current Zoning of Site and Vicinity Map

MHA Adopted Zoning Changes

Search an address or click on the map to see information



10713 ROOSEVELT WAY NE
 This is parcel 2926049617. It's 228,319 square feet in area. Learn more about this parcel from the King County Department of Assessments.

The new MHA zoning here is **LR3 (M)**.

In March 2019, the City Council voted 9-0 to adopt **citywide MHA legislation**, implementing affordable housing requirements in 27 urban villages throughout Seattle. **The new MHA zoning took effect April 19, 2019.**

LR3 (M) a Lowrise Multifamily zone. Learn more about the size and type of development allowed in LR3 (M) zones with our Director's Report.

The **(M)** suffix indicates that affordable housing requirements apply for development in this zone. MHA requirements vary both according to the suffix in the zone name, i.e., (M), (M1), or (M2), and geographically. This location is in a **medium MHA area**.

Interested in the specific MHA requirements for your property? Read our summary of how MHA works and consult Tip 257 from the Seattle Department of Construction and Inspections.

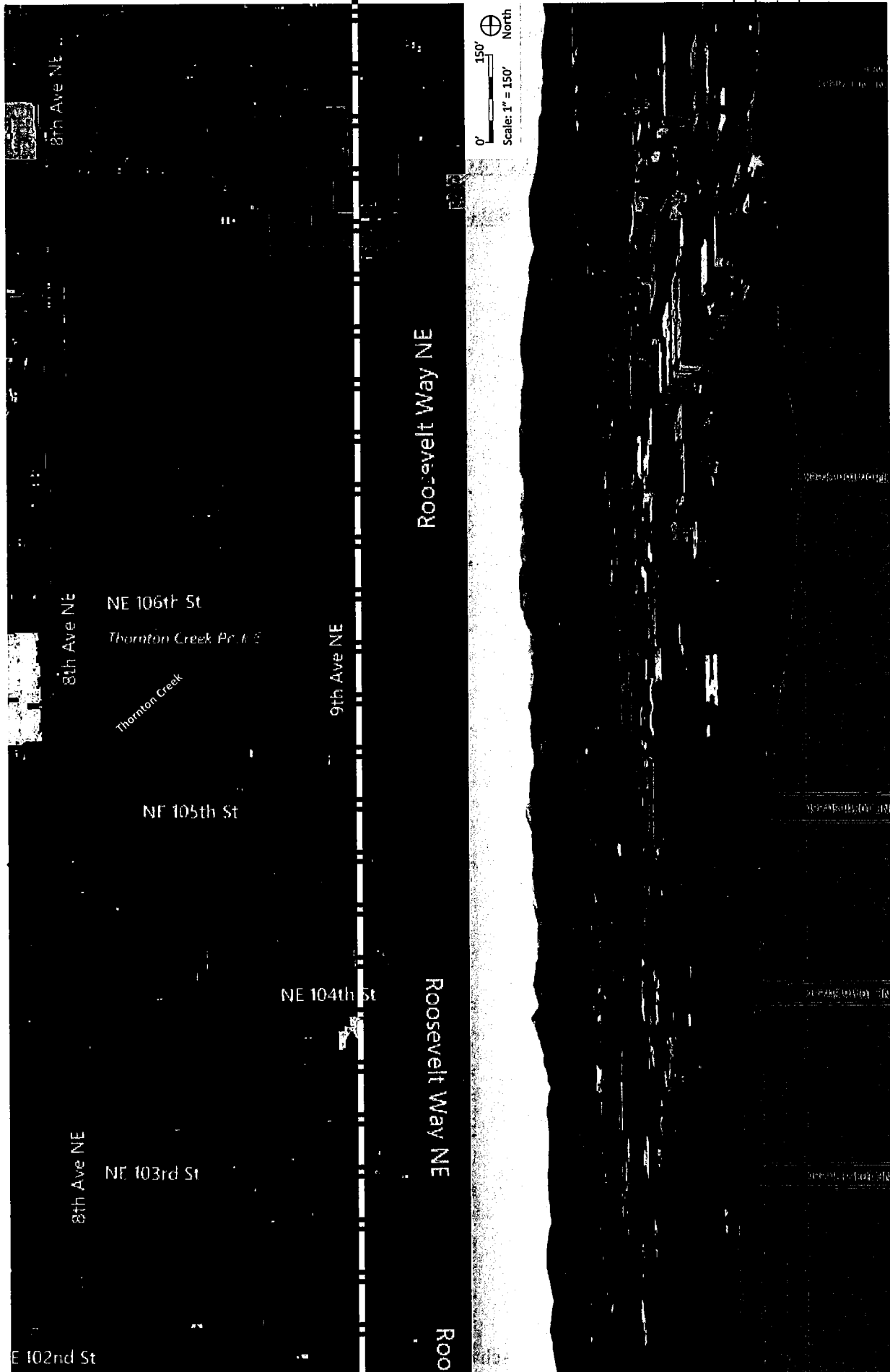
MHA Zoning Categories

- Residential Small Lot (RSL)

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 50

ATTACHMENT H

Site Elevation Cross Section



340'
300'
260'
220'

340'
300'
260'
220'

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 51

ATTACHMENT I

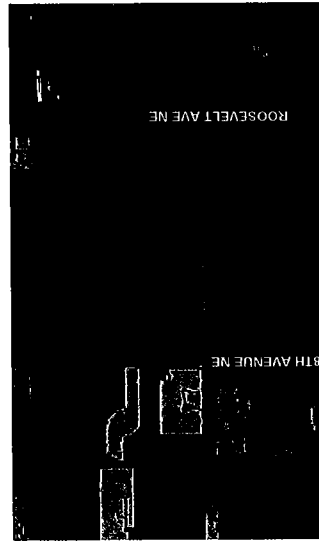
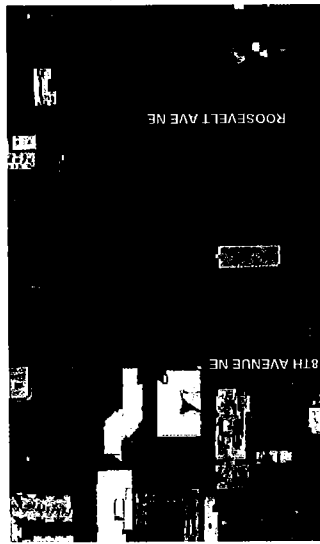
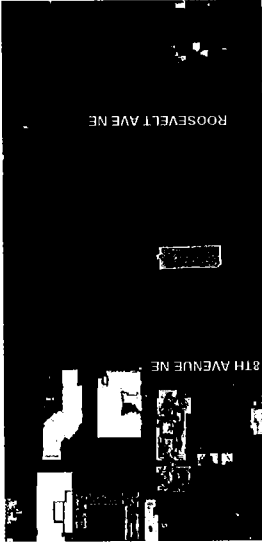
Solar Studies

Sun Shadow Analysis - Proposed Zoning: MR M1 (80' Height Limit)

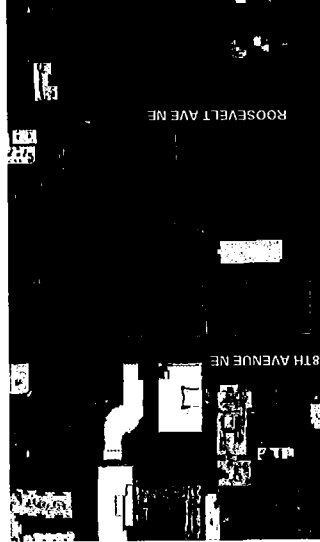
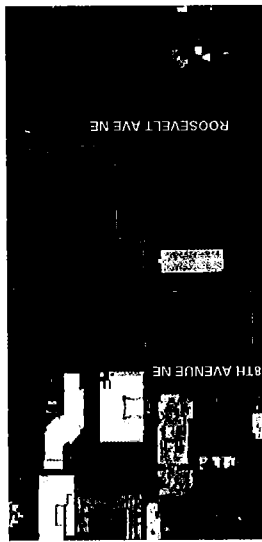
DEVELOPMENT OPTIONS



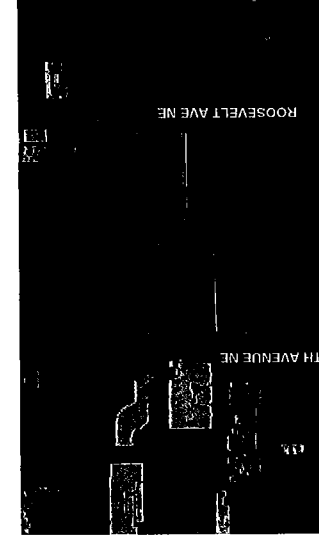
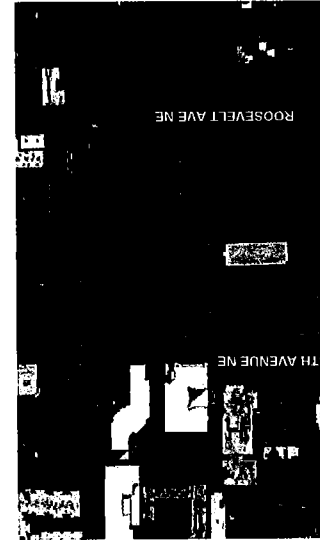
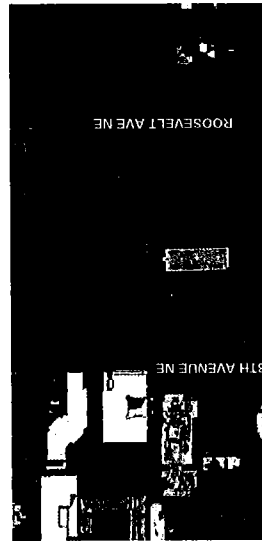
3:00 PM



NOON



9:00 AM



SUMMER SOLSTICE
June 21



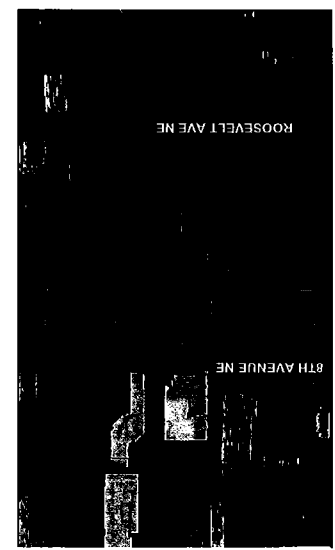
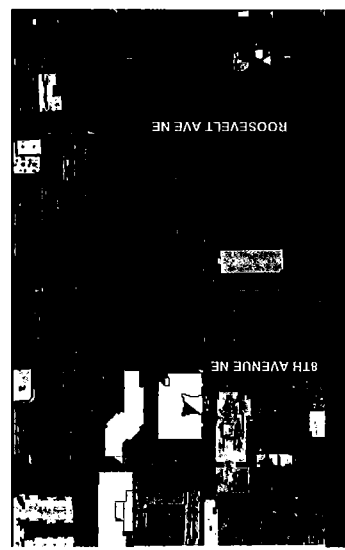
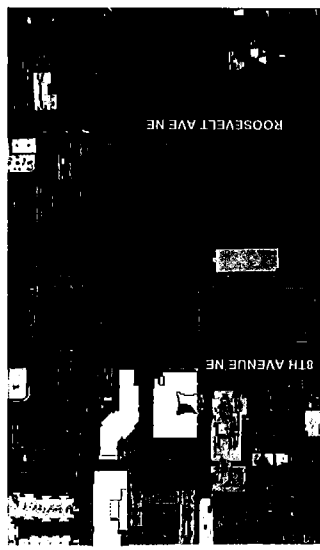
EQUINOX
Mar/Sept 21

WINTER SOLSTICE
Dec 21

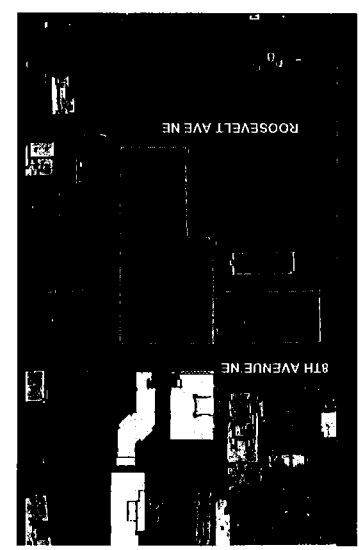
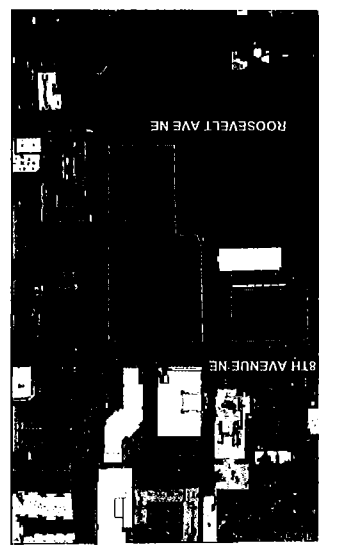
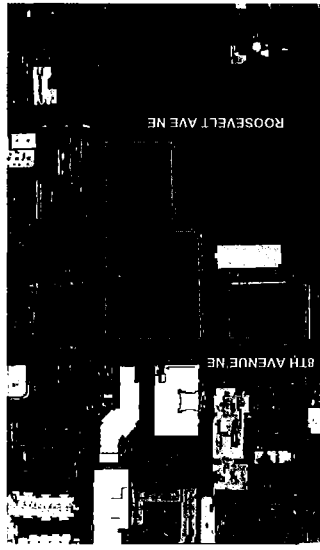
Sun Shadow Analysis - LR 3 (M) (50' Height Limit)
DEVELOPMENT OPTIONS



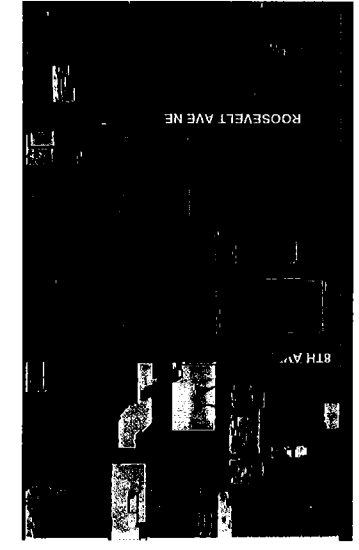
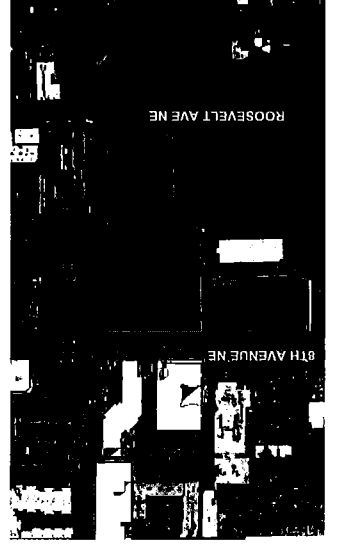
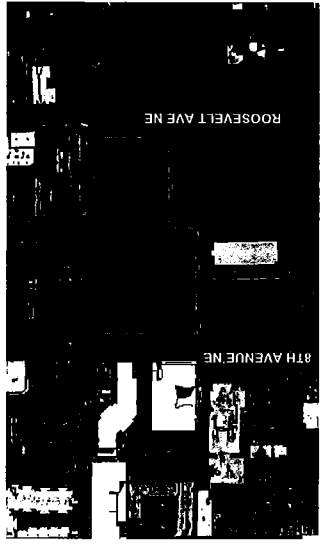
3:00 PM



NOON



9:00 AM



SUMMER SOLSTICE
June 21

EQUINOX
Mar/Sept 21



WINTER SOLSTICE
Dec 21

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 52

ATTACHMENT J

June 12, 2019 Preliminary Site Research Report prepared by BCRA

PROJECT RECORD

Date: June 12, 2019

To: Wallace Properties
Attn: Kevin Wallace
PO Box 4184
Bellevue, WA 98009
kwallace@wallaceproperties.com

From: Shannon Podgorski, EIT

Reviewed by: Andy Epstein, PE

Project: The Park at Northgate
Rezone

BCRA Project #: 16102

CC: Gareth Roe (BCRA); Joe Rydman (BCRA); Ming-Sing Ting (BCRA)

RE: Preliminary Site Research Report

Attachments: Utility and Environmentally Critical Areas (ECA) Exhibits

PRELIMINARY SITE RESEARCH REPORT – SPECIFIC REZONE TO MR(M1)

The following is a summary of preliminary site research to confirm the presence of any Environmentally Critical Areas (ECAs) and presence and availability of utilities to serve potential redevelopment of the site located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617. The site encompasses an area of approximately 228,319 SF and is comprised of a single tax parcel split into two parts, north and south, by a 30' wide strip of adjacent tax parcel 8944240000, which strip appears to be used as a shared driveway and parking area. The proposed rezoning of the site would allow for development up to 1,100 residential units. Based upon our review, it is our professional opinion that the existing utilities and infrastructure, subject to our comments below, are sufficient to serve the site should it be rezoned.

RIGHT OF WAY

The site is bounded by 8th Ave NE (non-arterial) to the west, Roosevelt Way NE (principal arterial) to the east, NE 106th St (non-arterial) to the south, and private property and NE Northgate Way (principal arterial) to the north.

It is expected that work in the right-of-way will include new frontage improvements, including, curb, street trees and sidewalk on 8th and 106th and repair work/replacement of sidewalk on Roosevelt Way NE due to damage from the mature trees. All improvements will need to be coordinated with Seattle Department of Transportation (SDOT) and Seattle Department of Construction and Inspections (SDCI). It is likely that a more comprehensive design will be required along 8th Ave NE and Roosevelt Way NE potentially including pedestrian easements to provide the required sidewalk and planter widths.

There is a bus stop located adjacent to the parcel on Roosevelt Way NE. Any impacts to the stop will need to be coordinated with King County Metro.

We recommend submitting to SDCI for a Preliminary Assessment Report (PAR) that will help detail required elements of development on the subject parcel.

ENVIRONMENTALLY CRITICAL AREAS

City of Seattle GIS shows areas of steep slope and riparian corridors on the site, but per site visits, survey, and a Wetland and Stream Reconnaissance by Altmann Oliver Associates, LLC (letter dated March 6, 2019) there are no critical areas on or adjacent to the site. Areas shown on the City's GIS map as steep slopes are not

slopes but instead are existing buildings and rockeries. There is a wetland and stream to the southeast of the site, but the proposed rezone and potential redevelopment will not impact the wetland or the stream.

Refer to the attached Environmentally Critical Areas Map for approximate extents of ECAs per the City of Seattle GIS. Please note, as stated above, there are no ECAs onsite.

WATER

Per City of Seattle online GIS, there are 8-inch cast iron water mains abutting the site: to the west along 8th Ave NE, to the east in Roosevelt Way NE, and to the south along NE 106th St. A water flow study will need to be completed by Seattle Public Utilities (SPU) to verify the existing public water system will provide adequate fire flow for the redevelopment. At a minimum, additional fire hydrants should be anticipated and it should be assumed that new domestic and fire water services will be needed for each building. The existing 1.5" and 2" water services may be evaluated for reuse for irrigation.

There are three fire hydrants located along 8th Ave NE and another two on the opposite side of Roosevelt Ave NE.

A Certificate of Water Availability from SPU should be obtained prior to development of the site.

SANITARY SEWER

Per City of Seattle online GIS, the northern portion of the property is served by an 8-inch Seattle Public Utilities (SPU) main which is located on the northern portion of the property and continues offsite to the south and then east across Beaver Pond Natural Area in a 24-inch SPU main. Near the northeast corner of Beaver Pond Natural Area, the 24-inch SPU main connects to a 24-inch King County main and continues east across Roosevelt Way NE. The onsite public sewer main lines will need to be relocated and the three offsite connections to the north (which serve several properties to the north) will need to be maintained with the relocation. The southern portion of the property is served by a 24-inch SPU main in NE 106th Street, which combines with the public sewer main within the Beaver Pond Natural Area.

The City of Seattle requires all runoff from covered parking areas to be collected and treated with an oil water separator prior to discharging.

Refer to the attached Sewer and Drainage Map.

STORM DRAINAGE

Per City of Seattle online GIS, there is an existing 18-inch SPU storm main both west and east of the parcel; one flowing south along 8th Ave NE and the other flowing south along Roosevelt Way NE. Instead of discharging untreated storm water directly to the public storm drainage system as is the current status, we are proposing to detain and treat water onsite and discharge the enhanced water to the wetlands within the Beaver Pond Natural Area southeast of the site. After the Preliminary Assessment Report (PAR) is obtained, options for discharging stormwater to the SPU storm system and/or the wetlands within Beaver Pond Natural Area should be verified with the city drainage reviewer.

Previous projects in the vicinity reveal groundwater at about 5-feet below grade. It is recommended that a licensed and registered Geotechnical Engineer provide an analysis and assessment of the site, including on-site borings, to determine site specific groundwater conditions.

Any redevelopment will be subject to requirements of the current Seattle Stormwater Manual (SSWM). Per the SSWM, for Thornton Creek drainage basin requirements, on-site detention will be required. In addition, the site will be subject to enhanced treatment. On-site stormwater management (OSM) should also be expected for the site. Infiltrating OSM improvements will need to be evaluated *outside* of the pink highlighted areas on the attached Sewer and Drainage Map; new sidewalk in the right-of-way will need to be evaluated for rain gardens and permeable pavement, and new onsite improvements will need to be evaluated for infiltration, infiltrating bioretention, permeable pavement, rainwater harvesting, vegetated roofs, etc. *Within* the pink highlighted areas, non-infiltrating OSM improvements such as non-infiltrating bioretention and vegetated roofs will need to be evaluated but any infiltrating OSM improvements do not need to be evaluated.

Refer to the Stormwater Improvements Assessment by BCRA (dated June 15, 2017) for further assessment of storm drainage requirements.

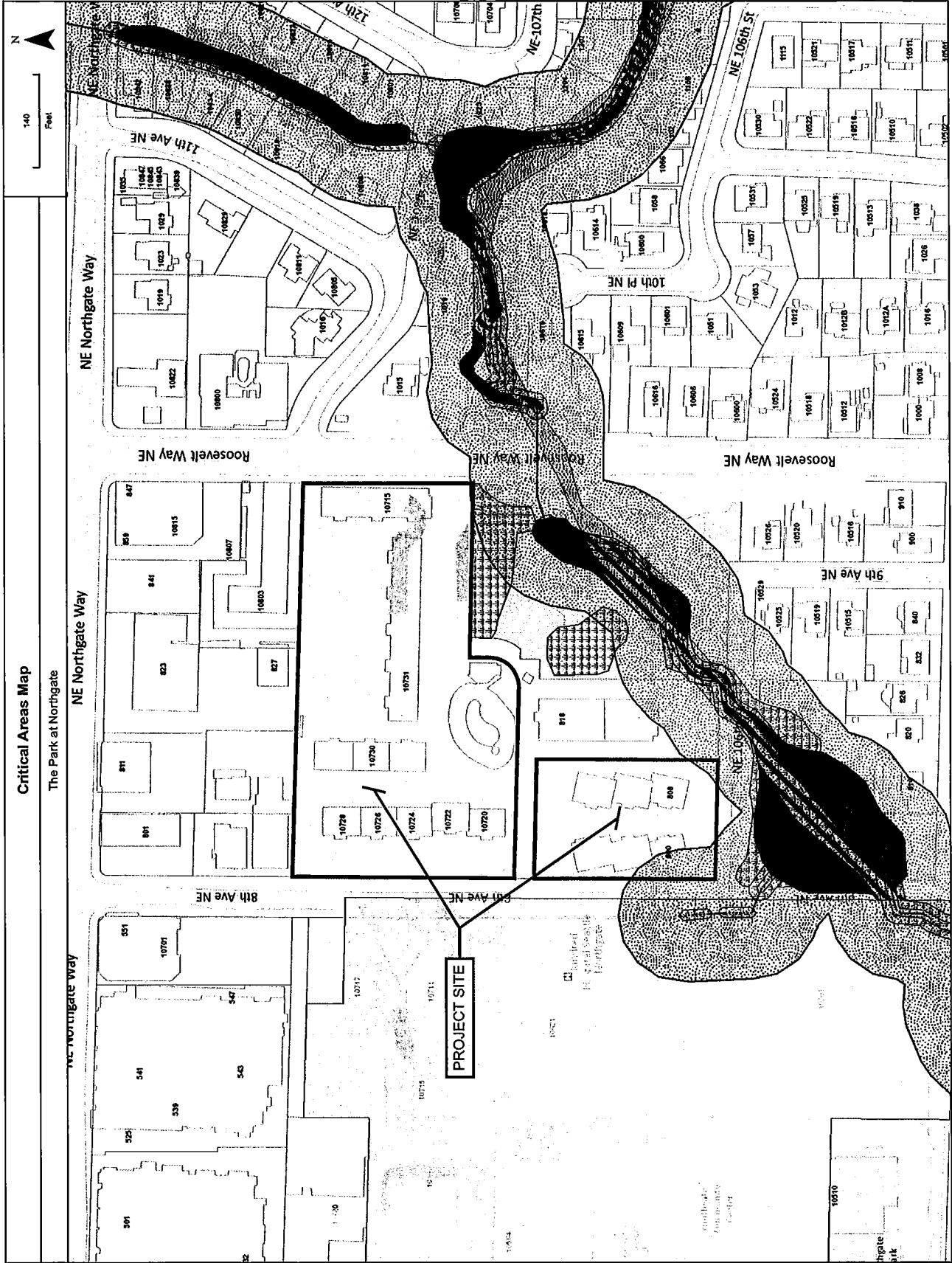
Refer to the attached Sewer and Drainage Map.

POWER, COMMUNICATION, AND GAS

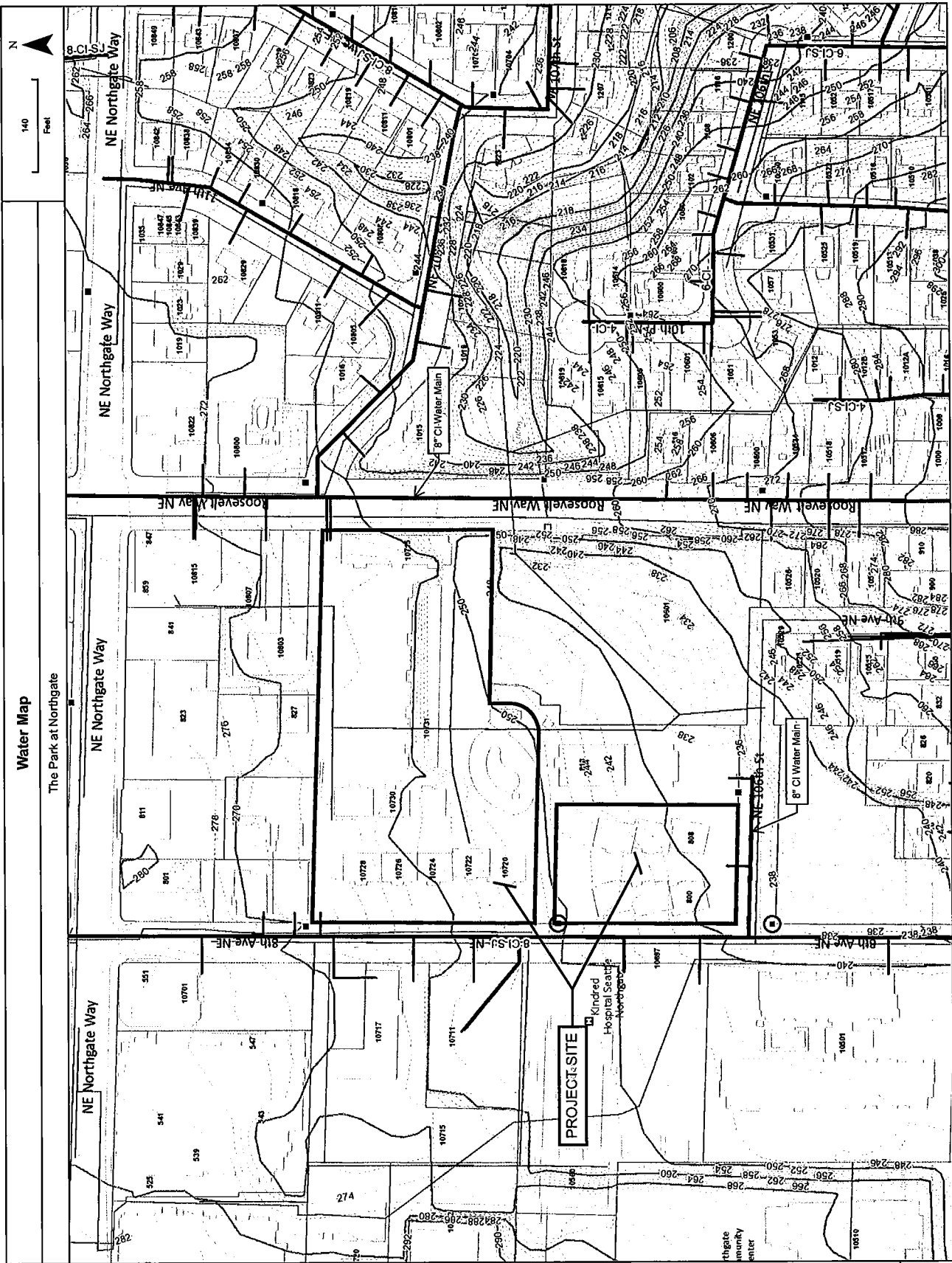
Overhead power lines are located to the west and south of the parcel. Additional underground service lines appear to be located through the northern portion of the parcel as well as in the east/southeast corner of the southern portion of the parcel.

The relocation and/or removal of any existing power lines, poles, or associated structures will need to be coordinated with Seattle City Light (SCL).

There is an existing 2" gas line along 8th Ave NE. New gas lines will be required to serve the proposed buildings. All work related to existing and new gas lines will need to be coordinated with Puget Sound Energy (PSE).



- Critical Areas Map**
The Park at Northgate
- Streams**
- Open Channel
 - Culverted
 - Wildlife Habitat
 - Known Slide Area
 - Welland
 - Riparian Corridor
 - Potential Slide Area
 - Landfill (Historical)
 - Abandoned Landfill
 - 1000' Methane Buffer
- Peat Settlement-Prone Areas**
- Category 1
 - Category 2
- Flood-Prone**
- Flood-prone - 1996 FIRM
 - Flood-prone - other sources
 - Overlap areas
 - Steep Slope (40%)
 - Potential Liquefaction Area
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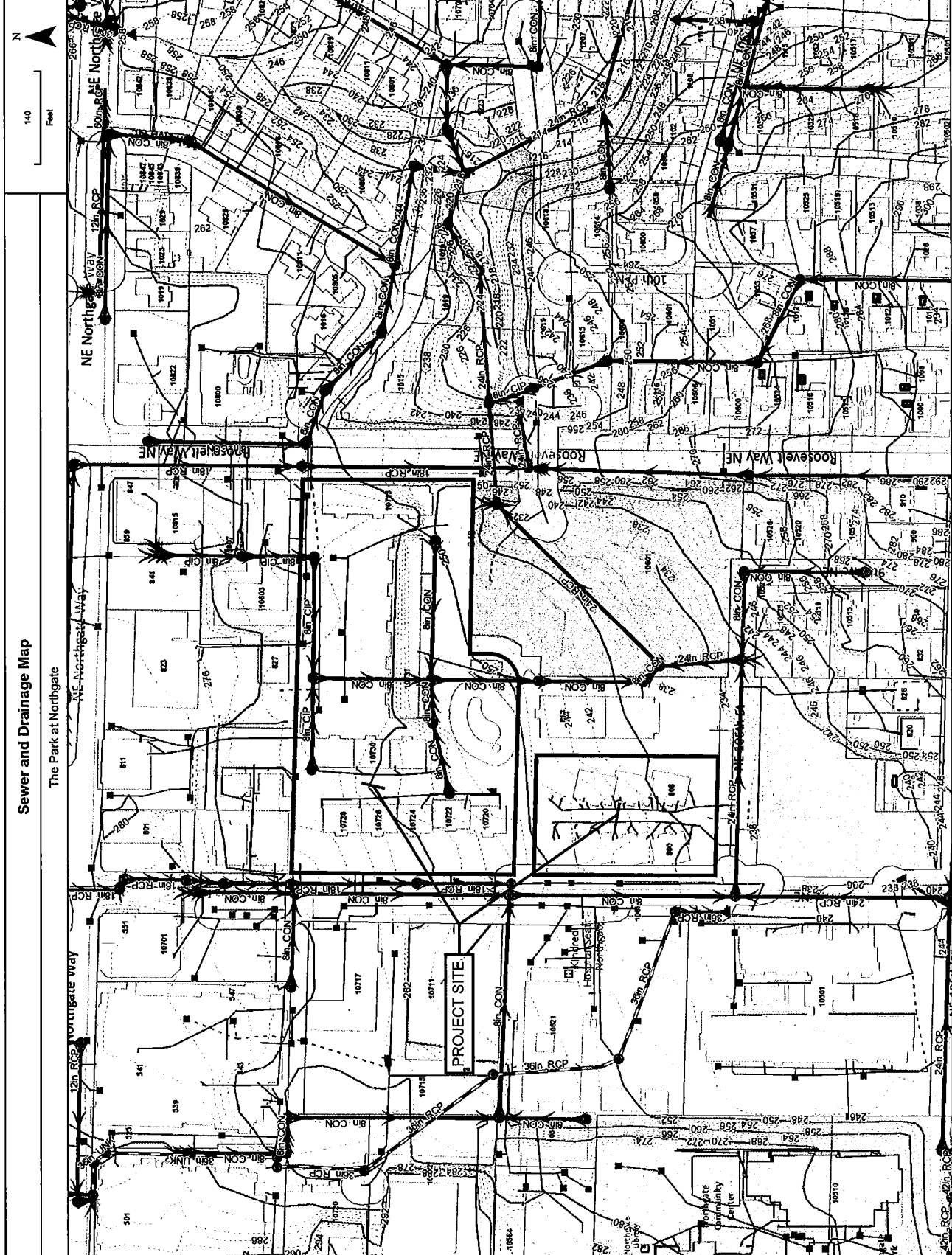


Water Map

The Park at Northgate

- City Limits
- Hydrant Location
- Flow Tested Hydrant
- Water Mains
- Same Side Tap Only
- No New Taps
- Water Service**
- Header
- Inactive
- Active
- Drainage Infrastructure
- Topography - 2 Foot**
- 10ft. contour
- 2ft. contour
- Parcel

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 No warranty of any kind, including accuracy,
 completeness, or timeliness, is made by the City.
 North 24th Street, Seattle, WA 98107
 8/12/2015



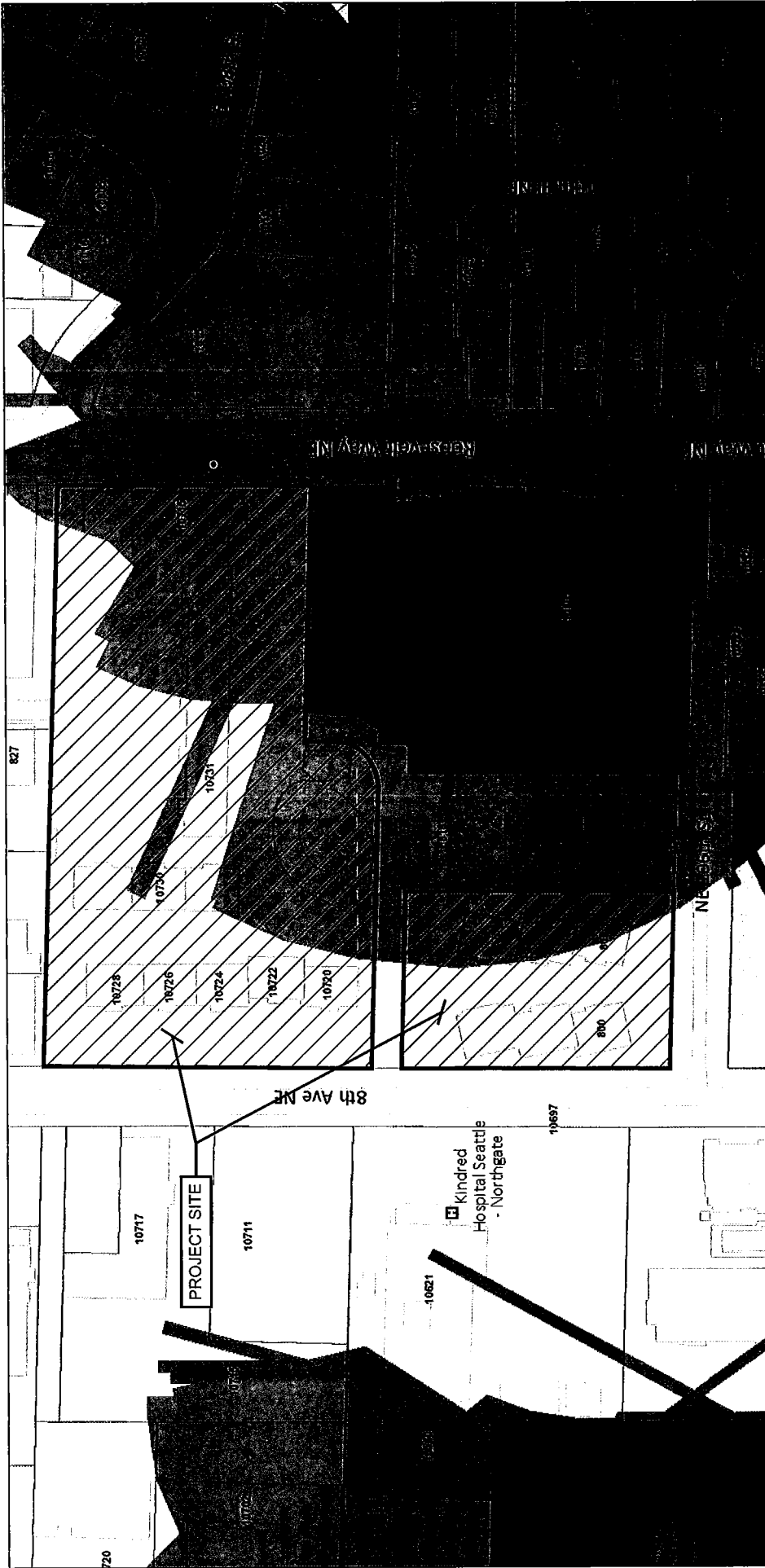
Sewer and Drainage Map

The Park at Northgate

- City Limits
- Catch Basin, Junction Box, Sand Box
- Maintenance Holes and Other Structures
- ▲ Other Structure
- Ditches and Culverts
- Ditch
- Culvert
- Side Sewers and Laterals
- Drainage Lateral
- Side Sewer
- - Drainage Lateral (Not Inspected)
- - Side Sewer (Not Inspected)
- SPU Drainage Lateral
- SPU Side Sewer
- Private Mainlines
- Private Drainage Main
- Private Sanitary Main
- Private Combined Main
- Mainlines (Permitted Use)
- King County Main
- ▲ SPU Drainage Main
- ▲ SPU Combined Main
- ▲ SPU Sanitary Main
- CSU Polygons
- Swales
- Permeable Pavement
- Non-Mainline Detention Polygons
- Mainline Detention Polygons
- Peak Control Infrastructure
- Repairs
- Water Infrastructure
- Water Service
- Topography - 2 Foot
- 10ft. contour
- 2ft. contour
- Parcel

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 completeness, or fitness for a particular purpose,
 are made by the City of Seattle, King County, or
 the State of Washington. State of Washington,
 North Zone
 8/12/2018

Required Evaluation Area for Infiltration



6/12/2019 2:07:58 PM

Green Stormwater Infrastructure Infiltration Evaluation Not Required

Parcels

SDCI & Seattle IT GIS
No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

STORMWATER IMPROVEMENTS ASSESSMENT

Date: June 15, 2017

To: Wallace Properties
 Attn: Courtney Skony
 PO Box 4184
 Bellevue, WA 98009
 cskony@wallaceproperties.com

From: Juan Romero, PE

Reviewed by: Andy Epstein, PE

Project: The Park at Northgate Rezone

BCRA Project #: 16102

CC: Gareth Roe (BCRA); Randy Gould (BCRA)

RE: Project Stormwater Requirements

Attachments: Conceptual Stormwater Plan

CODE REQUIREMENTS

Per the Seattle Stormwater Manual (SWM), the project is classified as a parcel project and required to provide flow control, water quality, and on-site Best Management Practices (BMPs) to the maximum extent feasible.

Since the project discharges to a wetland that discharges to Thornton Creek (a non-listed Creek), the project is subject to the flow control wetland protection standard and pre-developed pasture standard.

In addition, per SMC 220.805.020.E, projects discharging to a wetland or its buffer shall prevent impacts to the wetlands that would result in a net loss of functions or values.

Since the project is expected to create more than 5,000 SF of pollution-generating impervious surfaces (paved areas with vehicle traffic) and it discharges to fresh waters designated for aquatic life use, these areas will be subject to enhanced water quality treatment.

The SWM requires evaluation of the following types of on-site BMPs:

1. Dispersion BMPs: These BMPs will not be feasible because of the proximity to walls/steep slopes and the lack of a long enough flow path with native vegetation.
2. Infiltration BMPs: Per the city of Seattle GIS map infiltration, BMP evaluation is not required for *most* of the site. However, additional geotechnical information will be required to determine if infiltration BMPs will be feasible in the northern portion of the site. Based on the Preliminary Site Research Report by CPL, dated June 2016, neighboring properties had groundwater elevations of only 5 ft. below the surface. If this holds true for this property, then drywells or infiltration trenches/basins will not be feasible. However, other facilities that require less separation from groundwater, such as bioretention or pervious pavement, may be feasible if the geotechnical evaluation is favorable.
3. Non-infiltrating BMPs: Since there is only a small area of the site where infiltration is identified by the city as potentially feasible, the site will likely be required to implement non-infiltrating bioretention cells to meet the on-site BMP requirement.

4. Vegetated roofs and rainwater harvesting are generally not feasible for this type of structure due to high cost.

SITE CONDITIONS

This site includes two basins that discharge to two distinct wetlands. The northeast portion of the site discharges to the NE Wetland and the remainder of the site discharges to the wetland south of NE 106th St. (SW Wetland). To preserve the function of both wetlands, the existing stormwater basins and discharge points will need to be maintained. For this reason, we expect two detention vaults will be required. We assessed a single detention vault option, however, site grades will not allow stormwater to be separately discharged from one detention vault to both wetlands.

CONCLUSION

Two detention vaults will be necessary to maintain hydrology to two distinct wetlands.

For the SW Basin, the Stormwater Concept Plan includes two options for a detention vault. The vault for this basin would detain flows from the Phase I development and roughly half of the Phase II development to match the existing flow to the SW Wetland. We performed some preliminary calculations and estimate 55,000 CF of storage would be required.

Detention Vault Option A is shown within the Phase I Building footprint. To discharge to the wetland via gravity, the vault would be located within the P2 level (below P1) where it would impact proposed parking. Detention Vault Option B is located under the shared driveway; this option would likely impact utilities for existing development to the east and require permission from the adjacent property owner for its construction. In addition, because it is further from the wetland, the vault would need to be higher and the top would be at the same elevation as the existing grades at the NE corner of the vault. This would require the vault to be structurally designed for vehicles to drive directly over the top slab at that corner.

The NE Basin includes the remainder of the site. Approximately 60,000 CF of detention volume would be required. We have located it under the Phase II Building.

The water quality treatment requirement for the northern driveway may be met by a multi-celled infiltrating or non-infiltrating bioretention cell. A geotechnical assessment will be required to determine if infiltration is feasible. Multiple cells will be required because this driveway will exceed 5,000 SF. Water quality for the southern driveway may be provided by a non-infiltrating bioretention cell. This driveway will be very close to 5,000 SF, so it may or may not require the bioretention to be split into two cells.

The on-site BMP requirement may be met for the other surfaces as follows:

Roofs: For the NW and NE buildings, for Phase II and Phase III, we would propose non-infiltrating bioretention cells at the perimeter of the building.) Because the elevation of the water surface in the detention vault would back up into the cells due to the grades adjacent to that portion of the building, this is infeasible for the southern half of the SW building (Phase I). Other BMPs are infeasible and discussed in the code requirements section.

Other Hard Surfaces: Walks around the site may be required to be pervious unless geotechnical investigation demonstrates this to be infeasible. The driveways will not be required to be pervious because they will be constructed over the parking structure. As discussed previously, the driveways can flow to bioretention cells.

END OF REPORT

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 53

ATTACHMENT K

July 21, 2019 photographs of tree canopy south of Site along 105th Street NE.



Photo One: View looking north toward Site from intersection of NE 105th Street / 8th Avenue NE.



Photo Two: View looking north toward Site moving east from intersection of NE 105th Street / 8th Avenue NE.

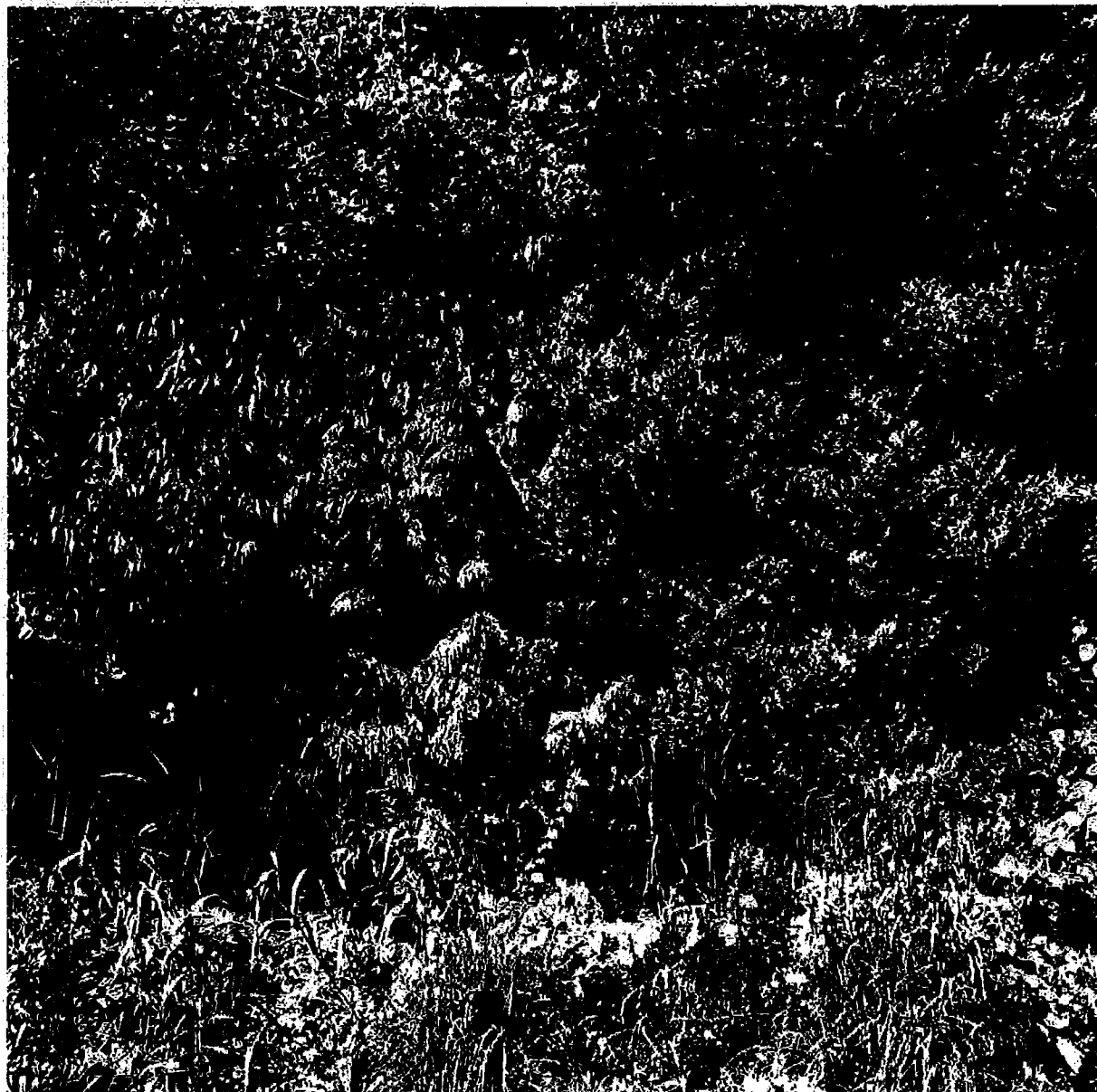


Photo Three: View looking north toward Site moving continuing east from intersection of NE 105th Street / 8th Avenue NE.

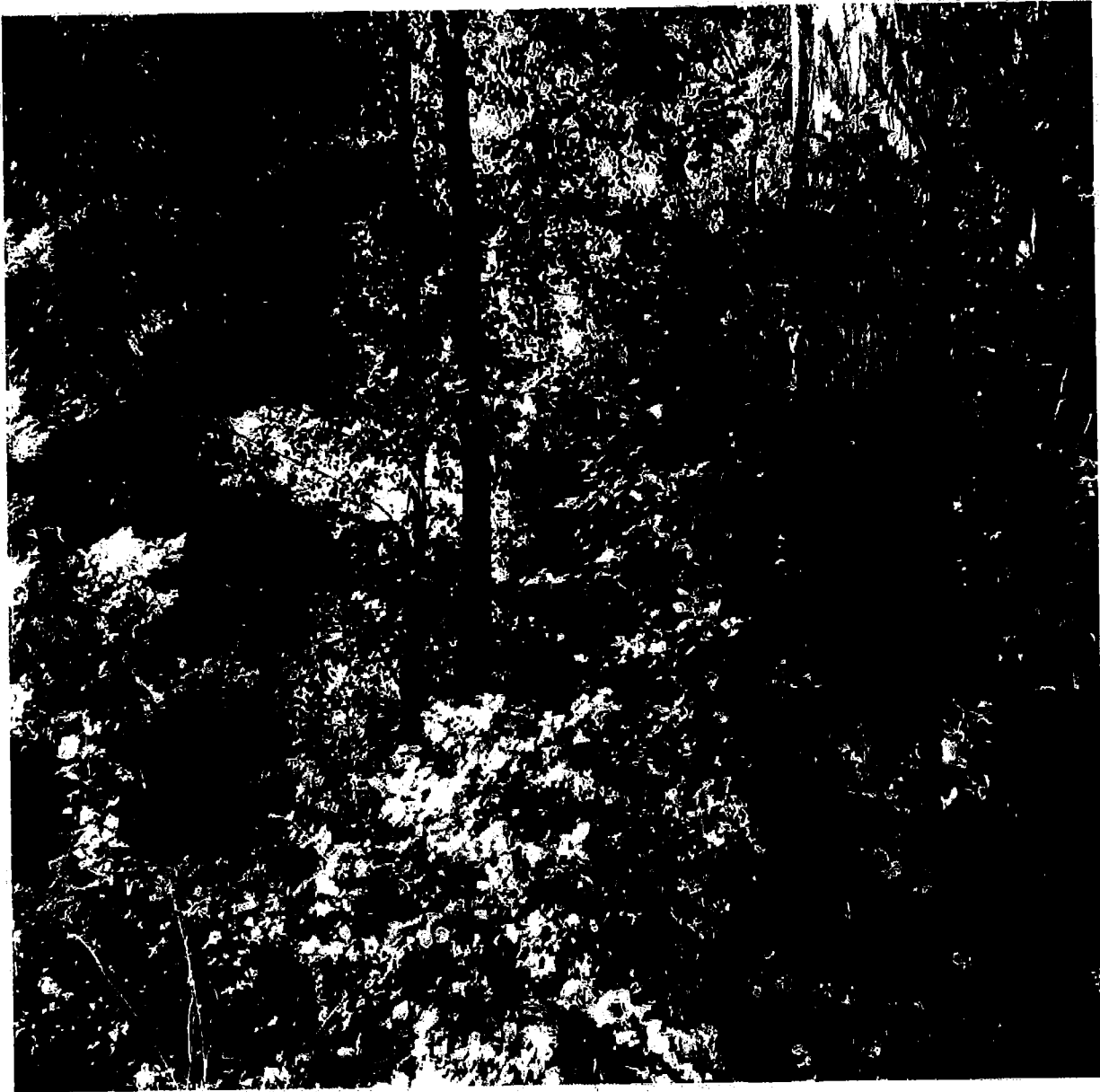


Photo Four: View looking north toward Site moving continuing east from intersection of NE 105th Street / 8th Avenue NE. Adjacent property to east of this location is single-family home. Remainder of parcels along north side of NE 104th Avenue are single-family homes that abut



Location of photographed area in red.

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 54

ATTACHMENT L

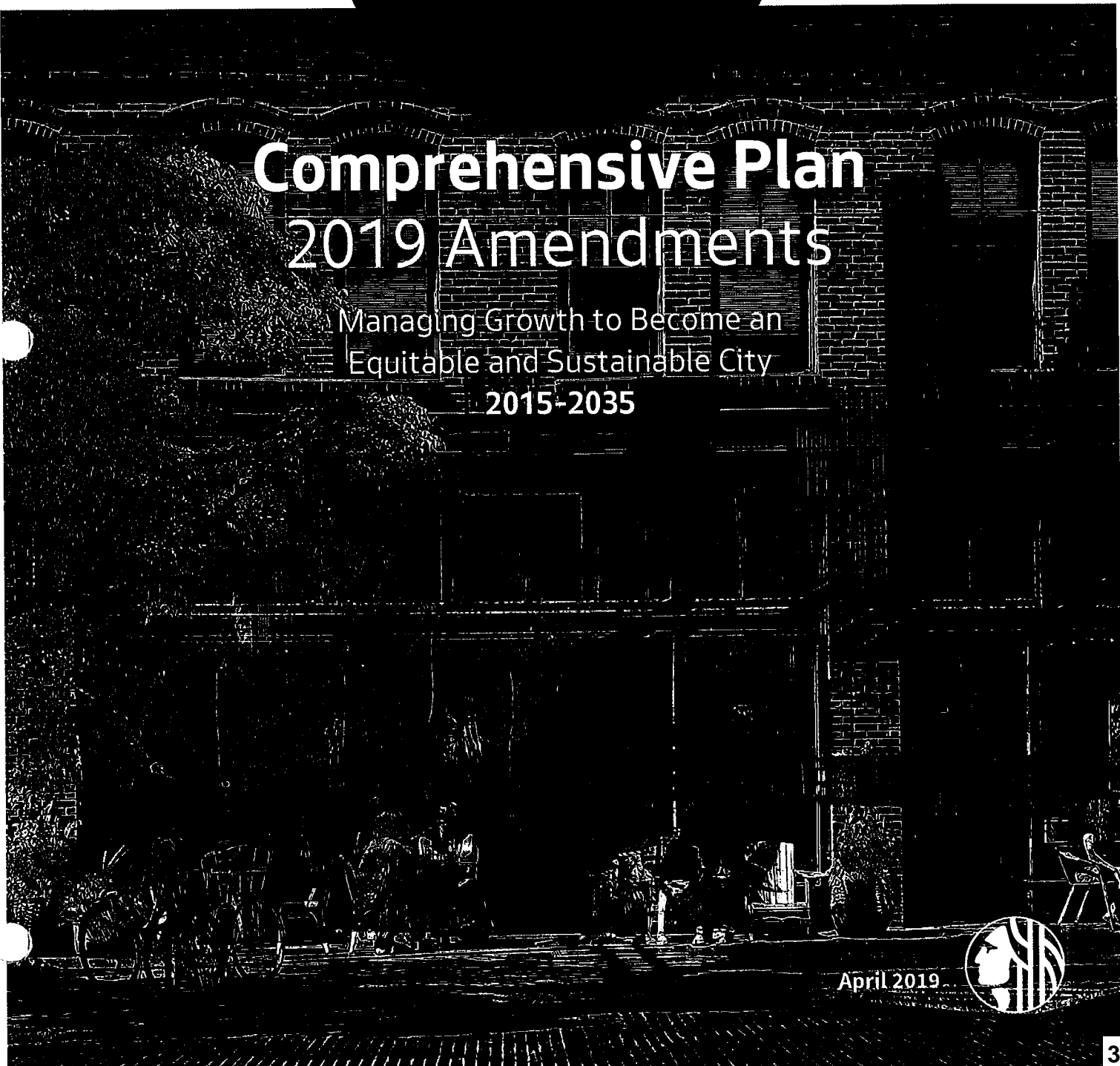
April 2019 Amendments to Seattle 2035 Comprehensive Plan (Northgate)



Comprehensive Plan 2019 Amendments

Managing Growth to Become an
Equitable and Sustainable City

2015-2035



April 2019



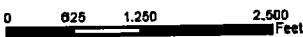
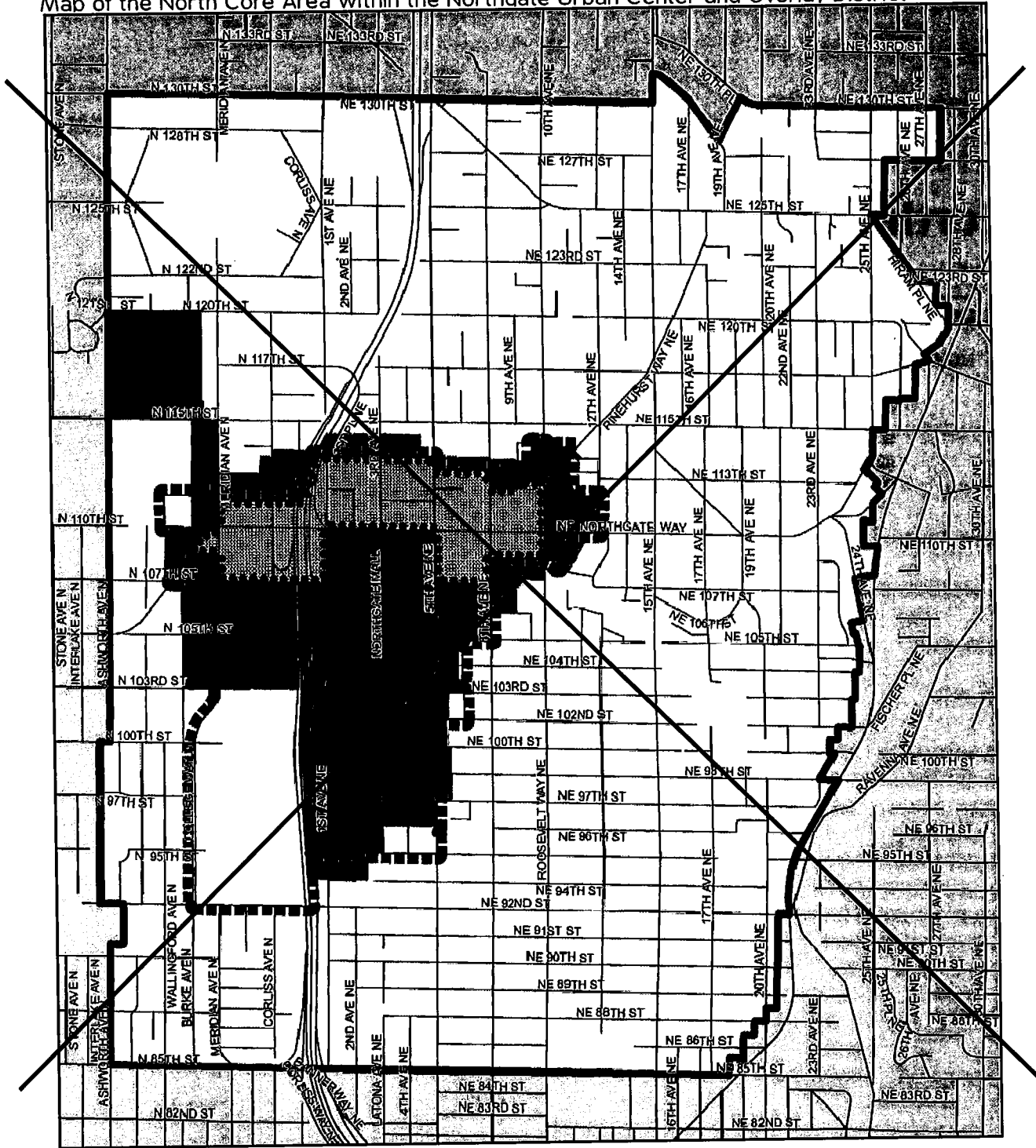
Northgate

LAND USE & HOUSING POLICIES

- NG-P8** Maintain the physical character and integrity of the existing single-family zoned historically lower-density areas of the urban village by maintaining current single-family zoning on properties meeting the locational criteria for single-family zones, encouraging housing choices such as rowhouses, townhouses, and low-rise apartments. Encourage primarily residential uses in these areas while allowing for commercial and retail services for the village and surrounding area.

NORTHGATE

Map of the North Core Area within the Northgate Urban Center and Overlay District



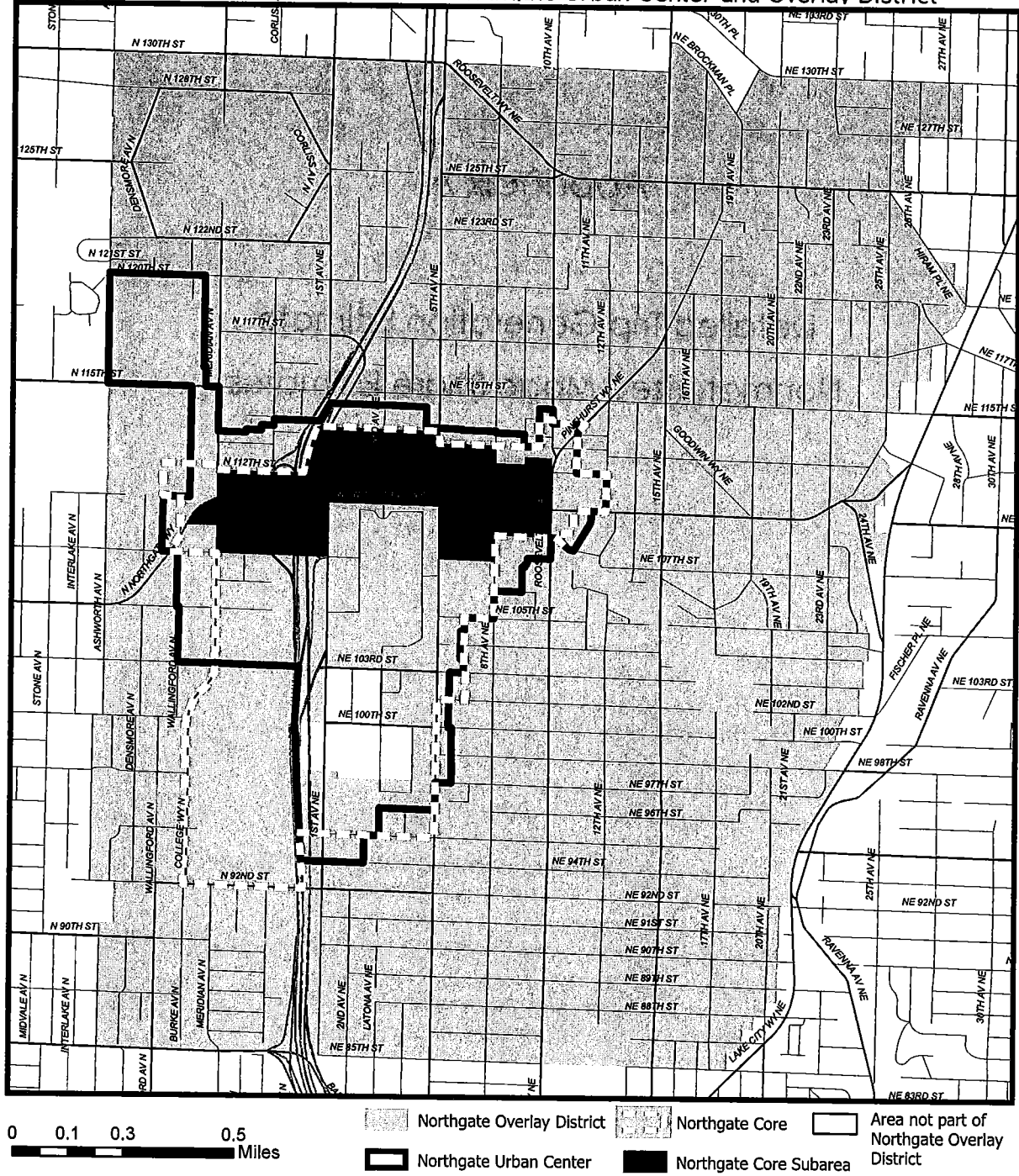
Legend

-  North core subarea
-  Northgate core
-  Northgate urban center
-  Northgate overlay district



NORTHGATE

Map of the North Core Area within the Northgate Urban Center and Overlay District



Appendix A

Detailed Trip Generation Estimate
Nonmotorized Mode Share Estimates

**ITE Trip Generation, 10th Edition, 2017
Park at Northgate**

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit				
Mid-Rise Apartment (Dense Urban Mixed-Use, Vicinity Light Rail)	954	221/222	23	168	191	107	42	2.59	0.20	fitted curve
Total			23	168	191	107	42			

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate
			Enter	Exit	Enter	Exit			
High-Rise Apartment (Typical Suburban/Urban)	954	222	67	213	280	198	126	4.45	fitted curve
Total			50	157	207	146	93		

Sound Transit LRT /Walk Access¹
 20% reduction for residential trips
 5% mode share reduction for walkability to jobs/retail/service

1. Source: Sound Transit Access Mode Analysis of Northgate Station Access Study.
 A walk mode share of 35% of an assumed 60% home-based work trips was applied.

Mode Share Estimates - Total Person Trips (Trip Generation Manual, 10th Edition, High-Rise 222, Dense Urban Mixed Use)					
	X	LU Code	AM Peak	PM Peak	Daily
Total Persons	1,100	222	800	600	7250
In Vehicles (AVO 1.2 peak, 1.1 daily)			290	330	2695
Bikes (10-20%)			80	60	1450
Transit/LRT (20%)			160	130	725
Walk (30-35%)			270	80	2380
			800	600	7250

Appendix B

King County Right-Size Parking Model

Right Size Parking
King County Multi-Family Residential Parking Calculator 1.0.0

Enter a location...

2 Parcels Selected 0.57

Building & Parking Specifications

Location Characteristics

Parking Impacts

parking optimization estimates and guidance on unbundled and affordable housing options.

	NUMBERS OF UNITS	AVERAGE RENT (\$)	RESIDENTIAL AREA (SQ FT)
STUDIOS:	450	\$1,250	350
1-BEDROOMS:	550	\$1,750	650
2-BEDROOMS:	100	\$2,250	750
3--BEDROOMS:	0	\$0	0
TOTAL:	1100	\$1,851	535,000
AFFORDABLE UNITS:	200		

PARKING

PARKING STALLS: 630

PRICE PER STALL (S/MO): \$50

Right Sized

UPDATE RESET

Optimized Parking Supply and Market Price

Modeled parking utilization per building is 630 parked cars and this estimate has a range of 683 - 677 cars per building.

✓ 630 stalls is the optimal parking capacity priced at \$50/mo. **RPY THIS**

✓ Optimal pricing for 630 stalls is estimated at \$50/mo per stall.

Parking/Unit Ratio (Number of Stalls/Unit)
0.50



Map Satellite
Selection Info

Memo to: Nathan Torgelson, SDCI Director
February 3, 2021
Page 56

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED
Public DENIED _____
FILE # CF-314441

42

Examiner, Hearing

From: lone Rowe <irowe48@outlook.com>
Sent: Wednesday, September 29, 2021 6:53 PM
To: Examiner, Hearing
Subject: SDCI) is in the process of permitting two projects that will contain over 1,500 new apartments along 8th Ave between 106th and Northgate Way.

CAUTION: External Email

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8th Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)
- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

lone Rowe
10501 8th Ave NE unit 433
Seattle WA
98125

Sent from my iPhone

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE # CF-314441

43

Examiner, Hearing

From: CLARE HILL <chill_148@comcast.net>
Sent: Thursday, September 30, 2021 10:27 AM
To: Examiner, Hearing
Subject: Oct 6, 2021 Hearing on 8th Avenue NE Development

CAUTION: External Email

City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA98124-4729

New construction on 8th Avenue NE has already produced serious problems for the neighborhood. More construction will cause conditions to worsen.

Apparently, the developers for the new buildings were allowed to build without providing adequate parking for their tenants. Now they are parking along the narrow section of 8th Avenue. So the road is dangerous for pedestrians. There has been an increase in crime. Our building has been broken into many times. And recently, a car was broken into, the windows smashed and engine stripped. Trash is being thrown into the street. Parking right next to the wet lands without a berm will allow chemicals to leach into the wildlife preserve. Service vehicles often cannot reach our building, nor can waste management trucks. And our garbage cans are now overflowing.

All of this is unacceptable. Allowing large developments to proceed would be far worse. Before that could happen, the previous developers should be made to provide parking for the existing tenants. Or parking should be forbidden on the narrow section of 8th Avenue.

I will ask our condo board to document these issues, and to publish them, along with the names of the developers and city council members who are responsible for the problems.

Clare William Hill
Chill_148@comcast.net
206-420-2289
10501 8th Avenue NE #426
Seattle WA 98125

Applicant _____
Department _____ ADMITTED
Public DENIED _____
FILE # **CF-314441**

44

Examiner, Hearing

From: Clarissa Koszarek <clarissakoszarek@gmail.com>
Sent: Thursday, September 30, 2021 12:02 PM
To: Examiner, Hearing
Subject: Comments for Hearing on Oct. 6th (8th Ave NE Greenway)

CAUTION: External Email

To whom it may concern,

My name is Clarissa Koszarek and I am a resident/condo owner at Northgate Villa at 10501 8th Ave NE Seattle WA 98125. I am writing to express my concerns regarding the Kindred Hospital project (#3035925-LU) , The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU) and the additional construction in review on 8th Ave NE between the 106th and 103rd blocks..

The current design for these projects require all building traffic to enter and exit on 8th Ave NE, a designated pedestrian and bicycle greenway, within feet of Thornton Creek at Beaver Pond Natural Area (BPNA) and its tributaries. Additionally, with all the 1000+ new apartments near the greenway, completed or expected to be built by about 2025, many residents will have cars and the apartment plans do not provide nearly enough parking on site to accommodate which leads to an immense increase of cars needing street parking that frankly doesn't exist on 8th Ave NE.

Over the last 3 years that I have lived at Northgate Villa, the amount of congestion, near accidents, illegal parking blocking the street and unfortunately dead Beavers on our narrow street has grown exponentially. As a pedestrian walking my dog, I do not feel safe due to the increase of traffic going by our building and this problem will only worsen with the new building from the Kindred Hospital project and the potential .

As part of the Northgate Neighborhood Greenway, 8th Ave NE should function as a safe route for bicyclists and pedestrians. However, as walkers in the neighborhood like myself know, 8th Ave NE has never been busier, or more treacherous. Due to other recent apartment construction, there has been a significant increase in vehicle traffic and parked cars on this narrow street. With no sidewalks south of NE 106th St, this congestion causes serious hazards to pedestrians and visitors to BPNA every day.

The additional daily traffic that 1000+-units of apartments will create on 8th Ave NE will do more than just further congest an already dangerous chokepoint. The extra vehicle load will send yet more toxins into Thornton Creek, in particular a chemical derived from tires, which is now known to kill coho salmon before they can spawn.

I am rightfully concerned about these increasingly hazardous neighborhood conditions and the impact of increased traffic and construction on the creek at BPNA. The proximity of these projects to Thornton Creek will negatively impact the coho salmon, the wildlife at the BPNA and the people living in the area who would like to feel safe walking and cycling in their neighborhood. This project will only increase traffic on 8th Ave NE will create additional hazards for pedestrians/cyclists as well as endanger wildlife.

A summary of my main concerns is as follows:

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8th Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)

- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

Given these apparent issues, I ask that you please consider the impact that approving these project plans would have on the safety of our community and wildlife. I would hate to see our beautiful natural habitat destroyed due to negligence.

Best,

Clarissa Koszarek

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED _____
FILE # CF-314441

45

Examiner, Hearing

From: Jeremy Taiwo <jeremy.taiwo@gmail.com>
Sent: Thursday, September 30, 2021 7:59 PM
To: Examiner, Hearing
Subject: Appealing to the rezone and construction of new buildings long 8th Ave NE & NE 105 st/Northgate Way

CAUTION: External Email

Hello,

My name is Jeremy Taiwo. I was born and raised in Seattle. I currently live on 8th Ave NE and NE 105 St. I am writing to express my concern of the plans for a serious expansion of houses and its effects on the beaver preserve and traffic along 8th Ave NE.

I have used 8th Ave as a conduit for training and take time to walk through the preserve. As I am a USA Olympian from 2016, in training for the 2020 Olympic Games, I did much of my running along this road and have personally been almost hit by traffic and seen other adults and children almost hit. With inadequate parking, no sidewalks and narrow roads, this road could not and will not support hundreds of more motor vehicles of residents accessing from the new proposed developments slated to go in.

Currently, I am also a firefighter. With the increase in parking along 8th Ave NE, and traffic through the street, I've witnessed the danger to emergency response and access to Northgate Villa Condominiums multiple times. This will only worsen with more access and traffic coming from large developments planned to spill their traffic out onto 8th Ave NE.

I suggest that these apartment buildings be reconsidered by way of footprint, overall story height and that their access be out to a safer street (Roosevelt Ave NE) that has sidewalks, bike lanes and traffic lines. This will make the community safer, and allow for pedestrians and bike traffic to utilize the narrow 8th Ave NE without fear of motor vehicle accidents.

I have seen more runoff, the waste from vehicles passing through and the destruction of the preserve with more people going through the area. This will only increase if development escalates.

Thank you for your consideration,

Jeremy Taiwo

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED _____
FILE # (CF-31444)

46

Examiner, Hearing

From: CLARE HILL <chill_148@comcast.net>
Sent: Saturday, October 2, 2021 6:31 AM
To: kwalker@avvanta.com; northgatevillaboard@googlegroups.com; Examiner, Hearing
Subject: Oct 6 2021 Development Meeting

CAUTION: External Email

New development in the 8th Avenue NE area will degrade conditions in the neighborhood. The area is low density, with low rise condos and apartments, and mostly houses. The streets are narrow and without sidewalks. The increased congestion would make the streets unsafe for pedestrians. The new buildings would cut off the light and the views.

Crime has increased with the buildings that have already been built. Of course they have high security features, as the new development presumably would have. The surrounding neighborhood does not. So crime will get worse for the existing residents.

This is North Seattle, a semi suburban area. Allowing high density development here, for the increased profits of developers, will degrade living standards for the current residents. It is unacceptable. The streets and buildings were not built for a high density area. And the developments should be limited to the standards of the surrounding neighborhood.

Clare William Hill
Chill_148@comcast.net
206-420-2289
10501 8th Avenue NE #426
Seattle WA 98125

October 3, 2021

To: City of Seattle – Hearing Examiner
700 5th Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729
www.seattle.gov/examiner

City of Seattle
Hearing Examiner Exhibit

Applicant	_____	ADMITTED	<input checked="" type="checkbox"/>
Department	_____	DENIED	<input type="checkbox"/>
Public	<input checked="" type="checkbox"/>		

FILE # CF-314441

47

From: Susan Jacobsen
Co-Appellant

Address: 10713 Roosevelt Way NE
Project: 3033517-LU
Clerk File: 314441
Zone: LR3(M)

Applicant Contact: Any Paroline, Paroline Associates
SDCI Planner: Carly Guillory

Re: Appeal Director's Decision (Environmental Determination)

To Whom It May Concern:

I have lived at the Northgate Villa Condominium for many years and have enjoyed quite up close all the elements of our greenway and especially the Beaver Pond area on 8th Avenue NE. I have watched beavers and ducks and fish and birds and woodpeckers and blue herons all make appearances there for all of us to enjoy. It was fun to watch children and others from the neighborhood enjoy this too. Truly a gem of the Maple.Leaf/Pinehurst area!

While more and more people are moving to Seattle, it was inevitable that changes would have to be made to accommodate everyone, but at the same time, could we not be flexible enough to limit anything that would cause environmental harm to the air, animals, and even other human beings?

Here are my current observations:

1. There is insufficient parking provided by the 2 apartment complexes to the north of us, so they (and others) have been parking in front of the Beaver Pond on 8th NE.
2. Cars are leaking oil on the asphalt.
3. The asphalt is cracking and breaking at the edge of the street under too much weight.
4. Exhaust from more cars and tires "toxicity" cannot be good for the animals and humans.
5. The traffic congestion from cars, bikes, trucks, and walkers has caused a real safety hazard due to the fact that the street is so narrow. Definitely not a good thing any time of day!
6. Large utility, moving, and garbage trucks as well as emergency vehicles and others have difficulty navigating where they have to go due to lack of street space, and this causes slowed-down emergency response and (in the case of Northgate Villa) garbage piling up for more than 2 weeks.
7. At best, I don't think 8th Avenue NE between 105th and 106th is wide enough to accommodate cars, bicycles, wildlife, and humans even at this point (without even discussing environmental concerns), but I guess enforcing parking signs will help. (continued)

October 3, 2021
City of Seattle Hearing Examiner
Project: 3033517-LU
Page 2

Limiting the size of the new apartment buildings so they won't over-tax what is already over-taxed is absolutely imperative and would be ecologically sound.

If more units being built could have entry and exit places to go onto Roosevelt or north up the street to the corridor going to 5th Avenue, I think it would help a lot of environmental concerns I have.

Another solution would be to have more parking spaces in the apartment buildings themselves.

Let's keep the greenway a peaceful and beautiful place!

Susan Jacobsen

Applicant _____
Department _____ ADMITTED
Public DENIED _____

48

FILE # (CF-31444)

Examiner, Hearing

From: Annie Fanning <anniefanning@gmail.com>
Sent: Sunday, October 3, 2021 7:04 PM
To: Examiner, Hearing
Subject: Comment on Director's Recommendation: Project #3033517 Rezoning Park at Northgate

CAUTION: External Email

Please find my comment for Project #3033517 Rezoning Park at Northgate duplicated below, hard copy to follow:

If you wish to file written comments and/or receive a copy of the Hearing Examiner's recommendation, please return this completed form with any written comments you have to: **City of Seattle, Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729**

Project: #3033517-LU Carly Guillory, (206) 561-7571 Floor SMT #19

Name: Annie Fanning

Address: 837 NE 95th Street

Zip: 98115

Email Address: anniefanning@gmail.com

Comment:

I would like to respectfully request that the Director consider two things: 1) whether the Park at Northgate's **SEPA checklist is inaccurate** for the two parcels in question and 2) whether upzoning these particular parcels will have disastrous impacts on **green infrastructure** and **neighborhood walkability**, in particular how future extra-large-scale development using megatons of impervious, heat-retaining concrete and creating a hazardous influx of vehicle traffic onto 8th Avenue will impact both the green infrastructure at Beaver Pond Natural Area adjacent to the project site and the pedestrian safety of the neighboring blocks.

First off, I think the applicant has not completed the SEPA checklist (dated 7/26/19) thoroughly or honestly. On page 12 the applicant writes there are "song birds, no mammals, no fish" near the site. Beaver Pond Natural Area a **nearly 7-acre park is adjacent to The Park at Northgate**. I have seen both **beavers and fish** present in Thornton Creek at Beaver Pond NA in the last month (September 2021). I walk through the park regularly and in addition to beavers and fish, I have seen heron, hawks, eagles, songbirds, woodpeckers, owls, crows, hummingbirds, squirrels, rabbits and raccoons. I believe the fish that I have seen are stickleback trout. I revel in the moments I witness the wild in this urban forested wetland, and I know many other neighbors do as well.

Any impact to Beaver Pond by construction and by the additional traffic load pushed on to 8th Avenue NE **threatens the water quality of Thornton Creek**—not just at Beaver Pond, but downstream of Beaver Pond to the more pristine areas of Thornton Creek at Kingfisher, and all the way to Matthews Beach where the mouth of the south fork empties into Lake Washington. And if the applicant has been less than forthcoming about the wildlife, in particular the federally protected beaver, what else have they fudged on the SEPA checklist?

Secondly, I think the City should carefully review the existing green infrastructure at Beaver Pond NA and poor walkability of the surrounding blocks. Once such a large private development is complete so close to the creek, it will be **impossible to retroactively do what is currently needed** to create the best outcomes for the community.

Currently, as Seattle Public Utilities is well aware, **8th Avenue NE floods at NE 105 Street** in severe storm conditions because there's near-zero creek buffer between at 8th, with a pond mere inches from the road, and because the culverts are inadequate. To put it another way: there is designated "environmentally critical area" on both sides of 8th, a block from the parcels in question. What will happen if there is a 100-year weather event? What are the city's plans to improve the culverts of Thornton Creek, a historical salmon run and currently a fish-bearing stream? On page 10 of the SEPA checklist, the applicant specifies that the stormwater runoff from the development will eventually discharge into Thornton Creek, so the current development plan for The Park at Northgate is to make the situation WORSE.

Right now, 8th Avenue NE is exceptionally **dangerous for pedestrians**, with no sidewalks north of NE 97th St until the Modera Hospital. Supposedly 8th is a Greenway, but there is no way to safely walk down 8th Avenue NE from Olympic View Elementary to Beaver Pond Natural area. Adding significantly more traffic to what is supposed to be a walkable corridor is just nuts. Clearly the City needs to reclaim parking strips to put in some natural drainage sidewalks to help with the stormwater running down the hill.

Additionally, the City has promised to add parkland in tandem with density, and that in this particular area of Northgate we are already adding nearly 500 new units at Lane Apartments E and at the development of the former Modern Hospital, both of which have driveways opening on to 8th Avenue NE. I would hope that the City will take another look at the map and 1) reroute all new driveways off of 8th Avenue NE and 2) envision trying to connect the 7 acres of Beaver Pond NA spanning the creek from NE 103rd and 5th Ave NE to NE 110th and Roosevelt Way so that the park can do triple duty as a pedestrian corridor connecting 5th Avenue NE with Roosevelt Way, well as supporting green infrastructure and habitat.

Green spaces like Beaver Pond Natural Area aren't just a nice-to-have: they are an absolute necessity for human health and habitat in the city. The creek lands absorb the stormwater from the hillside above as well as from the pipes pouring into creek channel itself. The park has several stands of large conifers that absorb stormwater, filter air pollution, and mitigate against the heat created by concentrated areas of concrete. Beaver Pond Natural Area also creates an opportunity for neighbors and visitors to quietly enjoy nature, which studies have shown improves mental health. Beaver Pond Natural area currently has some foot paths that offer a healthy alternative for pedestrians away from traffic and air pollution—but they aren't connected, they aren't all ADA accessible, and they just aren't enough. The City needs to more thoroughly envision the future of our green infrastructure and the walkability of Northgate before the private developers have made all the decisions for us.

Please don't upzone the Park at Northgate without considering Beaver Pond Natural Area and the walkability of the neighborhood.

Sincerely,

Annie Fanning
837 NE 95th Street
Seattle, WA 98115

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE # CF-314441

49

Examiner, Hearing

From: Erika Brk <erikabr14@gmail.com>
Sent: Monday, October 4, 2021 8:48 PM
To: Examiner, Hearing
Subject: Environmental, parking and traffic impacts on 8th Avenue NE, Seattle

CAUTION: External Email

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8th Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)
- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

Erika Birke
Owner/resident of Northgate Villa
10501 8th Ave NE
Seattle, WA 98125

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED
Public DENIED _____
FILE # CF-314441

50

Examiner, Hearing

From: Chuck Dolan <chucklesd2@hotmail.com>
Sent: Monday, October 4, 2021 8:16 PM
To: Examiner, Hearing
Subject: Comments Regarding Project # 3033517-LU

CAUTION: External Email

To whom it may concern,

I have a number of concerns regarding this "The Park at Northgate" redevelopment.

As it borders Beaver Pond Natural Area (BPNA) and Thornton Creek, this redevelopment must address, in clear detail, the impacts to these critical salmon and beaver habitats. Beaver and salmon should have been identified in the SEPA Checklist and were not. Buffers need to be created and enhanced and the highest level of stormwater detention and filtration required. Vehicle traffic should be routed away for the BPNA and Thornton Creek as much as possible via Northgate Way or Roosevelt. Additional testing should be done to determine if peats soils are present and if so protect and daylight them.

Vehicle traffic should avoid the pedestrian Greenway of 8th Ave NE as it is already overburden. The numbers in the Traffic Analysis woefully understate the expected use of 8th Ave. Tire residue is a known factor in coho pre-spawning mortality.

Please make me a party of record and keep me informed of actions regarding this project.

Warren Charles Dolan Jr AKA Chuck

Applicant _____
Department _____ ADMITTED
Public DENIED
FILE # CF-314441

52

Examiner, Hearing

From: WAYNE JOHNSON <mag98kamiak@comcast.net>
Sent: Tuesday, October 5, 2021 4:48 PM
To: Examiner, Hearing
Subject: Comments for Case CF-314442 Rezone Appeal Hearing

CAUTION: External Email

To the Seattle Hearing Examiner
Re: Case CF-314442

My wife and I are and have been continually resident homeowners at the Northgate Villa Condominium, 10501 8th Ave NE, Seattle WA 98125 for 18 years.

We want our comments below to be considered in the appeal of rezoning The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU).

We are not generally against rezoning property in the city of Seattle as there is an ongoing need for additional housing. However, we are deeply concerned about the pending avalanche of negative effects that will stem from this rezone (and a neighboring development in process) on 8th Ave NE, the street directly in front of our property at Northgate Villa. This large residential development will contribute negatively to the already existing serious issues of transportation congestion, pedestrian and resident safety along 8th Ave NE along with potentially negative, possibly even disastrous environmental effects on the directly adjoining South Thornton Creek and the Beaver Pond Natural Area, both Environmentally Critical Areas, that Seattle taxpayers have already spent millions of dollars to restore and preserve. Salmon restoration on South Thornton Creek in particular may be one of the earliest environmental victims of increased vehicular traffic on 8th Ave NE.

All this when 8th Ave NE between NE 103rd St and NE Northgate Way has now been designated a part of the "Northgate Neighborhood Greenway". Quite a misnomer considering the vastly increased traffic and transportation issues on the street that will be coming from both of the developments currently pending on 8th Ave NE.

Residents and homeowners at Northgate Villa have already seen issues with the access of emergency (Fire Department) vehicles, garbage pick ups, service and delivery vehicles to our and neighboring properties due to congestion in this section of 8th Ave NE.

As bad as the safety issues have been recently for pedestrians who are able bodied, they are and will be many times worse for disabled individuals when traffic from the vastly increased population is traveling in both directions along 8th Ave NE.

Conditions to mitigate such impending dangers and damage to come such as a requirement to divert a significant amount of the access and egress traffic from the pending redevelopment of the Park at Northgate to Roosevelt Way NE, already a major Seattle arterial, should be made. Even a reduction of the number of units in the the project itself would be extremely helpful in this context and would still contribute to increasing housing in Seattle.

As a lifelong resident of Seattle and an 18 year resident owner at Northgate Villa, we would strongly urge you to give as much weight to the existing issues and concerns of our local residents,

homeowners and taxpayers as the project developers get and then strive to come up with some fair conditions that will mitigate negative impacts or damage to come from the development.

Thank you for your consideration and time,

Wayne T. Johnson
Anastasia S. Kaykas
10501 8th Ave NE #407
Seattle, WA 98125
mag98kamiak@comcast.net
(206) 733-0781

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED
Public DENIED
FILE # CF-314441

53

Examiner, Hearing

From: Naomi Joseph <njjoseph@hotmail.com>
Sent: Tuesday, October 5, 2021 8:21 PM
To: Examiner, Hearing
Subject: Property at 10713 Roosevelt Way NE Project No. 3033517-LU

CAUTION: External Email

I would like to make the following comments about the issues pertaining to this project:

1. 8th Ave NE between 105th and Northgate way is an extremely narrow street with very little street parking and is currently very unsafe for pedestrians and bicyclists. The addition of even more apartments and therefore more cars to this street will result in the increased congestion and the likelihood of accidents.
2. It is crucial that as much of the increased traffic as possible be directed away from 8th Avenue NE.
3. Eighth Avenue is bordered by Environmentally Critical Areas (ECAs). More moving vehicles will cause yet more vehicle-wildlife conflicts.
4. Please consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries
5. The Beaver Pond Natural Area/Thornton Creek area needs to be protected and an Environment study should have been done to ensure that there will be no damage to these areas.
6. The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU), has ready access to Roosevelt. Given that 8th Ave. is now deemed a "greenway", all traffic from this location should be directed to Roosevelt.

Thank you,
Naomi Joseph
10501 8th Ave NE, Unit 213
Seattle, WA

Sent from Mail for Windows

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED
Public DENIED _____
FILE # CF-32441

54

Examiner, Hearing

From: Cheryl Klinker <aeacak@gmail.com>
Sent: Tuesday, October 5, 2021 10:03 PM
To: Examiner, Hearing
Cc: alaing@schwabe.com; thorntoncreekalliance@gmail.com;
kwallace@wallaceproperties.com; Maya Klem
Subject: CF-314442 10713 Roosevelt Way NE - Park At Northgate

CAUTION: External Email

Dear Sir,
Thornton Creek and its wildlife inhabitants and human visitors deserve protection from the oils, metals, and chemicals that will be increased and washed into the creek if 8th Ave NE is widened and takes on the increased volume of vehicular traffic. The increased runoff will also contribute to flooding in this area which increases erosion of the road and stream banks.

So if you must go forward with this project and the direction of traffic on to 8th Avenue, the least you can do is mitigate the damage by working with Seattle Public Utilities to look at ways to treat and/or divert the runoff before it gets into the creek; remove and reconfigure the right angle, drain, culvert system under the intersection of NE 105th street and 8th Avenue NE; and restore the natural floodplain area that is now NE 105th.

I have been leading restoration efforts and working with volunteers at Beaver Pond Natural Area since 1994 in partnership with Earthcorps, Thornton Creek Alliance, and now Green Seattle Partnership and Forterra. It would be a great disservice to have all these efforts derailed. We would much rather see you as a partner in preserving this very special natural area and the wildlife that have now made their home here....and yes that includes the beavers. Your residents will have a unique benefit to living and working in the Park at Northgate.

Respectfully,
Cheryl Klinker
Forest Steward
Green Seattle Partnership
206-402-8660

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ _____ DENIED
FILE # CF-34441

55

Examiner, Hearing

From: Muriel Lawty <m.g.lawty@gmail.com>
Sent: Tuesday, October 5, 2021 8:51 AM
To: Examiner, Hearing
Subject: Project # 3033517-LU
Attachments: Inked8th Ave wheelchair vehicle_LL.jpg

CAUTION: External Email

I regret that I may not be able to attend the hearing for project #3033517-LU scheduled for 10/06/2021, so I am submitting this statement in support of the environmental concerns expressed by members of Thornton Creek Alliance, Kay Landholt, and others concerned about the threats to the natural areas near this project and the impact on traffic along 8th Ave NE south of Northgate Way. I understand the need for more housing, especially lower rent housing in projects near major developments such Northgate where retail, medical, public agencies such as libraries and other facilities that provide goods, services and much needed jobs. Along with each and every project we must have significant environmental amenities included in the plans. The health, both physical and mental, of the residents, workers, and visitors to these developments depend upon a clean and healthy environment. Once we lose or damage our natural environment we create situations that are hard to repair and restore. Damaging our natural areas is damaging our future and the future of our children for generations to come.

In addition to environmental concerns, I want to speak out about traffic on 8th Ave NE south of Northgate Way. The existing conditions are not safe now. Adding more housing with ingress and egress along 8th Ave NE is irresponsible at best. I cannot imagine what planners were thinking when this idea was presented. My understanding is that SDOT is discouraging curb cuts along arterials such as Roosevelt Way. Applying that idea here is an example of making and following a rule that cannot and should not be universally applied. We as responsible adults must look at the bigger picture; we must look at rules in the context of where they are to be applied and design rules that are flexible to meet the needs of each community. Therefore, traffic along 8th Ave NE must be assessed in terms of the impact on the natural environment and on of pedestrian, bike, and also vehicle safety.

Traveling south on 8th Ave NE from Northgate way, I had to wait to pull over to safely take the attached picture of a woman in a wheelchair traveling north on 8th Ave NE. When I first saw her she was where I inserted the red dot and the vehicle facing me (lic#AHZ8060) was passing her. This is only one small example of how dangerous this street is for vulnerable people. Do they not have rights? I do recall something about the Right to Life in our Bill of Rights! How can we consider adding more hazards to this already crowded and unsafe street! Regardless of any decision on the pending re-zone – Please – route all traffic from that development onto Roosevelt Way!



Very Sincerely,

--

Muriel Lawty community volunteer

206 328 5206

m.g.lawty@gmail.com

For real estate services email muriellawty@BHSSigprop.com

Berkshire Hathaway Home Services Signature Properties

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Thornton Creek Alliance
Post Office Box 25690
Seattle, Washington 98165-1190

City of Seattle
Hearing Examiner Exhibit
Applicant _____
Department _____ ADMITTED
Public DENIED 56
FILE # CF-314441



Via Email Only

October 5, 2021

City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729

Re: HE File Number CF-314442; Project #3033517

Dear Mr. Vancil:

Thornton Creek Alliance (TCA) has been following SDCI's treatment and planning adjacent to the Eighth Avenue NE greenway with growing concern. We heartily endorse and support adding a variety of housing options and making room for more neighbors in greater diversity than before. However, it appears that in accommodating the need for increased density in the Northgate Urban Center, the City is prepared to add thousands of residents and vehicles to the greenway, a narrow, side-walk free street, without planning for the increased need for pedestrian/bicyclist safety, openspace, and openspace access.

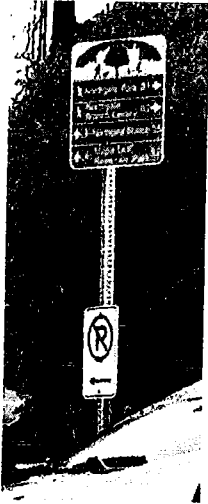
When making a land use change of this magnitude, isn't it important to plan carefully for the ripple effects of the influx of some 2770 housing units on or near a narrow street with ECAs on both sides and no sidewalks?

We have been told that there will be opportunities to speak and influence the process later on, but we know that when each step of the process is handled correctly, the succeeding steps should be easier and more routine.

Normally, TCA doesn't concern itself with what are essentially SDOT matters, but because of the complete neglect of Beaver Pond Natural Area (BPNA) in these proceedings, and the elimination of safe access to it, we are reluctantly departing from our usual and preferred role as community partners and having to assume this adversarial role in advocating for consideration of the natural area.

BPNA contains a very interesting reach of the south fork of Thornton Creek that, because of years-long restoration efforts, beavers moved into about a decade ago. They have built dams, stick lodges, and bank lodges. Their first pond having silted up, they moved a bit downstream (north) in the park. The section along Eighth NE is a wetland/stream complex and a confluence for Thornton Creek and the small side streams that merge here. It is also valuable as an upstream containment area for SPU's Meadowbrook Pond. Besides the creek and wetlands, there are the forested buffer zones, parts of which have been lovingly restored by volunteers with support from City agencies. The best street views of the beavers are usually near the intersection of Eighth Ave. NE and NE 105th St.

BPNA is the largest park in Northgate and home to a wide variety of wildlife, including pileated woodpeckers and potentially much more. The City of Seattle has spent millions of dollars and volunteers have spent thousands of hours restoring its ecological functions.



But now BPNA is being treated as nothing more than a barrier between land uses. To drive the point home, SDOT has recently planted a new directional sign right across the street that names Maple Leaf Park and Northgate Park, but omits BPNA altogether.

The planned traffic load offers up multiple violations of the 2020 Seattle Comprehensive Plan. (http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020_NeighborhoodPlanning.pdf) See Access to Open Space, p. 129 and fol., and several of the Northgate sections of the Plan. (Italics added below.)

LAND USE & HOUSING POLICIES

NG-P2 Use land use regulation to cause new development to locate close to transit stops and *provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

NG-P7 *Reduce conflicts between activities and promote a compatible relationship between different scales of development* by maintaining a transition between zones where significantly different intensities of development are allowed.

NG-P8.5 Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, *pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

TRANSPORTATION POLICIES

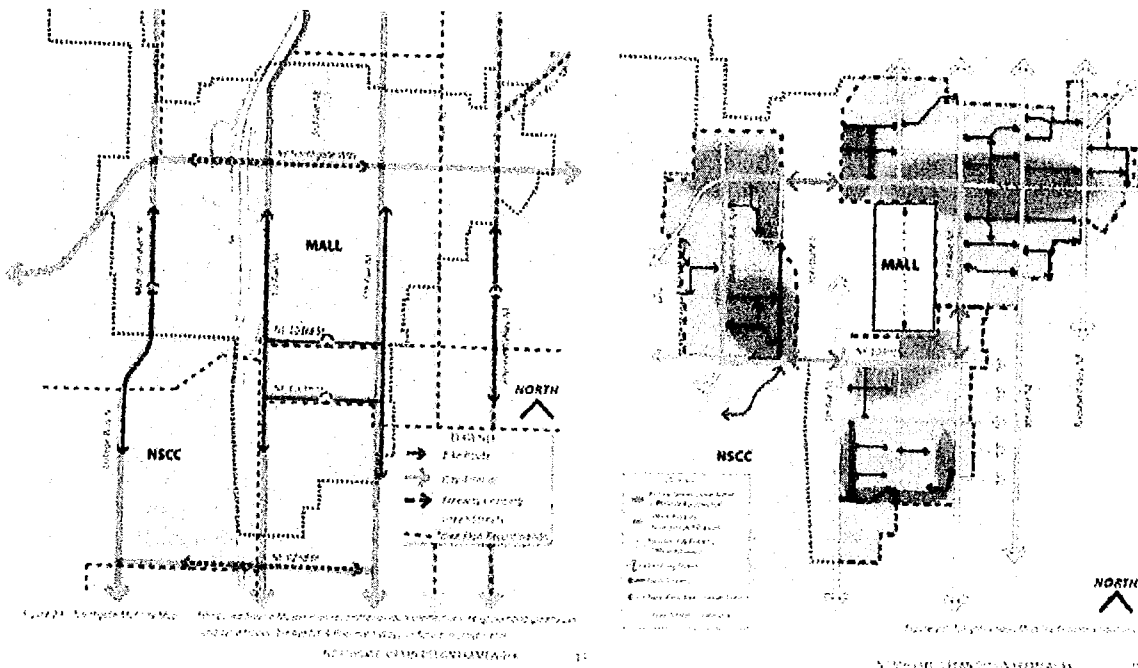
NG-P9 Promote the efficiency of the transportation system by *accommodating more person trips rather than vehicle trips.*

NG-P11 *Promote pedestrian circulation with an improved street-level environment by striving to create pedestrian connections that are safe, interesting, and pleasant.*

NG-P13 *Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets,* and improving traffic flow, circulation and safety, without increasing vehicular capacity.

DRAINAGE POLICY

NG-P16 Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.



All the way back in the 2013 Northgate Station Area Planning, Eighth Ave. NE was designated as a bike way, south from NE 117th to at least NE 90th.

<https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/NorthgateStationAreaPlanning/CopyofNorthgateUDFFinal.pdf>.) On P. 13 (left picture), the greenway portion conveniently ends at NE 106th, but it's back in, on P. 19 (right picture).

In 2018, it's definitely back and extends south to NE 103rd.

http://www.seattle.gov/documents/Departments/SDOT/Greenways/Northgate_Greenway_FactSheet_2018.pdf) While this document is a pleasant read, it makes no mention of saving any safe space for pedestrians or bikes while the City is planning for thousands of new motor vehicle trips, albeit slow-moving motor vehicles, per day, and still no sidewalks are planned or budgeted as we have been informed by SDOT.

On P. 19 the map also shows a network of streets breaking up the super blocks on Eighth, just south of Northgate way. Only a few have actually been built, and they are not publicly available. This plan probably still puts too much traffic on the side-walk free greenway, but if it had been implemented, it would have been a great help. What happened here?

We have learned that SDOT has a policy of not opening driveways onto arterials. But in this case doesn't that make more sense than opening onto a pedestrian thoroughfare?

Obviously this is a matter of cumulative effects and not just those anticipated by the proposed Park at Northgate which hasn't even broken ground yet. For this reason, an EIS is called for. The upzone decision, all by itself, is not at the root of the problems.

How does mismanagement of the greenway harm this crucial part of BPNA?

It obliterates it. Already the park can be neither seen nor enjoyed. There is no parking available on any nearby street, even for the handicapped. There is no safe overlook or other vehicle-free ROW to safely stand in and watch for wildlife. This site was especially popular in the evenings when the beavers are most likely to be seen, but now it's too risky.

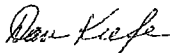
On top of that it creates dangers for wildlife. Already there are stories of beavers being hit by cars.

Some Solutions to Consider

- Find ways to route the traffic elsewhere. The Park at Northgate already has a curb cut on Roosevelt. Use it and add another. Purchase and use the route Katherine Landolt has found that uses an existing curb cut on Northgate Way. This applies to the Modera project across the street as well. The connectors are already in place. Work out the price.
- Vacate NE 106th and turn it into a creek buffer zone. Maybe add a couple of handicapped parking spaces.
- Add a boardwalk and overlook for pedestrians to enjoy the natural area and wildlife.
- Build slow-the-flow sidewalks from NE 106th to NE 95th.
- Vacate the eastern portion of NE 105 from Eighth NE to the Northgate Villa driveway. Now that the massive culvert that was holding up repair of this choke-point intersection is no longer in service, we have a golden opportunity to put an end to the traffic jams and annual flooding. Close the intersection, remove the roadway, and let the creek flow as it will. Complete the greenway with a bridge for pedestrians and bikes.

Thank you for your consideration. We look forward to participating in this process as it develops.

Sincerely,



Dan Keefe,
President



Ruth Williams,
Land Use Committee Chair

c: Debora Juarez, Seattle City Council, District 5

THORNTON CREEK ALLIANCE (TCA), founded in 1993, is an all-volunteer, grassroots, nonprofit organization of over 150 members from Shoreline and Seattle dedicated to preserving and restoring an ecological balance throughout the Thornton Creek watershed. Our goal is to benefit the watershed by encouraging individuals, neighborhoods, schools, groups, businesses, agencies, and government to work together in addressing the environmental restoration of the creek system including: water quality, stabilization of water flow, flood prevention, and habitat improvement through education, collaboration, and community involvement.

www.thornton-creek-alliance.org
www.facebook.com/Thornton.Creek.Alliance

Thornton Creek Legal Defense Fund

c/o Janet Way

940 NE 147th St

Shoreline, WA 98155

City of Seattle
Hearing Examiner Exhibit

Applicant	_____
Department	_____ ADMITTED <input checked="" type="checkbox"/>
Public	<input checked="" type="checkbox"/> DENIED <input checked="" type="checkbox"/>
FILE #	CF-314442

57

October 5, 2021

City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729
Hearing.Examiner@seattle.gov

Subject: Comment Letter per Director's Recommendation on Proposed Rezone; HE File Number: CF-314442 Project #3033517

Dear Mr. Hearing Examiner:

The Thornton Creek Legal Defense Fund sends this comment on the potential impact of the Rezone proposed along Eight Avenue NE at NE 106th. We request Party of Record status with Legal Standing. The Thornton Creek Legal Defense Fund was the primary actor in bringing about the Daylighting of Thornton Creek at Northgate and as such, we have a stake in the outcome of this Rezone proposal.

We believe the potential impact of these possible developments resulting from this proposed rezone is very great to the BPNA Park, Wildlife Habitat, Thornton Creek and safety of the existing and future residents and therefore we request that an Environmental Impact Statement be ordered to investigate all potential impacts that might result.

The total new development for this potential project **CF-314442 Project #3033517** and the Modera proposal across the street would bring the new residents to potentially 2700 for this small side street bordering the Beaver Pond Natural Area Park and non-functioning "Greenway" along Eight Avenue NE. This will potentially overwhelm the street, which according to the Northgate Stakeholders planning process, ultimately approved by the City Council is supposed to be a "neighborhood greenway" to benefit pedestrians and cyclists, not a free parking area for residents whose vehicles don't fit in the new developments. The traffic impacts currently are a safety risk to everyone using this street, including wildlife. And the potential for toxics from these vehicles is an ongoing menace to water quality.

Beaver Pond Natural Area is a vital ecosystem for Thornton Creek

We assert that the Cumulative Impacts of this proposal and its massive scale along with other recent developments in this neighborhood will bring devastation to the ecological function of this vital watershed City Park. There have already been many unaddressed ongoing impacts to this park and community resulting from previous developments underway or already built in the last few years.

To ignore this fact, as currently seems to be the practice at SDCI and with the developers currently at work on this rezone, is courting disaster. The Beaver Pond Natural Area is a beloved site for many in the region. It is a riparian zone for Thornton Creek and contains extensive wetlands and some steep slopes. Therefore, virtually this entire park is an ECA, and as such should be treated as a Fish and Wildlife Conservation Habitat area with appropriate buffers to protect it. Thornton Creek is the largest watershed in Seattle and Shoreline and is well known as a historic salmon habitat. It has been degraded by inappropriate development over the last many decades, but also benefitted from advocacy from Thornton Creek Alliance and many other neighborhood groups and non-profits for restoration efforts and a huge funding effort by City, State, and even Federal dollars for rehabilitation.

There have been many documented sightings of native wildlife species in this park and nearby reaches of Thornton Creek, including salmon and cutthroat trout, as well as raptors, pileated woodpecker, great blue heron, wood ducks, river otter, salamanders, and of course the beavers. The beavers had built their dams in the park which activated an amazing array of wildlife habitat activity.

The reach of Thornton Creek at BPNA is also an upstream wetland/stream complex and confluence with a small tributary of a clean water stream which enters from the northwest side of Eighth Avenue. This tributary provides fresh water and also is habitat to juvenile salmonids. This must be properly addressed in consideration of this Rezone proposal.

Eighth Avenue NE Greenway

The Northgate Stakeholders, on which I served representing TCLDF, highlighted Eighth NE as a valuable Greenway recognizing its access and impacts to Thornton Creek and the opportunity to provide a vital Open Space which is required under the WA State Growth Management Act. This was endorsed at the time overwhelmingly by the Stakeholders and City Council.

In the City's 2020 Seattle Comprehensive Plan in the Northgate Section, the Greenway concept is shown to be necessary and desirable as a vital policy for a Bike/Pedestrian Pathway and the following Comp Plan policies support this:

(http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020_NeighborhoodPlanning.pdf) See Access to Open Space, p. 129 and fol., and several of the Northgate sections of the Plan. (Italics added below.)

LAND USE & HOUSING POLICIES

NG-P2 Use land use regulation to cause new development to locate close to transit stops and *provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

NG-P7 *Reduce conflicts between activities and promote a compatible relationship between different scales of development* by maintaining a transition between zones where significantly different intensities of development are allowed.

NG-P8.5 Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, *pay particular attention to the development of an*

environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.

TRANSPORTATION POLICIES

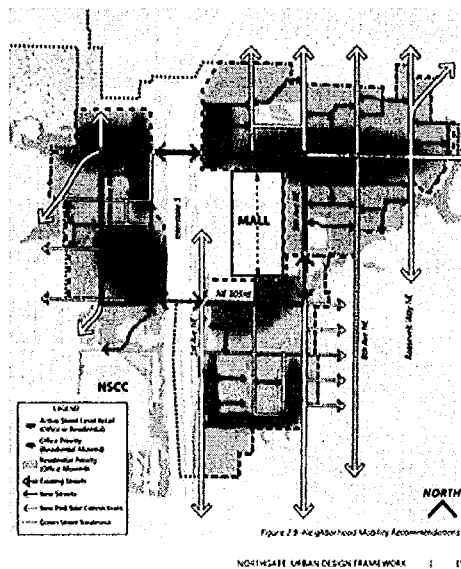
NG-P9 Promote the efficiency of the transportation system by *accommodating more person trips rather than vehicle trips.*

NG-P11 Promote pedestrian circulation with an improved street-level environment by *striving to create pedestrian connections that are safe, interesting, and pleasant.*

NG-P13 Seek to reduce the impact of increases in traffic volume by *limiting conflicts with local access streets, and improving traffic flow, circulation and safety, without increasing vehicular capacity.*

DRAINAGE POLICY

NG-P16 Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.



Possible solutions to the detrimental impacts of this proposed rezone include but are not limited to:

- Boardwalk path adjacent to BPNA along Eighth NE should be funded and built as mitigation, to allow safe pedestrian viewing and walking areas. This would allow more safe spaces for passing traffic and existing residents to the adjacent condominiums and their visitors. This could also accommodate visitors with disability issues.
- Safe passage for cyclists along Eighth NE should be accommodated with Bike corridors marked according to City safety guidelines.
- New Box culverts for Thornton Creek and the unnamed tributary along Eighth Ave NE to provide fish and wildlife passage and provide better water quality should be constructed. This should be mitigation for the proposed impacts of the rezone.

- NE 106th Street should be vacated to allow improved buffer to the park. This could also allow for tree planting alongside the park to replace trees lost from recent developments.
- Traffic should be rerouted outside of this highly sensitive area as much as possible.
- Tree planting and restoration should be encouraged in BPNA and along these existing streets to mitigate and address ongoing Climate Change and Heat Island Effect in the Northgate Urban Area.

Thank you for considering the issues we have raised.

Respectfully submitted.

Sincerely,

Janet Way

Thornton Creek Legal Defense Fund

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED

58

FILE # CF-314441

Examiner, Hearing

From: Frank Backus <frankbackus1@gmail.com>
Sent: Wednesday, October 6, 2021 9:13 AM
To: Examiner, Hearing
Subject: Eighth Avenue NE

CAUTION: External Email

I am an 85 year old Seattle citizen who has lived on Thornton Creek for 52 years. I walk on the section in question (Kindred Hospital location) several times a week and frequently have to dodge cars and trucks as I walk. There is no sidewalk. The Beaver Pond Natural Area is right next to this, and I am concerned about the increasing auto traffic and its effect on the natural area, the creek, and traffic (car, bike, and pedestrian) with the proposed further development. Please do something to make this better! Thank you.

Frank I. Backus, MD
450 NE 100th St, Apt 624
Seattle, WA 98125

Examiner, Hearing

From: RICHARD E <climbwall@msn.com>
Sent: Wednesday, October 6, 2021 1:41 AM
To: Examiner, Hearing
Cc: Ruth Alice Williams; Rep. Gerry Pollet; Juarez, Debora
Subject: Northgate Project #3033517, HE # CF-314442

CAUTION: External Email

October 6, 2021

To: City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729
Hearing.Examiner@seattle.gov

Project #3033517, HE # CF-314442

Hello,

I am a retired biologist and environmental scientist who taught at North Seattle College as an Adjunct Professor for many years. I am concerned about the serious negative impacts that are resulting from a lack of sufficient urban planning to the restoration success of the Thorton Creek area, and to pedestrian access to these restored areas, including the Beaver Pond Natural Area.

It is obvious there are already serious conflicts between pedestrians, cars and trucks adjacent to the Beaver Pond Natural Area. It is imperative the City live up to its obligations to make the Northgate area pedestrian friendly. It is also important the restored Thorton Creek community be a partner in the new plans for our growing city. The existence of the Beaver Pond Natural Area is a testament to the success of the City's efforts to restore the environment for both wildlife and people. This success should be not lost to poor planning, but be celebrated, shared with the neighborhood, the new residents, protected for the future.

Here is an opportunity here to do it right, to live up to the Seattle Comprehensive Plan's Core Value of "Being a Leader in Environmental Stewardship". If the City cannot build for density and transportation without being good environmental stewards, it fails in its goals of being a livable city. Protect the creek and pedestrian access to it.

The City has already spent huge amounts of money to protect and improve water quality for the headwaters of Thorton Creek, for mitigating impacts to the pond adjacent to North Seattle College for the new Pedestrian Bridge. Additionally, huge amounts of funding were spent on daylighting Thorton Creek and turning it into a model of how urban development can coexist with the natural environment. This was after extensive lobbying by the neighborhood and other community members.

But now the City is proposing allowing to allow the Northgate Thorton Creek area to be degraded and overrun by traffic, and 1000's of new people herded around poorly designed streets . Can the gem of the daylighted

Thorton Creek be a part of the urban renewal, or must it be lost due to poor urban development planning? Require better environmental impact assessment and planning for major projects in this community. Find workable solutions.

Thank you,

Richard Ellison, MS Botany
8003 28th Ave NE, Seattle, WA 98115
climbwall@msn.com

Meadowbrook Community Council



October 1, 2021

City of Seattle Hearing Examiner
Post Office Box 94729
Seattle, WA 98124-4729

City of Seattle

Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ _____ DENIED _____
FILE # CF-314441 60

RE: Director's Decision re 3033517-LU, dated September 9, 2021
Support of Katherine Landolt's Appeal Specific to the Points Stated Below

To the Office of the Hearing Examiner:

Meadowbrook Community Council (MCC) is one of several community councils whose nearly 300 members live in or near the Thornton Creek watershed or in the vicinity of the 8th Ave Ne Greenway. We support Ms. Landolt's appeal of Decision 3033517-LU allow an upzone for the parcel that the current Park at Northgate occupies that would triple the number of residents capable of residing in that space. We support urban density and increased housing. We are concerned about the natural areas and pedestrian accessibility in this area and the impact of Decision 3033517-LU as it pertains to those areas.

Community groups such as, **Thornton Creek Alliance** and **Meadowbrook Community Council** are committed to the importance of preserving and restoring an ecological balance throughout the watershed.

Our goal is to promote pedestrian and bicycle safety to the extent possible in all areas of the city, but especially that in our own and adjacent neighborhoods. In addition, we also appreciate the importance of the environmental integrity of the land and water resources that might be affected by various development projects. In this case, **Thornton Creek** and the **Beaver Pond Natural Area** which are near the proposed development(s).

8th Avenue NE, a Designated Greenway Bordered by Environmentally Critical Areas on Both Sides

The word 'greenway' is used only once in the Decision on page 13, where it appears to be conflated with the word 'greenspace'.

The omission in the Director's Decision of any mention of the Northgate Neighborhood Greenway, which uses 8th Avenue NE as its north-south spine and which will be seriously compromised by the cumulative additional traffic, is a fundamental flaw in its analysis.

The section of 8th Avenue NE just south of the upzone and continuing to NE 106th is bordered by **Beaver Pond Natural Area** to the east and two sections of **Thornton Creek** to the west. This block is already a hazardous pinch point for pedestrians and vehicles.

This greenway, already under construction, is the connector for the Pinehurst and Maple Leaf communities, both slated for increased development, to reach the Sound Transit station and the John Lewis Memorial pedestrian overpass, opening October 2nd.



Meadowbrook Community Council

Even with the SDOT plan to make NE 105th Street one-way eastbound for vehicles, the problems will continue to grow as pedestrians and bicyclists from a wide surrounding area begin to rely on the greenway.

Having reviewed the Director's Decision, MCC wishes to go on record with the Seattle Department of Construction and Inspections for providing support of points raised in Ms. Landolt's personal appeal of the SDCI Director's Decision **3033517-LU** that affect Environmental Issues.

Environmental Issues

We share the concerns of **Thornton Creek Alliance (TCA)** and others that cumulative impacts of this rezone, along with the other existing and proposed developments in the immediate vicinity, on 8th Avenue NE traffic pose dangers to **Beaver Pond Natural Area (BPNA)** and its wildlife. More moving vehicles will further exacerbate the potential for vehicle-wildlife conflicts.

Increased traffic on the street is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area.

Even though the new projects are including sidewalks, there is no safe pedestrian way adjacent to BPNA, where neighbors congregate to watch for wildlife and enjoy the greenspace. ADA access has never been good, but now it's impossible. We would like to suggest that berm/swale or other types of 'slow the flow' sidewalks be installed in front of the project and BPNA, all the way south to NE 95th, adjacent to Olympic View Elementary School.

We acknowledge that the City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area. This Decision potentially diminishes the success of Seattle Parks and Recreation's efforts to provide eight acres of park land per 1,000 people.

Meadowbrook Community Council supports and shares **Thornton Creek Alliance's** concerns about potential effects of new development on groundwater and the riparian buffer along the South Fork of Thornton Creek and its tributaries. A recent finding with regards to the causative agent in coho salmon pre-spawn mortality is the small but incremental chemical impacts of tire wear, which have been shown to be the "smoking gun."

Please add Meadowbrook Community Council as a party of record and include us in any correspondence concerning this project property at 10317 Roosevelt Way NE.

Please include this letter in the official file for this project. Thank you for your consideration.

Sincerely,

Pamela T Bowe
President Meadowbrook Community Council

Dan Keefe
Vice President Meadowbrook Community Council

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ _____ DENIED _____
FILE # CF-314441

61

Edlund-Cho, Galen

From: Examiner, Hearing
Sent: Friday, October 08, 2021 2:39 PM
To: Edlund-Cho, Galen
Subject: FW: Appeal of upzone for Park at Northgate property/CF-314442

From: Dan Keefe <papadan44@gmail.com>
Sent: Friday, October 08, 2021 12:41 PM
To: Examiner, Hearing <Hearing.Examiner@seattle.gov>
Subject: Appeal of upzone for Park at Northgate property/CF-314442

CAUTION: External Email

Dear Mr Vancil:

Firstly, thanks for the allowance of a few more days for comments on the "subject" rezone appeal. It appears that as one looks into this issue more and more that there is or has been very little consultation among the various city departments when making major decisions that affect city neighborhoods and the citizens, and the developers.

For example, I received an email from an SDOT contact that said that decisions for curb cuts were up to SDCI and he gave me Carly Guillary's contact info; all the while I'm being told by Mr Wallace that curb cuts decisions are made by SDOT. I would strongly urge that the existing curb cuts on Roosevelt Way be kept and modified as necessary to facilitate ingress and egress to and from the Park at Northgate apartments.

In addition, as we discovered during the hearing, Ms. Guillary was using as a major source for the rezone justification an outdated or non-updated Northgate Overlay circulation map found in the Municipal Code. This source doesn't even show the 8th Ave Greenway which was established by SDOT as part of the 9-.year Move Seattle levy that was voter approved back in 2015. The following link is to SDOT's webpage regarding the status and plans for the Northgate Neighborhood Greenway routes. As can be seen, 8th Ave figures prominently into the overall greenway system. <https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>

As for the protection of the Beaver Pond Natural Area and associated environs, I feel that vehicular use, parking or moving, needs to be minimized to the extent possible.

Respectfully submitted,
Dan Keefe
11010 28th Ave Ne
Seattle, WA 98125

Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE # CF-314441

62

Edlund-Cho, Galen

From: Examiner, Hearing
Sent: Friday, October 08, 2021 2:42 PM
To: Edlund-Cho, Galen
Subject: FW: CF-314441 and 314442, rezone 10735 Roosevelt Way NE

From: Kay Landolt <kaylandolt@gmail.com>
Sent: Friday, October 08, 2021 2:41 PM
To: Examiner, Hearing <Hearing.Examiner@seattle.gov>; kwalker <kwalker@avvanta.com>
Subject: CF-314441 and 314442, rezone 10735 Roosevelt Way NE

CAUTION: External Email

To: hearing.examiner@seattle.gov

Subject: CF-314441 and 314442

From: Katherine Landolt, 10501 8th Ave NE, Unit 102, Seattle, WA 98125

As has been documented before, patchwork City planning has now baked 1409 dwelling units into the two superblock area surrounding 8th Ave NE, the City's own designated Pinehurst-Maple Leaf Greenway, just south of NE Northgate Way. All of these residential units depend at least in part on 8th Ave NE for their vehicular access, and some depend completely on this small street. The cumulative impacts from the traffic and the overflow parking already baked in are now severely affecting this roadway.

And now the City of Seattle has finished reviewing the Modera Project, with 409 planned dwelling units and 259 parking places, that will put all of its vehicular access on 8th Ave NE just a little north of the area where no sidewalks are possible.

Another proposal, the rezone application which is the subject of this document, The Park at Northgate (10735 Roosevelt Way NE) would allow a planned 1073 units. Moreover, according to the February 3, 2021 letter of the applicant's attorney to the SDCI Director, p. 3, 295 units would replace the existing 36 units in the southern portion of the rezone. This parcel is just north of the Beaver Pond Natural Area, and the project's vehicular accesses would all be on 8th Ave NE where, immediately south is the narrowest and most environmentally sensitive part of the neighborhood.

Adding these two proposals to the already severely impacted street would mean a total of 2770 dwelling units depending all or in part on 8th Ave NE for their vehicular accesses in the near future.

See EXHIBIT 1 : Chart of number of residential units using 8th Ave NE as an extended Driveway by 2025.

Existing Buildings	No. of Units Relying Partially on 8th Ave. NE for access	No. of Units Relying Solely on 8th NE	Totals
507 at the Enclave (2009), 507 NE Northgate Way	163		
525 at the Enclave (2014), 525 NE Northgate Way	265		
Lane Apartments West (2019), 10720 5th Ave NE	134		
Lane Apartments East (2019), 10715 8 th Ave NE	81		
McGuire Court Apartments (1986), 10740 8th Ave NE	55		
Northgate Manor (1978), 56 units, 818 NE 106th St.		56	
Northgate Villa (1984), 10501 8th Ave NE		138	
Park at Northgate (1967), 10735 Roosevelt Way NE	148		
Phase II Northgate Apartments (2022), 10700 5th Ave NE	235 (now under Construction)		
Prism (2019), 10711 8th Ave NE	<u>134</u>		
Today's Total	1215	194	1409
Planned Buildings			
Park at Northgate (2025), 10735 Roosevelt Way NE rezone	1100		
Modera (2023), 10631 8th Ave. NE		<u>409</u>	
Total Planned	1100	409	1509
To be Demolished			
Park at Northgate (1967), 10735 Roosevelt Way NE	<u>-148</u>		<u>-148</u>

Total Number of residential Units Using the Greenway on 8th Ave NE as an Extended Driveway by 2025

2770

See chart (EXHIBIT 2) p. 3 of the applicant's attorney's letter to the SDCI Director, below:.

Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
BUILDING	Building 1	Building 2	Building 3	Building 2+3	North+South	Total Parcels
MHA Units	27	32	38	70	97	9%
MFTE Units	59	71	84	155	214	20%
MRKT Units	209	252	301	553	762	71%
TOTAL Units (620 Avg. SF)	295	355	423	778	1073	100%
TOTAL Stalls	217	291	262	553	770	

Existing	South Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2		5	7
Existing Units (950 Avg. SF)	36		110	146
Existing Stalls	44		157	201

PROPOSED MR(M1) TOTALS						
	Unit Count	Avg Size (sf)	FAR	Density	Parking Provided	Percent Increase in # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

The huge problem with this City of Seattle planning is that Seattle plans also call for 8th Ave NE here to serve as the Northgate Greenway, providing a pedestrian and bicycle connection for Pinehurst and Maple Leaf to access the new Northgate Light Rail Station.

A plan for a Greenway in the general area had long been in the works. In the spring of 2017, work was begun selecting the route to be used, and many public meetings were held to get neighborhood input. By the spring of 2018, 8th Ave NE had been chosen as the preferred route, in large part because it is the only through north-south residential (as opposed to arterial) roadway on the east side of I-5 that is anywhere near the light rail station. And greenways are supposed to be on smaller neighborhood streets, to encourage pedestrian and other non-motorized use.

Please see

<https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>

for a complete picture of this City of Seattle planned greenway.

8th Ave NE is a very narrow residential roadway with no sidewalks south of NE 106th Street, the southern edge of the rezone site. And furthermore, no sidewalks are possible between NE 106th and NE 105th Streets, as the southern branch of Thornton Creek and its tributaries create ECAs on both sides of the roadway. Also, the east side of the roadway here skirts the Beaver Pond Natural Area, a 7-acre large tree canopy and urban wildlife habitat that is home to not only beavers but many other mammals, birds of all types, and fish.

Moreover, the City of Seattle, since 2001, has been working on cleaning up Thornton Creek, daylighting it, acquiring land around it for parks, assuring green natural spaces complete with wildlife

habitats and tree canopies to clean the runoff water and for the public to enjoy. The Beaver Pond Natural Area is one of those City of Seattle parks. Particularly now, in the face of imminent climate change, we know how valuable these spaces will be to our future.

And yet the SDCI with its patchwork planning, has put too much traffic and overflow parking onto its own planned greenway!

The capacity of 8th Ave NE cannot be expanded to handle all this additional traffic without paving over Thornton Creek and its tributaries between NE 106th and NE 105th, a move which would be not only be a complete reversal of Seattle's policies regarding Thornton Creek and its parks, but would be illegal in this day and age. Such a move would also cut off wildlife passage, including that of the beavers, from one part of the Beaver Pond Natural Area to the other, which would significantly degrade the wildlife habitat and pose a threat to the animals who depend on it.

8th Ave NE is already used as a fine greenway, with its natural area for pedestrians and bicyclists to enjoy. It makes a very inadequate arterial for the traffic that has now been put on it, and approval of the future projects, unless they are altered in design to take vehicular traffic away from the greenway, will make the functioning of this greenway impossible.

So the question arises: Why is the city of Seattle facilitating and permitting this patchwork construction that destroys its own city plans?

In researching the SDCI's and applicant's documents proposing the rezone in question, I particularly concentrated on four of them: The SEPA checklist for the rezone, completed in July 2019, the traffic analysis for the rezone, done by TENW and completed in June 2019, the letter by Mr. Laing, the attorney for the applicant, which was sent to the SDCI Director in February of 2021, and the SDCI Director's recommendation for approval of the rezone, issued in September 2021.

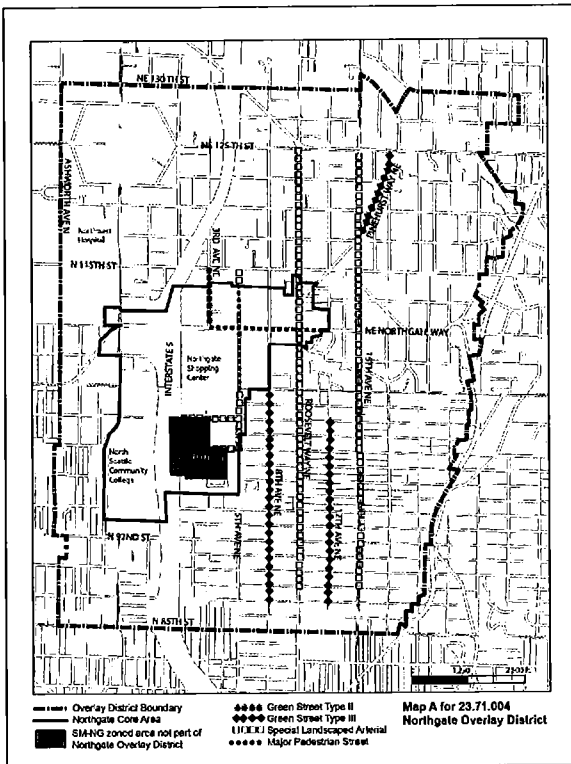
I was very surprised to note that NONE of those documents even mentioned the planned 8th Ave greenway/bikeway, much less talked about possible impacts on it.

Furthermore, these documents give very short shrift to the Beaver Pond Natural Area and Thornton Creek preservation. The attorney's letter to the SDCI director and the director's approval letter of September 2021 of this proposed rezone wax poetic about the tree canopy and its ability to serve as a visual buffer between the single-family and multi-family sections in this general area. Yet, under "impacts on flora and fauna", these two documents do not mention the tree canopy, and fauna are left completely out of these sections.

It does NOT make sense that the City is sabotaging itself!

And then, at the October 6, 2021 hearing, Ms Guillory from the SDCI talked about a map she was working from in connection with the rezone, a map she said came from the Northgate Overlay Circulation Plan.

A member of the Thornton Creek Alliance picked up on this and found the map. A copy of it is below:



This is the outdated Northgate Overlay map from the Municipal Code. Remarkably, the Greenway it shows along 8th Ave NE does **NOT** include the section of this roadway that bisects the two superblock area where all the recent huge construction projects have been taking place!

Is it possible that planners working for the SDCI are enough in their own silo not to be aware of the City's plans for a greenway here?

This patchwork planning has already put the future of the Greenway and the viability of the tree canopy, this segment of Thornton Creek, and the wildlife habitat supplied by this seven-acre green space in jeopardy.

Certainly, the City of Seattle needs more housing units, but also it needs this greenway and with climate change now imminent, it must preserve its green spaces!

There is an opportunity here for the City with some changes to the two huge proposed projects to perhaps save its greenway and the wildlife habitat.

These are already under strain and even with the mitigating measures I'm going to propose, some of the adverse impacts that poor patchwork planning has created on them will continue. But perhaps they can be saved at least from absolute destruction by the overwhelming traffic that will otherwise be routed directly onto them.

Regarding the rezone;

- The one access that the rezone site now has on Roosevelt Way NE must not only be kept, but it should be expanded to allow a separate entrance and exit on this roadway.

- It would be difficult to move the existing accesses onto 8th Ave NE for the southern portion of the rezone site because the southern parcel accesses and driveways are completely intermingled with those of an older development, Northgate Manor.
- For this reason and others, the southern site, where 296 units are planned must be removed from the rezone, and new construction limited to the footprint of the two existing buildings here to be demolished.
- Existing zoning in the southern parcel would allow for 4 floors instead of the existing three. Moreover, the applicant's plans call for residential units here to be considerably smaller than the existing ones that will be demolished. (average square footage of 620 for the new units vs 950 sq feet for the old ones that will be replaced, again, according to EXHIBIT 2,p.3, the applicant's attorney's letter to the SDCI Director.) For these reasons, the rezone can still provide more residential units in this sensitive southern site than now exist, but not the overwhelming numbers that are now planned for this part of the site.
- Furthermore, it would be possible with a change of design plans to add some additional units on the northern part of the rezone.
- The southern parcel of the rezone site is also very close to the wetlands and wildlife habitat and even contains a riparian management area on part of it. And removal of this southern parcel from the rezone, by reducing the amount of traffic here, would also thereby lessen some impacts that would otherwise increase the danger to pedestrians using the greenway in this area and to the wildlife including beavers who cross the 8th Ave roadway between NE 106th and NE 105th.
- Another condition should also be added to approval of the rezone, requiring the applicant to find a way to provide vehicular access to NE Northgate Way.
 1. This is quite possible.
 2. The residents of McGuire Court just north of the site, access NE Northgate Way via a wide driveway passing between US Bank and a small one-story retail space on NE Northgate Way.
 3. Beyond this driveway is a more narrow driveway, now occupied by the two food van business, Man Vs Fries.
 4. Just behind these two food vans is the fence separating the driveway from a main parking lot at The Park, ie., the rezone site.

If the above conditions are applied to the rezone application, they will lessen considerably, although unfortunately not eliminate, the adverse impacts that have already been put on the neighborhood, the plans for the Greenway, the Beaver Pond Natural Area which is the largest park in the whole of Northgate, and the wildlife habitat and tree canopy it supports.

In this time of climate change especially, all of us who care about the future of Seattle must strive to solve these two big problems: How can we provide more housing for our citizens? And how can we preserve what examples of natural environment we have?

In the case of this rezone, it is my hope that we can work to lessen the cumulative impacts that patchwork planning using outdated maps and data has put onto our present and planned resources and make it possible that these resources survive for future generations, while providing a significant amount of new housing for Seattle citizens.

And the applicant might even find that the presence of a functioning Greenway for pedestrians and bicyclists and a beautiful green space and wildlife habitat right next to his property enhance its value.

Sincerely,

Katherine M. Landolt



**HOUSING
DEVELOPMENT**
consortium

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE # CF-314441

63

October 6th, 2021

City of Seattle - Hearing Examiner

700 5th Avenue, Suite 4000

PO Box 94729

Seattle, WA 98124-4729

www.seattle.gov/examiner

Re: Address: 10713 Roosevelt Way NE

Project Number: 3033517-LU

Clerk File Number: 314441

Zone: LR3(M)

Dear Hearing Examiner,

The Transit-Oriented Development Task Force of HDC is a membership workgroup collaborating on efforts targeting nothing less than the creation of equitable TOD, affordable, and walkable communities of opportunity to meet the housing needs of limited-income residents throughout King County.

We believe that the interrelated crises of climate change, equity, and housing demand boldness, effective collaboration, and proactive leading-edge timelines to produce desperately needed affordable housing.

**Housing Development Consortium
of Seattle-King County**
1326 5th Avenue, Suite 230, Seattle, WA 98101
206.682.9541 | www.housingconsortium.org



**HOUSING
DEVELOPMENT**
consortium

We believe it is possible to create equitable, healthy communities that are affordable, transit-oriented, and proactively advance anti-displacement strategies to help people stay in community. The ability to live in transit-oriented communities, near jobs, services, and other amenities, brings great benefits. It reduces the cost of living, frees low-income households from the burdensome and unpredictable expenses of auto dependence, and brings benefits to health and economic opportunity.

We are pleased to see the Director's recommendation to this rezone that furthers the goals of the Mandatory Housing Affordability program while maximizing a TOD opportunity that produces income-restricted housing. There is a pressing need for affordable housing throughout the County, and particularly within transit-oriented areas like the Northgate Urban Center. The proposed rezone presents an important opportunity to enable permanent 60% AMI affordable housing units within the Northgate Urban Center and within walking distance of the Northgate light rail station. As you consider your approval of the Director's analysis, decision, and recommendation we encourage you to be mindful of the benefits of transit-oriented development and the proposal's ability to enable the creation of affordable housing in the City.

Thank you for your consideration.

Sincerely,

The HDC Transit Oriented Development Task Force

**Housing Development Consortium
of Seattle-King County**
1326 5th Avenue, Suite 230, Seattle, WA 98101
206.682.9541 | www.housingconsortium.org

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED

FILE # CF-31444

64

Thornton Creek Legal Defense Fund

c/o Janet Way
940 NE 147th St
Shoreline, WA 98155

October 8, 2021

City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729

hearing.examiner@seattle.gov

Subject: Additional Comment and documents pertaining to the Director's Recommendation on Proposed Rezone; HE File Number: CF-314442 Project #3033517

Dear Mr. Hearing Examiner:

We would like to submit a few more items and short comment for your record concerning the serious safety issues affecting the Eighth Avenue NE access to Beaver Pond Natural Area Park.

As we discussed in our previous letter and testimony, the area is supposed to be a "Greenway" as designated by the Northgate Stakeholder process and endorsed by the Seattle City Council. As such it is supposed to be primarily a Pedestrian and Bike passageway and to enhance the Park.

However as discussed by many neighbors and Thornton Creek Alliance it is not a safe "greenway" for anyone, including for wildlife.

We believe that one solution that could be relatively easy to deploy would be a "boardwalk" alongside Eighth Ave, extending into the park a few feet. This could provide a viewing area and protect the sensitive wetland and riparian area and provide safe access for those with disabilities. Currently there is no safe access for the disabled population or for seniors or those with small children to walk along this greenway street.

We are attaching below some example photos of wetland boardwalk treatments in Washington State. One is from Seaquest State Park adjacent to Mt St Helens, visited in 2020, which hosts a huge, beautiful wetland with views of the mountain.



The others are from Scribers Lake Park in Lynnwood, WA.



This is a crossing of a section of the extensive wetlands at Scribers Lake Park in Lynnwood, WA. It is a very active wildlife area.



In addition, we are providing a link here to a commercial provider of materials to build boardwalks, PermaTrak and their article:

“Comparing Wetland Boardwalk Materials: Timber, Composite & Concrete”

These are just a few ideas that could be deployed to make Beaver Pond Natural Area more accessible to citizens of all abilities. These could be employed to provide ADA standards to pathways adjacent to the wetland and also for trails within.

We are also attaching photos of the experience on Eight Ave NE, the supposed “Greenway.” They show flooding from January 2020 as witnessed from the Condo adjacent to the park.



and another photo below, of a woman on a wheelchair negotiating the Eighth Ave NE “greenway” with no safe pathways.



In the testimony during public comment, TCA member Frank Bacchus described the difficulty he has as a senior citizen walking around in the areas of Beaver Pond Natural Area. This could also be applied to any families with small children or others with any disabilities. The Americans with Disabilities Act requires cities to provide safe access to public parks and streets. Seattle Parks is delinquent here in updating this valuable natural park which has been in existence for over 70 years.

As mentioned in other commentary and letters, the Northgate Stakeholders instituted policies to provide these safe passageways for pedestrians and bikes in the neighborhood "Greenways" plan in 2005. This was to provide access to these parks, businesses and especially the Light Rail Station which will go on line soon.

Here is the link to the Stakeholders documents and plan which was funded in 2015 by the City Council and Seattle voters:

[https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate.](https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate)

[Levy to Move Seattle - Transportation | seattle.gov](#)

Unfortunately, Seattle appears to be behind in addressing any ADA access issues for BPNA. While it is a large Park system with many complex situations, the fact that this is a Greenway adjacent to a park seems to require compliance for numerous reasons. Combining this with the dangers presented with the increases in population expected with any approval of a Rezone and subsequent developments, creates an even more urgent situation. And the intent of the voters in the Levy to Move Seattle for Pedestrian/Cyclist access is clear, and the Federal Law and City Codes require action to implement compliance.

Here is the Parks website that discusses ADA policies and programs. There appears to be room for improvement to achieve accessibility on the Greenway. Unfortunately, this park is not even listed as far as we can see. Considering the priority that this Northgate Overlay District has in the Comprehensive Plan in compliance with the GMA, we believe these matters should be prioritized.

https://www.seattle.gov/Documents/Departments/ParksAndRecreation/PoliciesPlanning/ADA/SPR_ADA_Transition_Plan_2017_Update.pdf

We believe that the Rezone should at minimum provide mitigation and funding required for these access problems to be addressed, and also combined with access for wildlife habitat, especially for fish which are documented in this location and the Thornton Creek Watershed. And for citizens to be able to enjoy and be educated about the incredible combination of resources connected with BPNA.

We strongly urge the Hearing Examiner to require that these issues be addressed, and problems are set on a course for solving them as a condition of the Rezone.

We appreciate your attention to these important matters.

Respectfully submitted.

Sincerely,

Janet Way

Thornton Creek Legal Defense Fund

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE # CF-314441 65

Via Email Only

Ruth Alice Williams
1219 NE 107th Street
Seattle, Washington 98125

City of Seattle - Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729

October 8, 2021

Re: HE File Number CF-314442; Project #3033517

Dear Mr. Vancil:

Due to time constraints I am writing now as an individual, speaking only for myself rather than on behalf of any organization.

I would like to register my dismay upon coming to understand that SDCI, DPCD, and SDOT do not seem to keep in good enough communication among themselves to work effectively with their clients and the public.

As you know, Thornton Creek Alliance cited documents by OPCD and SDOT in support of their arguments for the greenway. Ms. Guillory of SDCI finally admitted that she was relying on the Northgate Overlay circulation map. It is to be found in the Municipal Code, and I have included a copy here, at the end of the text. As you see, it is very outdated and shows none of the planning that has been done over the past years.

The greenway plans have been widely publicized, including here: <https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>. This announcement appears to date from 2017. It states that the funding has been on tap since 2015, "This project is funded by the 9-year Levy to Move Seattle, approved by voters in 2015. Learn more at www.seattle.gov/LevytoMoveSeattle."

And yet, Ms. Guillory seemed unaware of the plans. And the Director made no mention of them in his Decision to Recommend. The written Decision even conflates 'greenway' with 'greenspace'. How can this be happening?

On top of this, in January 2021, TCA and Katherine Landolt notified SDCI about the problems on the future greenway, and TCA has tried over months to set up a meeting concerning the Modera project traffic planned for the same street. We received this response to our complaints, "SDCI generally does not respond to each comment letter for a project, rather considers each comment carefully and responds to concerns in the final published decision.", and a meeting was never convenient.

I would also like to commit to writing here a couple of additional comments.

- 1) The requirement that apartment tenants must pay an extra fee for parking on-site may be well-intentioned as a way of keep rents a little lower, but in practice many tenants are now cruising the neighborhoods in search of free parking. This is contributing to congestion on the greenway.
- 2) North of 85th, where there are typically no sidewalks in residential neighborhoods, increased density must be accompanied by safe walkways for pedestrians on the whole block, not just in front of the new building. Otherwise the pedestrians will continue to be in the streets as parked vehicles choke the rights-of-way.

Thank you for your consideration.

Sincerely,

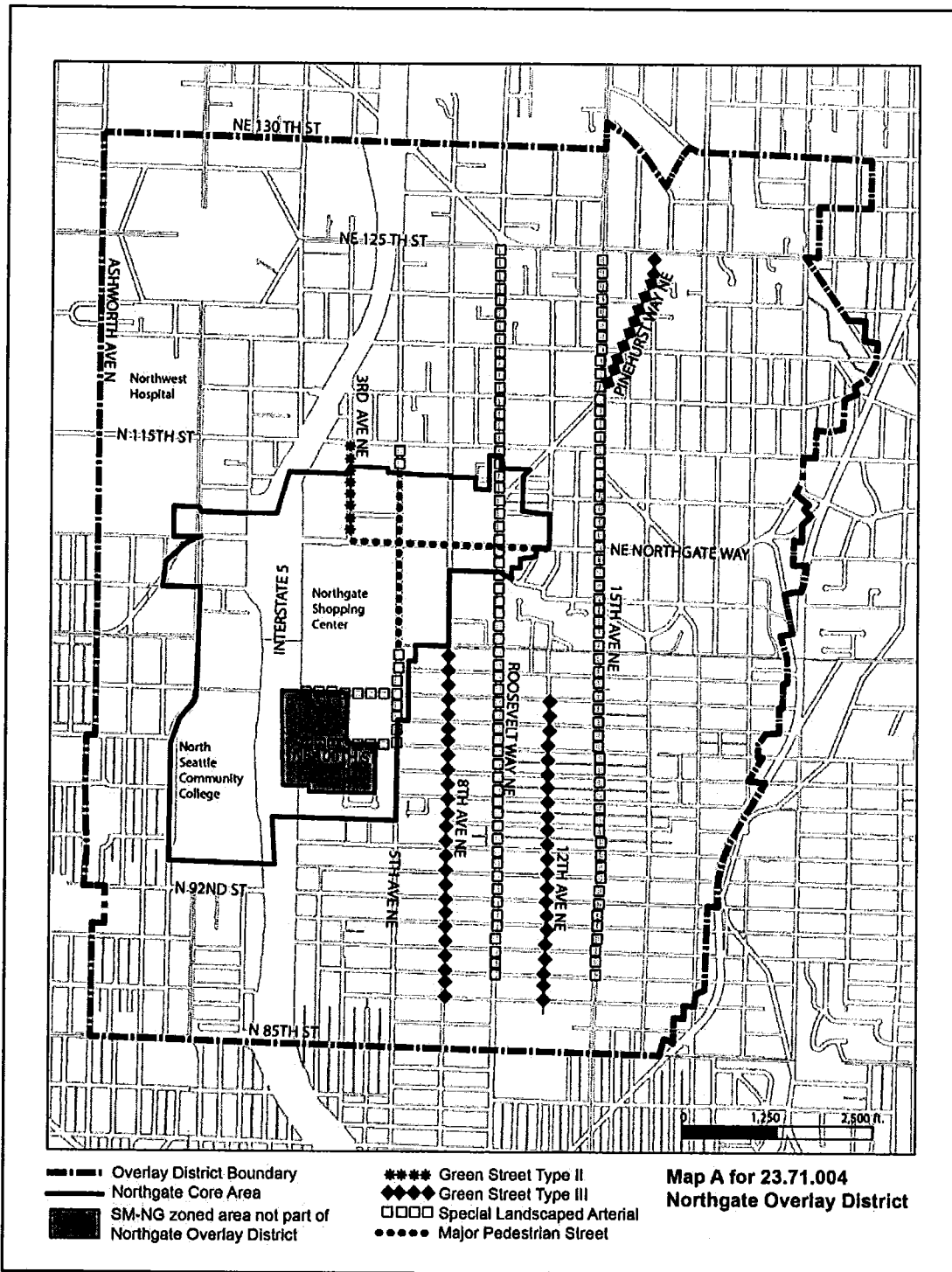
Ruth Williams

Ruth Williams

PS. If you would like to walk in the natural area when you visit the greenway, it would be a good idea to wear sturdy shoes and bring a walking stick. It can be muddy if it's been raining.



Pileated Woodpeckers Mother and Chick - BPNA, 7/4/2021

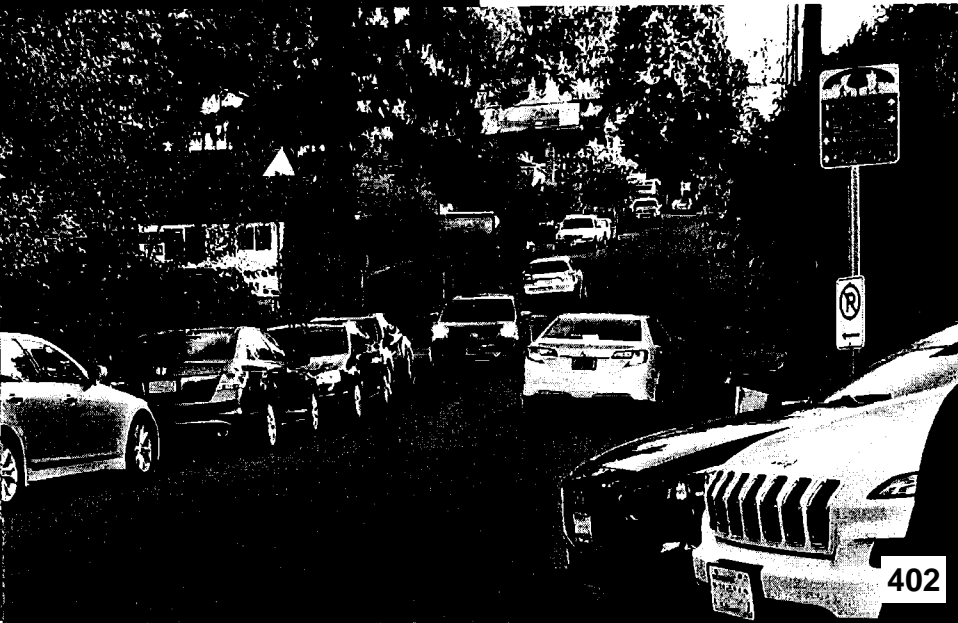
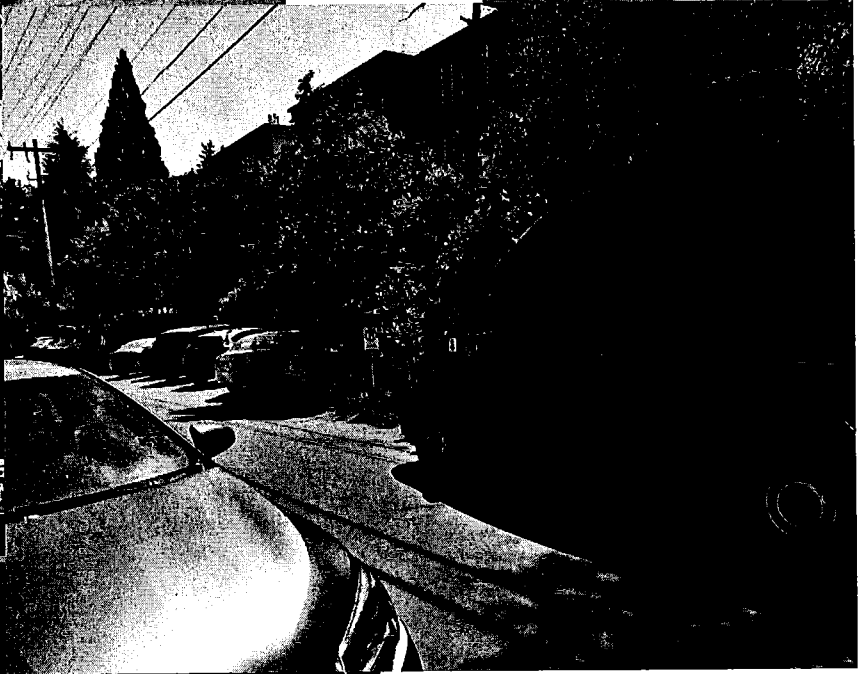
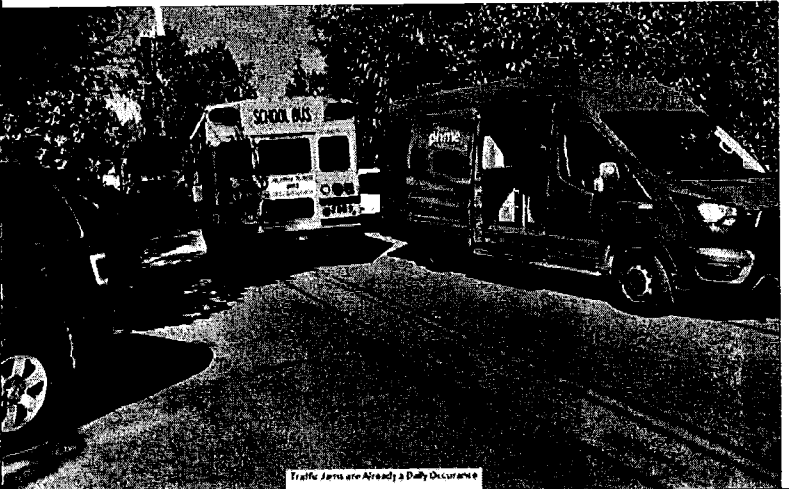
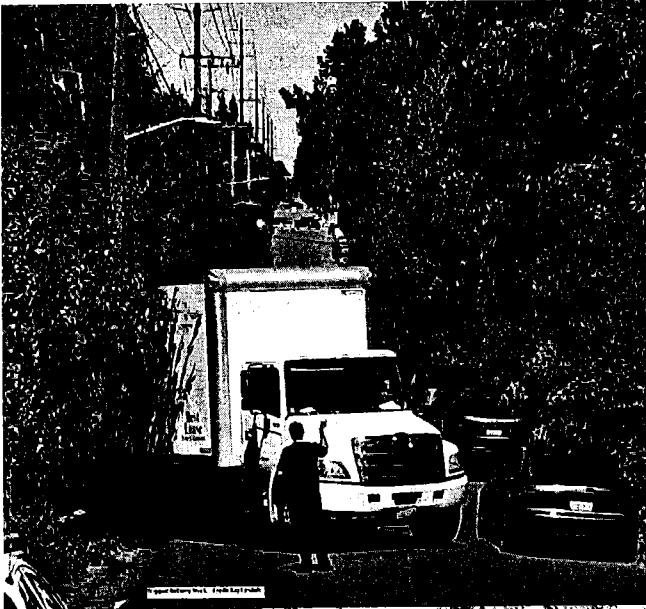


A Beaver Pond Natural Area Album





An Eighth Avenue Greenway Album



City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ _____ DENIED
FILE # CF-314441

66

Examiner, Hearing

From: Ruth Alice Williams <ruthalice@comcast.net>
Sent: Friday, October 08, 2021 3:32 PM
To: Examiner, Hearing
Subject: File Number CF-314442; Project #3033517: Two More Documents for the Record

CAUTION: External Email

My apologies for sending in piecemeal information. I wanted to get these documents in the record.
Thank you!
Ruth Williams

<https://www.ci.seattle.wa.us/Documents/Departments/OPCD/Vault/CitywideDesignGuidelinesUpdate/NorthgateGuidelines.pdf>

<https://www.seattle.gov/documents/Departments/SDCI/About/NorthgateDG2013.pdf>

City of Seattle
Hearing Examiner Exhibit

Applicant _____
Department _____ ADMITTED ✓
Public ✓ DENIED
FILE# CF-314441

67

Edlund-Cho, Galen

From: kwalker <kwalker@blarg.net>
Sent: Saturday, October 09, 2021 12:13 PM
To: Guillory, Carly; Examiner, Hearing; leejacobsonlaw@aol.com; permits@parolineassociates.com; Kevin Wallace; Laing, Aaron M.; Garrett, Tami
Cc: Edlund-Cho, Galen
Subject: Re: CF-314441 and CF-314442, Department Response

CAUTION: External Email

Hello to all,

Ms Guillory, at 3:36 Wednesday, after the hearing, served me with an attachment containing an official statement from SDCI after the hearing that included the following statement:

“Public testimony provided at the hearing identified concerns with potential transportation related impacts from future development and requested all future vehicular access be provided via Roosevelt Way Northeast.”

I would like to respond officially to her statement:

I believe this is an inaccurate statement. I certainly didn't say that during the hearing. Maybe one of the speakers did, but it was not the generally expressed idea.

Now, our appeal of September 22, 2021 did say that. It said:

“All access roads, except for emergency vehicles, must open onto Roosevelt Way NE. No normal vehicle access to 8th Avenue NE”

However, the document officially sent to MS Guillory, Mr. Laing and posted on the Hearing Examiner's website on October 4, 2021 says only:

“Regardless of the outcome of this appeal, I, and I think at least some of my co-appellants and some members of the Thornton Creek Alliance, would like to work with the applicant and his representatives in order to devise a way that the vehicular accesses to the new high-density redeveloped rezone site will not have such destructive effects on the existing neighborhood, its unique natural attractions and its Greenway.”

And in this same document, I also suggested a very possible access for the rezone site onto NE Northgate Way and asked:

“Might high density redevelopment of the Park gain access onto NE Northgate Way and also keep existing access onto Roosevelt Way NE?”

And had the appeal not been dismissed at the beginning of the hearing and I been allowed to present my written out statement, I would have said:

- I. We stated in our appeal that all access roads, except for emergency vehicles, must open onto Roosevelt Way NE. No normal vehicle access to 8th Ave NE, which is groaning with over capacity use as it is.
 - a. I now recognize that it would be impossible to bar all access to 8th Ave NE for the much higher density development that would follow the rezone approval.

b. However, all attempts should be made to minimize the use of 8th Ave NE as the vehicular accesses for the rezone property.

In any case, the SDCI in its planning for development in this two superblock area has somehow and inexplicably completely ignored:

â€¢ the City's own plans for the Pinehurst-Maple Leaf Greenway on 8th Ave NE to give access to the new Northgate Light Rail Station for pedestrians and bicyclists.

â€¢ the presence of ECAs along both sides of 8th Ave NE between NE 106th And NE 105th

â€¢ the utter inadequacy of the roadbed here for all the traffic that the rezone as proposed would load on it.

â€¢ the fact that the capacity of the roadway CANNOT be expanded due to the presence of these legally protected ECAs.

For all these above reasons, in order for the rezone to go forward, vehicular accesses from the rezone site to 8th Ave NE, must be minimized, and all efforts made to provide vehicular access in manners that will not totally complete the destruction of the 8th Ave Greenway and the ECAs along it.

I believe that the sentence above is a more accurate statement of the public testimony at the hearing.

There is now NO PERFECT SOLUTION due to the patchwork planning that has dumped so many cumulative impacts on the Greenway and the ECAs to date. However, most likely a reduction of the 8th Ave NE vehicular accesses for the rezone site, combined with a new vehicular access on NE Northgate Way as well as an expanded access on Roosevelt Way NE would provide the best combination, given the constraints that prior decisions have made on the possibilities for mitigation.

Best regards,
Katherine Landolt

On Fri, Oct 08, 2021 at 3:36pm "Guillory, Carly" wrote:

- > Dear Hearing Examiner and Parties:
- > Attached please find SDCI's response to the Applicant proposed condition
- > regarding driveway location related to CF-314441 and CF-314442, and
- > associated Certificate of Service. These documents have been e-filed with
- > the Hearing Examiner.
- > Sincerely,
- > [cid:image003.png@01D7BC58.7C8B3200]Carly Guillory Senior Land Use Planner
- > Seattle Department of Construction and Inspections 206-561-7571 |
- > carly.guillory@seattle.gov Facebook | Twitter | Blog
- > Helping people build a safe, livable, and inclusive Seattle. SDCI's
- > offices are closed to in-person services until further notice. Visit the
- > SDCI website and read our Building Connections blog for service change
- > updates. Thank you for your continued flexibility and patience as we
- > provide online services to help reduce the risk of spreading the COVID-19
- > virus.
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