

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 SDCI 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.](#)