



Seattle City Council

Central Staff – Memorandum

Date: May 28, 2015

To: Planning, Land Use, and Sustainability (PLUS) Committee Members

From: Sara Belz, Central Staff Analyst

Subject: **Council Bill (CB) 118410:** Second amendment to the Property Use and Development Agreement (PUDA) for the Seattle Housing Authority's (SHA) High Point Garden Community.

Overview

CB 118410 would authorize a two-year extension of a contract rezone and PUDA for property located at 6550 32nd Avenue SW. The contract rezone and PUDA, which were approved by Ordinance 121164 in 2003 and amended by Ordinance 124194 in 2013, are associated with the development of the Seattle Housing Authority's (SHA) High Point Garden Community. High Point is located between the Delridge and Morgan Junction neighborhoods in West Seattle and most of the community is subject to Lowrise zoning. The request for the extension was submitted by SHA and is subject to the Council's rules for quasi-judicial decisions.

When the Council passed Ordinance 121164 in 2003, a 10-year term was provided for the contract rezone and PUDA. However, the economic downturn that began in 2008 impacted SHA's ability to finish developing and marketing properties in High Point within the 10-year time frame. In 2013, with about 228 residential lots and some commercial uses remaining to be developed within the rezone area, SHA applied for, and the Council approved, a first amendment to the PUDA that extended the term of the contract rezone by two years (Ordinance 124194). Pursuant to SMC 23.76.060.E, Council-authorized extensions of Type IV land use decisions, such as contract rezones, may not exceed two years in length.

In February 2015, SHA applied for a second, two-year extension of the contract rezone and PUDA for High Point in order to finish developing the project site. Passage of the CB 118410 would authorize the extension. According to SHA, construction at High Point has continued to proceed more slowly than expected as developers continue to recover from the recession; however, they expect the approximately 150 residential units (single-family and townhouse development) and one mixed-use project (a proposed building that would accommodate offices, retail, and apartments) that remain to be developed on the project site will be completed by 2017.

If the Council does not pass CB 118410 before the contract rezone and PUDA for High Point expire on June 17, 2015, the site's zoning will revert to the zoning that was in place before the 2003 rezone.

Meeting Materials

The following background materials are attached to the agenda for the June 2 PLUS Committee meeting in order to provide PLUS Committee members with additional background on the proposed contract rezone and PUDA extension:

1. Department of Planning and Development (DPD) Recommendation;
2. Original PUDA (2003);

3. First amendment to the original PUDA (2013);
4. Written comment submitted to Council; and
5. Map of remaining development sites within the original High Point rezone area.

Type of Action

PUDA amendments are considered quasi-judicial actions under the Seattle Municipal Code (SMC). Quasi-judicial actions are subject to the Council's rules on quasi-judicial proceedings (Resolution 31375) and the Appearance of Fairness Doctrine, which prohibits ex-parte communication.

For most quasi-judicial actions, the Hearing Examiner establishes a record for the Council's review at a hearing that follows the publication of a recommendation on the matter by DPD. In the case of PUDA amendments, DPD first determines whether the request is for a major or minor amendment to a PUDA. If DPD determines the request is for a minor amendment, DPD's recommendation is submitted directly to the Council without review by the Hearing Examiner. DPD determined SHA's request to extend the PUDA for High Point by an additional two years met the criteria for a minor amendment; hence, the Hearing Examiner has neither reviewed nor established a record for this matter.

Committee Proceedings

For minor amendments to PUDAs, the PLUS Committee may accept oral argument at a scheduled meeting as well as written comments. Each person who provides oral argument is generally allowed with five minutes to state their position. The party who submitted the request for the PUDA amendment usually speaks first, followed by individuals who submitted comments on the proposal and other interested persons. Following the presentation of oral argument, the PLUS Committee may – but is not required to – vote on the PUDA amendment at the same meeting.

Recommendation

Pursuant to SMC 23.76.060.E, three criteria apply to Council consideration of contract rezone and PUDA extensions:

1. The reason or basis for the application for the extension and whether it is reasonable under the circumstances;
2. Whether changed circumstances in the area support an extension;
3. Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the Council land use decision.

Given the amount of development that remains to be completed at High Point and the potential impact on SHA if the site's contract rezone and PUDA were to expire at this time, the requested two-year extension appears reasonable and prudent. Central Staff recommends passage of CB 118410, which would approve SHA's request to extend the PUDA for High Point by an additional two years.

Next Steps

If the PLUS Committee votes on June 2 to recommend approval of the two-year PUDA extension, CB 118410 will come before the Full Council for a final vote on Monday, June 8. As is noted above, the contract rezone and PUDA for High Point will expire if the proposed extension is not approved by the Council by June 17.