

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**

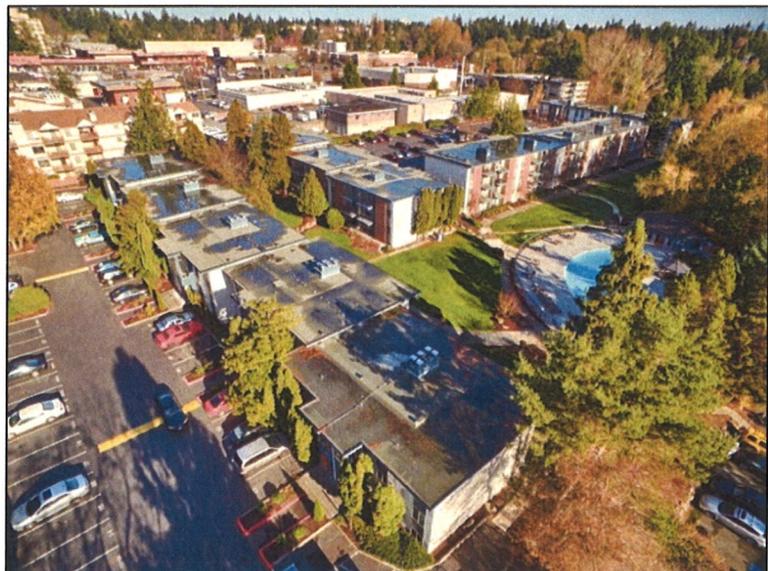
7. **Legal description of property(s) to be rezoned:** The Site's full legal description and depiction are attached hereto as Attachment A, Bush, Roed & Hitchings, Inc.'s July 25, 2019 ALTA Survey of the Site. The Site's short form legal description is as follows:

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 watershed 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 watershed 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.

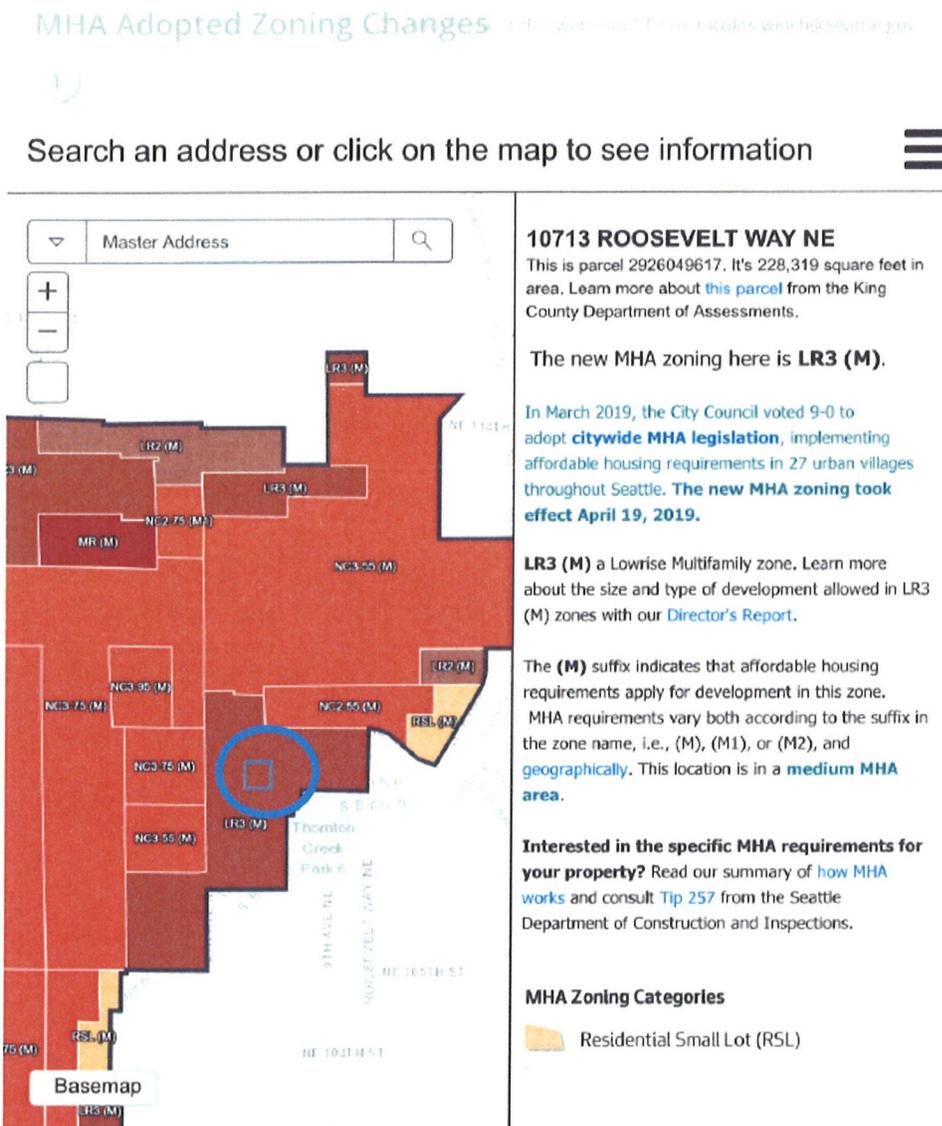


Figure 1 MHA Zoning (Effective April 19, 2019)

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)).

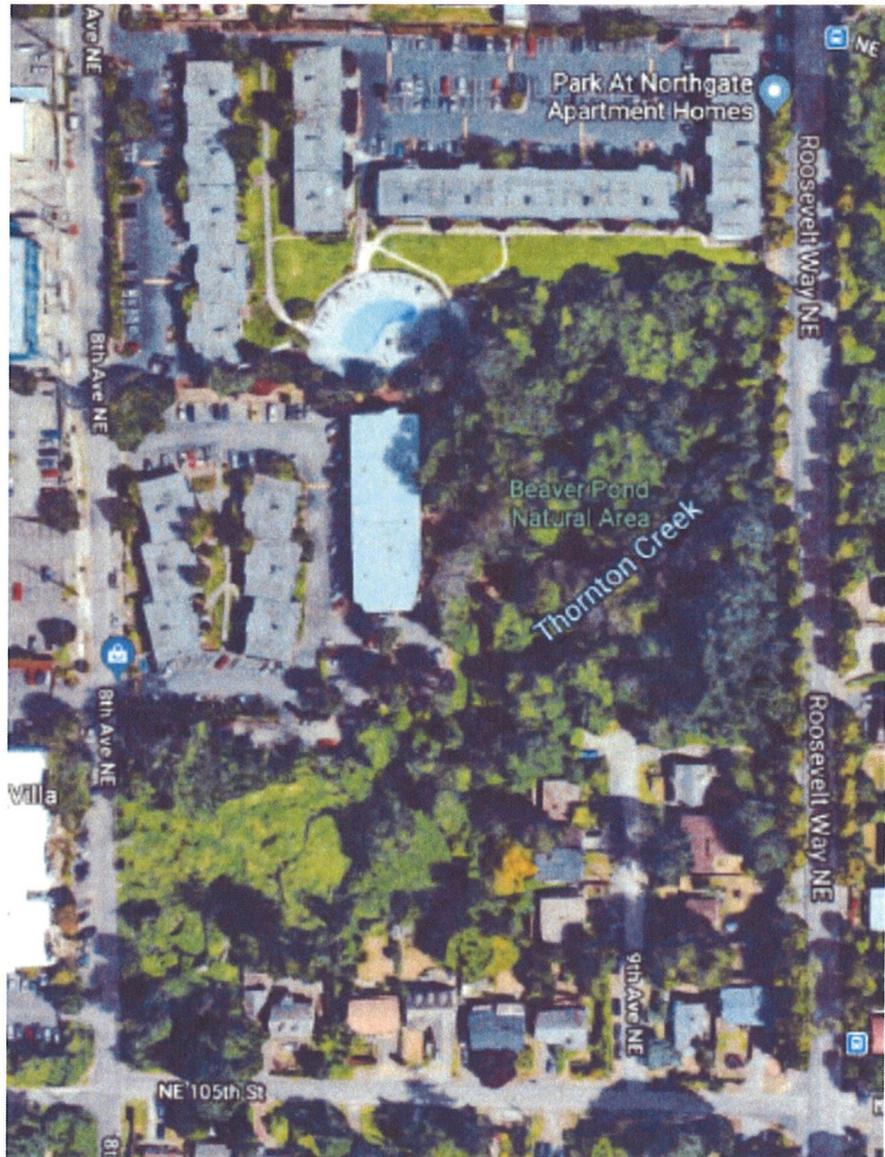
The neighborhoods a few blocks south of the Site (south of NE 105th Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. In addition, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106th Street, 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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