

September 3, 2025

## MEMORANDUM

**To:** Land Use Committee  
**From:** HB Harper, Analyst  
**Subject:** CF 314534 - Contract Rezone for 352 Roy Street

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On September 3, 2025, the Land Use Committee will receive a briefing on the Hearing Examiner's recommendation to approve a proposed rezone of properties at 352 Roy Street from Seattle Mixed - Uptown with a 65-foot height limit (SM-UP 65 (M)) to the same designation, but with an 85-foot height limit (SM-UP 85 (M)). If the Committee recommends approval of the rezone, a Council Bill (Exhibit 1) to effectuate the rezone will be introduced for action at the City Council alongside CF 314534.

This memorandum: (1) provides an overview of the rezone application contained in CF 314534; (2) describes the contents of Council decision documents, which would grant the rezone application, including a summary of the draft Council Bill, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development; and (3) describes next steps.

### Overview of Rezone Application

Kamiak Real Estate (Applicant) proposes to rezone an approximate 30,720 sq. ft. property from Seattle Mixed - Uptown, 65 ft. Height Limit, Mandatory Housing Affordability Suffix (M) [SM-UP 65 (M)] to Seattle Mixed - Uptown, 85 ft. Height Limit, Mandatory Housing Affordability Suffix M [SM-UP 85 (M)] through the contract rezone process. The M suffix corresponds to one of the three Mandatory Housing Affordability (MHA) tiers identified in the Land Use Code and in Director's Rule 14-2016 (effective April 6, 2017).

This proposal includes a specific redevelopment proposal for the construction of an 8-story, 215-unit mixed use building with apartments and retail. The Applicant intends to satisfy MHA program requirements through on-site performance.

The Seattle Department of Construction and Inspections (SDCI) recommended conditional approval of the application to the Hearing Examiner on June 5, 2025. The Hearing Examiner held an open-record public hearing on June 25, 2025, and on July 8, 2025, recommended conditional approval. The Hearing Examiner's recommended conditions are included in the Findings and Recommendation (Exhibit 2) at page 10.

### Type of Action

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

Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing.

Audio recordings of the hearing can be accessed through the Hearing Examiner's website.<sup>3</sup> Excerpts from the record, the SDCI recommendation, public comments letters, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [SMC Chapter 23.34](#) are contained in the Legistar record for CF 314534.

### **Committee Decision Documents**

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

#### CF 314534 - Findings, Conclusions and Decision

Council staff has drafted a proposed Council Findings, Conclusions and Decision (Exhibit 3), which:

- Adopts the Hearing Examiner's findings and conclusions;
- Adopts the rezone conditions recommended by the Hearing Examiner; and
- Approves the rezone application.

#### Rezone Bill

A Council Bill to amend the Official Land Use Map to rezone the site and approve and accept an executed PUDA included with Exhibit 1 should be introduced and passed alongside the Clerk File. This bill would effectuate the rezone.

### **Next Steps**

The rezone application will be considered by the Committee on September 3<sup>rd</sup>. A possible vote is anticipated at the Committee's September 15<sup>th</sup> meeting. If the Committee recommends approval of the rezone, the Council Bill included as Exhibit 1 to this memo will be introduced for a vote at the City Council meeting on Tuesday, September 23.

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<sup>1</sup> [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

<sup>2</sup> Adopted by [Resolution 31602](#) (2015).

<sup>3</sup> [Case Details for CF-314534 \(seattle.gov\)](#).

**Exhibits:**

1. Draft Council Bill w. Property Use and Development Agreement
2. Findings and Recommendation of the Hearing Examiner
3. Draft Findings, Conclusions and Decision

cc: Ben Noble, Director  
Lish Whitson, Lead Analyst

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map to rezone parcels located at 352 Roy Street from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)); and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Kamiak Real Estate LLC, C.F. 314534, SDCI Project 3041336-LU)

..body

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. This ordinance rezones the following legally described property (“Property”) commonly known as 352 Roy Street:

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER’S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1295

1 THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO  
2 NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS,  
3 PAGE 7, IN KING COUNTY, WASHINGTON.

4 PARCEL 545780-1270

5 LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING  
6 TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY,  
7 WASHINGTON.

8 Section 2. Page 100 of the Official Land Use Map, Seattle Municipal Code Section  
9 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and  
10 shown in Exhibit A to this ordinance, from Seattle Mixed Uptown with a 65 foot height limit and  
11 M Mandatory Housing Affordability suffix (SMU-65 (M)) to Seattle Mixed Uptown with an 85  
12 foot height limit and M Mandatory Housing Affordability suffix (SMU-85 (M)). Approval of this  
13 rezoning is conditioned on complying with the Property Use and Development Agreement (PUDA)  
14 approved in Section 3 of this ordinance.

15 Section 3. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

16 Section 4. The City Clerk is authorized and directed to file the PUDA with the King  
17 County Recorder's Office; to file the original PUDA along with this ordinance at the City  
18 Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and  
19 to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of  
20 Construction and Inspections and to the King County Assessor's Office.

Section 5. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to Mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2025,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

Exhibits:

Exhibit A – Rezone Map

Exhibit B – Property Use and Development Agreement for 352 Roy Street

# Exhibit A - Rezone Map



## Proposed Rezone

Clerk File 314534

SDCI Project 3041336-LU

352 Roy Street



Existing Zoning

Rezone Area

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300

Feet



Exhibit B - Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
<b>THE SEATTLE CITY CLERK</b> 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

<b>Grantor(s):</b>	Kamiak Real Estate, LLC
<b>Grantee:</b>	The City of Seattle
<b>Legal Description</b> <i>(abbreviated if necessary):</i>	See Attachment B
<b>Assessor's Tax Parcel ID #:</b>	Parcels: 545780-1265, 545780-1300, 545780-1315, 545780-1295, 545780-1270
<b>Reference Nos. of Documents Released or Assigned:</b>	n/a



THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the “Agreement”) is executed this \_\_\_\_ day of \_\_\_\_\_, 2025, in favor of the CITY OF SEATTLE (the “City”), a Washington municipal corporation, by KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company (“Owner”).

## RECITALS

A. KAMIAK REAL ESTATE, LLC, is the owner of that certain real property, addressed as 352 Roy Street, in the City of Seattle, currently zoned Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP-65 (M)), and legally described in Attachment B (the “Property”).

B. In July 2021, the Owner submitted to the City an application under Project No. 3041336-LU to rezone the Property to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability Suffix (SM-UP-85 (M)) (the “Rezone”), as shown in Attachment A.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions” upon the development of the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

## AGREEMENT

**Section 1. Agreement.** Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

### Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability suffix of (M).
2. Development of the Property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. For purposes of application of those Chapters, future development of the Property shall be subject to the following performance and payment requirements:
  - For Chapter 23.58B, 5% per square foot for the performance option or \$12.03 per square foot for the payment option; and

- For Chapter 23.58C, 7% of units for the performance option, with a payment for any fraction of a unit at the rate of \$30.55 per square foot.

*For the Life of the Project*

3. Development of the Property shall be in accordance with the final approved Master Use Permit drawings for SDCI Project No. 3041336-LU, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

**Section 2. Mandatory Housing Affordability Under SMC Chapter 23.58C.** Development of the Property shall comply with SMC Chapter 23.58C through the performance option, with a payment for any fraction of a unit.

**Section 3. Agreement Runs With the Land.** This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

**Section 4. Amendment.** This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

**Section 5. Exercise of Police Power.** Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

**Section 6. No Precedent.** The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

**Section 7. Repeal as Additional Remedy.** Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

Exhibit B - Property Use and Development Agreement

a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and

b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following pages]

Exhibit B - Property Use and Development Agreement

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company

By: \_\_\_\_\_

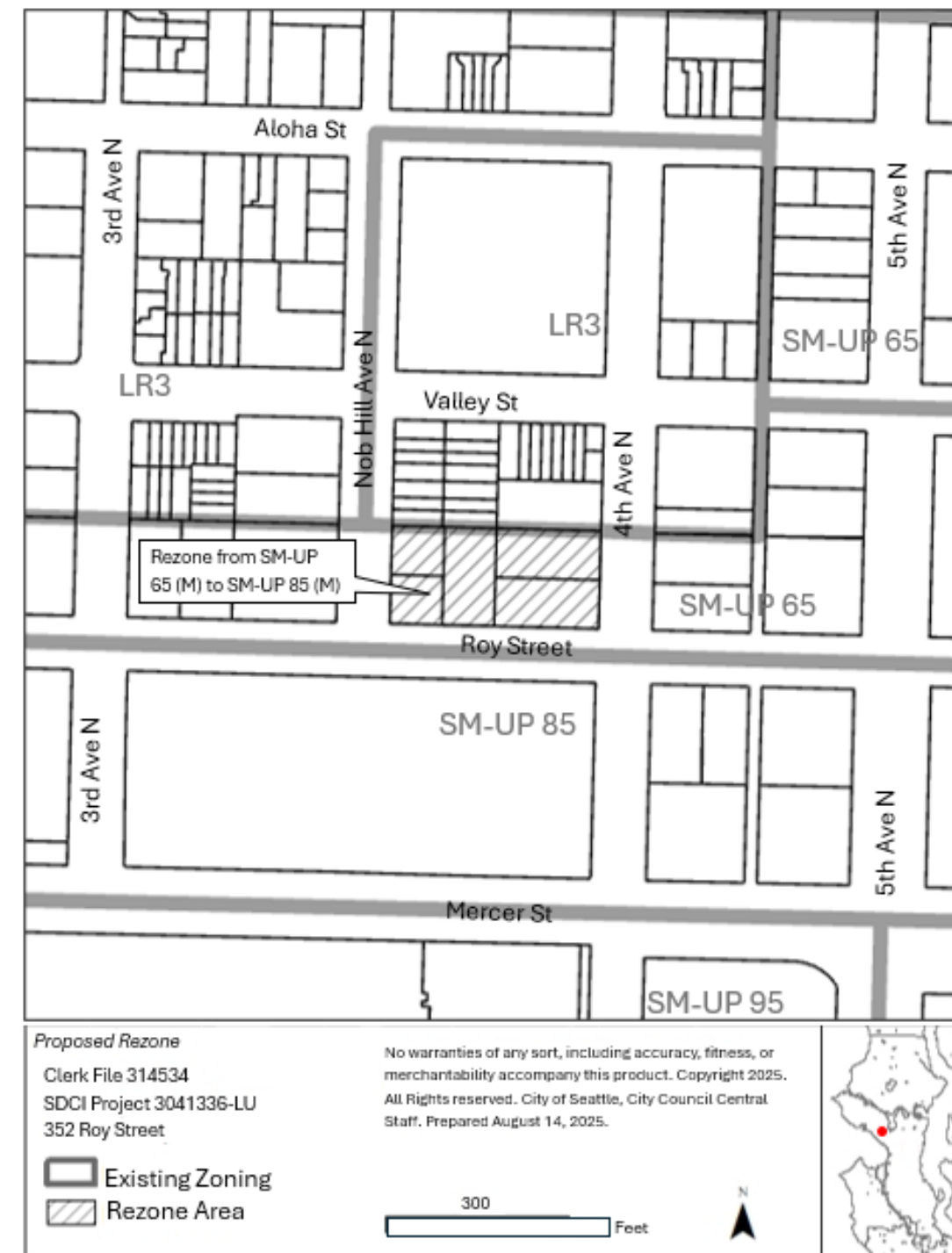
Its: \_\_\_\_\_

On this day personally appeared before me \_\_\_\_\_, to me known to be the \_\_\_\_\_, of \_\_\_\_\_, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON  COUNTY OF KING	}	ss.

ATTACHMENT A



ATTACHMENT B

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

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

In the Matter of Application of

**KAMIAK REAL ESTATE, LLC,**

For a Rezone of Property at  
352 Roy Street.

Hearing Examiner File:  
**CF 314534**

Department Reference:  
3041336-LU

**FINDINGS OF FACT**

**1. Introduction.** Applicant Kamiak Real Estate LLC proposed a contract rezone from Seattle Mixed Uptown Urban Center with a 65-foot height limit and Mandatory Housing Affordability Overlay M (SM-UP 65 (M)) to the same designation, but with an 85-foot height limit (SM-UP 85 (M)). Replacing the site's existing buildings and parking lot, the height increase would allow for an eight story, 215-unit apartment building with 4,436 square feet of retail and 128 parking spaces. At 352 Roy Street, the site is at the base of Queen Anne Hill.

**2. Hearing.** A properly noticed public hearing<sup>1</sup> was held remotely and in person on June 25, 2025. The Seattle Department of Land Use & Engineering Services ("Department"), through David Landry, Sr. Planner, described the proposal and review process. The Department recommended approval with three conditions. The Applicant, represented by Holly Goldin of Hillis, Clark, Martin & Peterson, appeared and called two witnesses, Scott Lien, owner and principal at Kamiak Real Estate, LLC, and Jon Kwon, an architect with PUBLIC47 Architects. Michelle Brown of Heffron Transportation was available for questions. From the public, Atalie Holman, who resides in a newly constructed, adjacent townhome testified.

**3. Exhibits.** The Department submitted Exhibits 1-22, with the Applicant adding Exhibit 23 (its presentation) and the Department adding Exhibit 11a (clarification question from a citizen and Department response). The record was kept open through June 26 to address a public comment on view impacts. In response to that comment, the Applicant stated it would provide the shadow study, which was inadvertently omitted from the submitted exhibits. These materials were included in the record as Exhibit 4a. The Department also submitted a clarifying comment (Exhibit 24).

Public comments were submitted from Atalie Holman (Exhibit 25) and David Gonzalez (Exhibit 26). The latter was submitted a day late but accepted. Both comments were reviewed, though the comments went beyond the view question the record was kept open to address. The Examiner visited the site on July 7. The visit provides context but is not evidence.

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<sup>1</sup> Exhibit 11; SMC 23.76.052(C). *See also* Exhibits 7 and 8.

**4. Applicant Testimony.** Project representative Scott Lien described the building as having an ideal location near a major job center, proximate to transit (including a proposed light rail station), targeting LEED Gold design standards, and including ground level retail, a dividable area which could provide space for smaller, local businesses. 25% of the units will be family sized. The 85-foot height allowed with the rezone would not be fully utilized as rather than two added floors, there will be one, with 25 units, so only 15 feet of the height increase will be used. Mr. Lien summarized the review process, noting that the Applicant has been in contact with the Uptown Alliance, which supports the project.

Project architect Jon Kwon elaborated on design and site conditions. The site slopes up to the north, with ten feet of grade change. To buffer residential development on the north side, a voluntary ten-foot setback is provided. This is coupled with a courtyard on the north side (landscaped as a rock garden) which provides further visual relief and a courtyard on the south side. The southern courtyard and an active pedestrian plaza assist with use transition and provide a focal point for entry, which will be accentuated with artwork.

**5. Public Testimony.** Atalie Holman stated that due to her recent move into an adjacent newly constructed townhome at (723 4<sup>th</sup> Avenue N), she only just learned about the project, otherwise she would have been involved earlier. The primary concern she identified in testimony was view impacts, particularly panoramic views to the south, which include the Space Needle.

**6. Written Public Comments to Department.** Comments to the Department were submitted during an extended comment period from September 12 through October 16, 2024. Comments raised concerns on a decline in neighborhood livability for existing residents, including two senior citizen homes. Other comments raised concern on added congestion and public transportation infrastructure limitations. Comments in support noted a desperate need for housing to support population growth and that the site, so close the city core, was under-utilized. Other comments expressed appreciation for the ground level plaza, the building's setback away from the northern properties, and a request to see more art expressions in the project consistent with the Uptown Arts District guidelines.<sup>2</sup>

**7. Written Public Comment to Hearing Examiner.** After the hearing, two public comments were submitted.

Atalie Holman, who testified at the hearing and resides in a new townhome complex to the north, provided comment. She was concerned that the new townhome community sharing the block with the project site was not mentioned. At the hearing, she stated that she had identified Space Needle visibility as a concern, but that “view loss wasn’t intended to be my main complaint,” rather the example was intended to demonstrate application material inaccuracies.<sup>3</sup> She identified departures as concerns (a Tier 2 tree removal, 5.5 foot building width increase, and public space reduction from 15% to 9%). She was also concerned about there not being design review and lack of a sign board. She requested a land use assessment re-evaluation. Specifically, she requested: (1) shadow study inclusion; (2) public impacts to views of the Space Needle (which may be blocked

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<sup>2</sup> Exhibits 9 and 10.

<sup>3</sup> Exhibit 25.



from the 4<sup>th</sup> Avenue sidewalk) be addressed; (3) traffic impact clarifications;<sup>4</sup> (3) updated application materials to reflect current surroundings; and (4) expanded public review processes.

David Gonzalez stated he attended the hearing but was unable to leave a comment. He resides in a new townhome complex at the corner of Valley and 4<sup>th</sup> Avenue N. He raised questions on how current and rigorous project analysis was, given mentions of an apartment building removed two years ago and lack of mention of his townhome complex. He also wanted to know why a land use sign was not posted on the lot as this would have better informed new residents such as himself.

**8. Review Process.** The proposal is not required to undergo SEPA and Design Review, as clarified at the public hearing. Before scheduling the public hearing, the Department sought public comment from September 12 through October 16, 2024, as Finding 6 addresses.<sup>5</sup> Comment submitted following the hearing expressed a desire for additional opportunities to provide input, partly as those individuals are new to the location though the comment opportunities provided were consistent with code.

**9. Site.** The 30,720 square foot site is at the base of Queen Anne Hill within the Uptown Urban Center and a Frequent Transit Area.<sup>6</sup> The site gently slopes uphill, gaining about ten feet from south to north.<sup>7</sup> With power lines to the south, a high water table, and no alley, project design had to address these constraints. The site is developed with shorter one and two story buildings and a parking lot. The current zoning is SM-UP 65 (M), with surrounding height limits ranging from 50-85 feet.

- North – Lowrise 3 (M) [LR3 (M)] (50 foot height limit)
- South – SM-UP 85 (M1)
- East – SM-UP 65 (M)
- West - SM-UP 65 (M)

The site fronts Roy Street on the south, with Valley Street to the North, Nob Hill Ave N to the west and 4<sup>th</sup> Ave N to the east. The site occupies the southernmost half of the block between Valley Street and Roy Street and includes five parcels with varying uses, including restaurants, some residential uses, and a surface parking lot. Sidewalks are on all three street frontages, with east and westbound bike lanes on Roy Street.

A mix of residential and commercial uses surround the site. Development on the north side includes three to four story townhome and apartment developments.<sup>8</sup> On the south, across Roy Street, is a Seattle Center parking garage. Roy Street is a principal arterial with a variety of uses (office, community services, personal services, commercial retail, a regional grocery store, and

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<sup>4</sup> The comment asked whether the townhome was included; whether increased traffic to 4th/Valley from the Aurora exit on Valley leading to the 4th Avenue parking garage entrance was addressed; and, whether impacts to emergency vehicle access, including to Cogir Senior Living were addressed.

<sup>5</sup> Exhibits 7-10; Testimony, Mr. Landry; Exhibit 21 (Department Recommendation), p. 251.

<sup>6</sup> Exhibit 23 (Staff Report); Testimony, Mr. Landry.

<sup>7</sup> Testimony, Mr. Kwon.

<sup>8</sup> Exhibit 23 (Applicant's Presentation), p. 5; Testimony, Department, Applicant, and Public.

parking), all within walking distance of Seattle Center and other retail along Mercer St. and Queen Anne Avenue N. The area has a mix of architectural styles, with low-rise brick apartments from the 1920s and 1930s, Craftsman bungalows converted to apartments, mid-century-modern structures and modern townhouses. More generally, the Uptown area includes the Seattle Center and Space Needle, Climate Pledge Arena, SIFF Cinema, and a collection of neighborhood bars and restaurants.<sup>9</sup>

**10. Transportation.** A Transportation Impact Analysis addressed trip generation and road system capacity, finding no significant impacts to the transportation system near the site. It found the project would generate slightly more vehicle trips than existing land uses, with a net increase of 70 daily. It noted that Roy Street was improved in 2015 as part of the Mercer Corridor West Project and converted from a one-way street to a two-way street with bicycle lanes. Frontage improvements will be completed along the project's three sides on Roy, Nob Hill Avenue N, and 4<sup>th</sup> Avenue N, with upgraded sidewalks and landscaping.<sup>10</sup>

**11. Project Design.** The rezone would allow an additional 20 feet in height to the existing zoning, though the project is adding only one additional floor, so with eight stories, would use only 15 feet of the added allowance. The project includes a voluntary ten-foot setback on the north side along with an approximately 1,230 (30 x 41) square foot north-side courtyard area. This courtyard extends 51 feet from the property line and in addition to the setback, adds to visual buffering measures for townhome and apartment properties on the north.<sup>11</sup>

The south entrance area includes an approximately 1,200 (30 x 40) square foot street-level courtyard adjacent to the commercial space along Roy. It is coupled with an active pedestrian plaza, street landscaping, and pedestrian weather protection. Artwork is being incorporated into this public area. The south side, above the first floor, has upper level 15 foot setbacks to accommodate the existing power line.<sup>12</sup>

The roof has a unique, somewhat open design, providing residents with open space at the building's top, which is coupled with green roofing and solar panels.<sup>13</sup>

The Applicant met with the Uptown Alliance Land Use Review Committee, which reviewed the proposal and commented on its design features.

- LURC was pleased to see further development of the ground level plaza connecting the private residential lobby with adjacent retail opportunities. The presentation included natural seating opportunities such as the boulders and planters at the sidewalk level.

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<sup>9</sup> Exhibit 21 (Staff Recommendation).

<sup>10</sup> Exhibit 15 (Transportation Impact Study), pp. 230 and 225.

<sup>11</sup> Exhibit 23 (Applicant's Presentation), p. 5; Testimony, Mr. Kwon; Exhibit 22 (Staff Report).

<sup>12</sup> Testimony, Mr. Kwon; Exhibit 23 (Applicant's Presentation), p. 6.

<sup>13</sup> Exhibit 23 (Applicant's Presentation), pp. 1 and 5; Testimony, Mr. Kwon.

- LURC supports the preferred massing & the overall design, as it successfully integrates an urban multi-family housing structure with other structures and single family homes.
- The preferred design concept includes a gracious set back and roof top element to create transparency. The project is asking for a contract rezone from 65' to 85'. The roof top element helps in keeping the building in context with the grade changes. There is a[n] airiness included in the visual height.<sup>14</sup>

More generally, infrastructure adequacy has been assessed and found adequate to support the proposal, including the road network, water, sewer, and other urban services.<sup>15</sup> The parking garage entrance is along 4<sup>th</sup> Street on the east and is sized to allow for trash pick-up within the building. Frontage improvements, including landscaping, are on all three sides and the building is targeting the LEED-Gold standard.

## CONCLUSIONS OF LAW

**1. Jurisdiction.** The Hearing Examiner has jurisdiction to issue a recommendation on the rezone, while the Council makes the final decision.<sup>16</sup>

**2. Criteria, Summary.** Criteria for assessing a site-specific rezone request are at SMC 23.34.004 (contract rezones), 23.34.006 (MHA suffixes), 23.34.007 (rezone evaluation), 23.34.008 (rezone criteria), 23.34.009 (height limits), 23.34.126 (Seattle Mixed zoning, designation), and 23.34.128 (Seattle Mixed zoning, location). Despite the overlapping criteria, key considerations are zoning compatibility with the neighborhood and land use planning for the area.

**3. Contract Rezone, SMC 23.34.004.** As this is a contract rezone, a Property Use and Development Agreement, or PUDA, will be executed and recorded.<sup>17</sup> The code details payment and performance requirements.<sup>18</sup> The PUDA should include conditions requiring property development to substantially conform with approved Master Use Permit plans.

**4. “M” Suffix: Mandatory Housing Affordability, SMC 23.34.006.** With the proposed zoning, the site is subject to MHA requirements at SMC 23.58B and/or 23.58C. The rezone from SM-UP 65 (M) to SM-UP 85 falls into tier M, so the current “M” designation would not change with the rezone.<sup>19</sup>

**5. Rezone Evaluation, SMC 23.34.007.** Applicable sections of Ch. 23.34 SMC on rezones are weighed and balanced together to determine the most appropriate zone and height

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<sup>14</sup> Exhibit 23 (Applicant Presentation), pp. 12-13.

<sup>15</sup> Exhibit 15 (Transportation Impact Analysis); Exhibit 18 (SPU Solid Waste Review); Exhibit 19 (SPU Water Availability Certificate); Exhibit 21 (Staff Recommendation).

<sup>16</sup> SMC 23.76.004(C); SMC 23.76.004, Table A.

<sup>17</sup> SMC 23.34.004.

<sup>18</sup> See e.g., Ch. 23.58B SMC; Ch. 23.58C SMC.

<sup>19</sup> DR 14-2016, Application of Mandatory Housing Affordability for Residential Development (MHA-R) in Contract Rezones.

designation.<sup>20</sup> Zone function statements are used "to assess the likelihood that the area proposed to be rezoned would function as intended."<sup>21</sup> "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement...."<sup>22</sup> The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."<sup>23</sup>

**6. Zoned Capacity, SMC 23.34.008(A).** In Urban Centers and Urban Villages, zoned capacity should not reduce capacity below 125% of the Comprehensive Plan's growth target. The site is within the Seattle Mixed Uptown Urban Center. The Comprehensive Plan forecasts 3,000 additional housing units with projected growth strategies for Urban Centers at a density of 15 households per acre. The rezone increases, rather than decreases housing capacity, so helps in achieving these targets. There is no conflict with SMC 23.34.008(A).

**7. Match Between Zone Criteria and Area Characteristics, SMC 23.34.008(B).** There is no change to the SMP-UP zoning designation; only the height would increase from 65 to 85 feet. The locational criteria in SMC 23.34.128 continue to match the adjacent zone type, excepting the abutting LR3 zone, and is consistent with the area's characteristics. The rezone allows for additional height for residential use while allowing commercial and retail services for the Urban Center, consistent with the Comprehensive Plan's Urban Center policies and area growth strategy.

**8. Neighborhood Plan/Precedential Effect, SMC 23.34.008(C) and (D).** Zoning maps date to 1923, and were initially a business designation, which over the years evolved to general commercial and neighborhood commercial. In 2019, through the Citywide Mandatory Housing Affordability legislation, the site's zoning changed to SM-UP 65(M). The site is not within a neighborhood plan. The closest neighborhood plan is the Queen Anne (Uptown) Neighborhood Plan, but the Comprehensive Plan does not have neighborhood specific criteria for the site.

**9. Zoning Principles, SMC 23.34.008(E).** The area's overall development pattern is a gradual increase in zoning intensity and building height. Here, only the height is increasing. The lowest height zone abutting the property is LR3, at 50 feet. The area has a few instances in the Uptown Urban Center where LR3 zones abut SM-UP 85 zones. This is reflected in multi-story and mixed-use developments along Mercer St, near the intersections of 3<sup>rd</sup> Ave N and 4<sup>th</sup> Ave N, in areas zoned SM-UP 85. Other examples of increased density and height associated with new developments in the SM-UP 85 zone can be seen in the mix-use developments at the corner of 3<sup>rd</sup> Ave N and Roy Street and at the corner of 2<sup>nd</sup> Ave N and Roy Street.

The site is bordered by rights-of-way on three sides, but there are no natural features that separate the project from abutting residences to the north. There is a ten-foot descending grade change from north to south on the property. The rezone would follow established zoning boundaries. The project is separated from the northern LR3 zone and residential development by the ten-foot setback, which is coupled with patio spaces and landscaping within the ten-foot

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<sup>20</sup> SMC 23.34.007.

<sup>21</sup> SMC 23.34.007(A).

<sup>22</sup> SMC 23.34.007(B).

<sup>23</sup> SMC 23.34.008(B).

setback, placed intermittently at the first floor level along the northern building façade to soften the building edge. On the south side, the proposed commercial uses would face Roy Street as exists under the current zoning and height classification. The opposing side of Roy Street is Seattle Center's Mercer Street Parking Garage with no commercial uses attached.

The proposed rezone would be the first height change to SM-UP 85 to cross over to Roy Street's north side and could set precedence along the frontages on Roy's north side between Aurora Avenue N and 1<sup>st</sup> Avenue N. The project would have somewhat similar height and bulk to the new development along Roy Street between Warren Avenue N and 1<sup>st</sup> Avenue N.

The site is not within an urban village but is in the Uptown Urban Center where heights above 55 feet are considered appropriate. There is a height differential between the site and buildings to the north in the LR3 zone, but the height would be the same as the SM-UP 85 zoning immediately to the south.

**10. Impact Evaluation, SMC 23.34.008(F).** The rezone meets the compatibility standards for the surrounding neighborhood. Housing capacity is increased and the project will be adequately supported by public services and infrastructure, including pedestrian amenities and sidewalks. There is adequate street access, street capacity, transit, utility, and sewer capacity. The shadow study showed shadows cast at the lower height would be similar as with the project's additional height.<sup>24</sup> The project follows area aesthetics and does not adversely affect environmental conditions.

Parking is addressed with 128 spaces in the below ground parking garage. This is coupled with 193 garage bike stalls and 15 ground level bike stalls. The project fronts Roy Street, a principal arterial. The parking garage entrance is on 4<sup>th</sup> Avenue N. There is ready access to Aurora Avenue N and Queen Anne Avenue N. With a net increase of 70 daily trips, 22 AM peak hour trips, and three PM peak hour trips, the Roy area intersection is expected to operate at LOS B during peak hours. While there will be a trip increase over existing conditions, the transportation impact analysis did not identify significant transportation system impacts. The site is well served by transit and ideally located near the future Seattle Center stop for Sound Transit's Ballard Link Extension.

The project is not within a historic district and the block is not recognized as having historical significance. The existing buildings are not listed as warranting landmark nomination status. Four restaurants will be displaced with the project, accounting for 9,745 square feet, which will be partly offset by the buildings 4,400 square feet of commercial area.

Of the 215 units, 30 will be added due to the height increase. Rent restricted units in conformance with MHA's performance option total 11 units or about 5%, with one or two due to the height increase. By increasing housing supply and with MHA mitigation, the height increase positively contributes to the need for affordable housing.<sup>25</sup>

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<sup>24</sup> Exhibit 4A (Shadow Study).

<sup>25</sup> Exhibit 21 (Department Recommendation); Exhibit 15 (Traffic Impact Analysis); Exhibit 13 (Historic Resource Analysis); Exhibit 16 (MHA Calculations); Exhibit 18 (SPU Solid Waste Review); Exhibit 19 (SPU Water Availability Certificate).

**11. Changed Circumstances, SMC 23.34.008(G).** Changed circumstances are considered but need not be demonstrated. The area has seen increasing density and heights and denser housing to accommodate housing needs. The City emphasizes residential growth in urban centers and villages through the Comprehensive Plan, and the site is within the Uptown Urban Center. That theme is expected to continue with the Plan's periodic update.

**12. Overlay Districts and Critical Areas, SMC 23.34.008(H) and (I).** No critical areas are within this Uptown Urban Center site. By providing a carefully designed mixed use development near Seattle Center, coupled with sidewalk improvements, including open areas, landscaping, and lighting, the project contributes to Uptown community vitality and density, consistent with Uptown Urban Center Plan Goals and Policies.

QA-G3     The Urban Center is a vital residential community as well as a viable and attractive commercial/employment center and mixed-use neighborhood that enjoys a strong relationship with Seattle Center.

QA-P6     Create a unique urban identity in Queen Anne's Urban Center that includes an attractive multifamily residential neighborhood identified by its distinctive parklike character and surrounding mixed-use areas.

QA-P40    Strive to provide urban character-enhancing improvements to Queen Anne's streets such as sidewalk improvements, transit facilities, landscaping, and appropriate lighting.

**13. Heights, SMC 23.34.009.** The rezone would allow redevelopment to 85 feet, resulting in a taller roofline than the adjacent LR3 zone to the north. The 85-foot height matches allowed heights on properties zoned SM-UP 85 on Roy's south side but would amplify the height differential between the site and buildings to the north in the LR3 zone. There are views to the south looking at the top one quarter of the Space Needle, above the Mercer Street parking garage which may be affected, particularly for a few upper level townhome units just to the north. As one travels up Queen Anne Hill, views to the Space Needle and downtown from rights-of-way or residential units do not appear impaired.

Uptown Urban Center maximum height limits are 65 and 85 feet. Properties to the north have a 50-foot height minimum, while properties to the east and west along Roy have 65-foot height limits, with 85-foot heights to the south. The project is similar in height and bulk to several newer buildings on Roy's south side. To the immediate west, south, and east, structures are lower. To the west is the four-story Maxwell Hotel, to the south is a Seattle Center parking garage, and to the east is a one-story structure. Other than the parking garage, these buildings have a smaller scale and bulk than the proposal. More comparable is 100 Roy, a seven-story structure four blocks west.

To the north are multi-story apartment and townhome developments. To mitigate the height increase, the development includes a ten-foot setback from the north property line and incorporates a north facing courtyard, along with patios for the at grade units. Height-wise the project is compatible with the area's overall character given mitigation has been built in to assist with transition on the north (with the setback, courtyards, and patios). Though height limits are the same on the south side, the building is softened on this side as well, with pedestrian improvements, landscaping, street-level commercial space, the upper level setback, and courtyard.

**14. Seattle Mixed Zone (SM), SMC 23.34.126.** The Seattle Mixed Zone is designed to achieve a diverse, mixed-use community with a strong pedestrian orientation. A wide range of uses are permitted and density is proposed to encourage a mixed-use neighborhood. The height increase follows these objectives.

**15. Seattle Mixed Zone, Function, and Locational Criteria, SMC 23.34.128.** The Seattle Mixed zone includes location with an urban center with a wide range of uses to encourage a mixed-use neighborhood with a pedestrian orientation. The site is within the Uptown Urban Center which hosts a variety of commercial uses, including retail, restaurants, offices, hotels, wellness centers, supermarkets, etc. The existing pattern of commercial frontages along Mercer Avenue and Roy are largely pedestrian oriented with transit access. The height change would allow new development on an underutilized site to increase residential density with ground level pedestrian oriented commercial opportunities. The proposal is consistent with this criterion.

**16. Conclusion.** Considering Ch. 23.34 SMC criteria together, the most appropriate zone designation for the site is Seattle Mixed Uptown Urban Center with an 85-foot height limit and Mandatory Housing Affordability Overlay M, or SM-UP 85 (M). With the proposal's added housing units, street-level commercial space, north side setback and patio courtyard design, south side courtyard and pedestrian amenities, and overall design, this zoning would better fulfill Comprehensive Plan objectives for this area.

## RECOMMENDATION

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA, with the Department's recommended conditions, Attachment 1.

Entered July 8, 2025.



Susan Drummond, Deputy Hearing Examiner

**Attachment 1**  
**Recommended Conditions**  
**Contract Rezone**

**These conditions should be in the PUDA:**

1. The rezone includes a Mandatory Housing Affordability designation of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and/or 23.58C.
3. Approval of this contract rezone is conditioned upon development of the project in accordance with the final approved Master Use Permit drawings, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, balconies on the north façade.



### **Concerning Further Review**

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

Under SMC 23.76.054, a person who submitted comment to the Department or Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council  
Planning, Land Use and Zoning, c/o Seattle City Clerk  
Physical Address: 600 Fourth Avenue, Floor 3, Seattle, WA 98104  
Mailing Address: P.O. Box 94728, Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Review code language for exact language and requirements, which are only summarily described above. Consult the City Council committee named above for further information on the Council review process.

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **FINDINGS AND RECOMMENDATION** to each person listed below, or on the attached mailing list, in the matter of **KAMIAK REAL ESTATE, LLC**.  
Case Number: **CF-314534** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Applicant, Kamiak Real Estate, LLC</b>  Scott Lien scott@kamiak.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Applicant Legal Counsel, Hillis Clark Martin &amp; Paterson P.S.</b>  Holly Golden holly.golden@hcmp.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Department, SDCI</b>  David Landry David.Landry@seattle.gov  SCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov  SCI_LUIB <a href="mailto:SCI_LUIB@seattle.gov">SCI_LUIB@seattle.gov</a>  <a href="mailto:PRC@Seattle.Gov">PRC@Seattle.Gov</a>  Tonya Capps Tonya.Capps@seattle.gov  Nathan Torgelson nathan.torgelson@seattle.gov  Roger Wynne	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

<p>roger.wynne@seattle.gov</p> <p>Ketil Freeman <a href="mailto:ketil.freeman@seattle.gov">ketil.freeman@seattle.gov</a></p> <p>Lish Whitson <a href="mailto:Lish.Whitson@seattle.gov">Lish.Whitson@seattle.gov</a></p>	
<p><b>Mailing</b></p> <p><a href="mailto:als2010@hotmail.com">als2010@hotmail.com</a>; <a href="mailto:amagadon@gmail.com">amagadon@gmail.com</a>; <a href="mailto:kaliawalke33@gmail.com">kaliawalke33@gmail.com</a>; <a href="mailto:anne127marie@gmail.com">anne127marie@gmail.com</a>; <a href="mailto:mai_dinh@icloud.com">mai_dinh@icloud.com</a>; <a href="mailto:pwhauman@gmail.com">pwhauman@gmail.com</a>; <a href="mailto:mercedes@mfidinteriors.com">mercedes@mfidinteriors.com</a>; <a href="mailto:atalie.holman@gmail.com">atalie.holman@gmail.com</a>; <a href="mailto:dagonzalez.ca@gmail.com">dagonzalez.ca@gmail.com</a></p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger</p>

Dated: July 8, 2025.

/s/ Angela Oberhansly  
Angela Oberhansly, Legal Assistant

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

In the matter of the Petition:	)	Clerk File 314534
	)	
Application of Kamiak Real Estate,	)	FINDINGS, CONCLUSIONS,
LLC, for a contract rezone of a site	)	AND DECISION
located at 352 Roy Street from Seattle	)	
Mixed Uptown with a 65-foot height	)	
limit (SM-UP 65 (M)) to the same	)	
designation, but with an 85-foot height	)	
limit (SM-UP 85 (M)). and accepting a	)	
Property Use and Development	)	
Agreements as a condition of rezone	)	
approval. (Application of Kamiak Real	)	
Estate, LLC, C.F. 314534, SDCI	)	
Project 3041336-LU).	)	

**Introduction**

This matter involves a petition by Kamiak Real Estate, LLC, (Applicant) for a contract rezone of an approximately 30,720 square foot site located on Roy Street between Nob Hill Ave N and 4<sup>th</sup> Ave N.

The site is zoned Seattle Mixed - Uptown with a 65-foot height limit with a Mandatory Housing Affordability M suffix (SM-UP 65 (M)). The proposed rezone would be to the same designation, but with an 85-foot height limit (SM-UP 85 (M)).

Attachment A shows the area to be rezoned. Attachment B provides a legal description of the site (the “Property”).

The proposed development project is a mixed-use multi-family apartment project consisting of an 8 story, 215-unit mixed use apartment building with retail, and 128

below-grade parking spaces. The Applicant intends to satisfy MHA program requirements under SMC Chapter 23.58C through on-site performance.

The Seattle Department of Construction and Inspections (SDCI) recommended conditional approval of the application to the Hearing Examiner on June 5, 2025. The Hearing Examiner held an open-record public hearing on June 25, 2025, and on July 8, 2025, recommended conditional approval. On September 3, 2025, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

#### **Findings of Fact**

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated July 8, 2025.

#### **Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions of Law as stated in the Findings and Recommendation of the Hearing Examiner dated July 8, 2025.

#### **Decision**

The Council hereby GRANTS a rezone of the Property from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)), as shown in Attachment A.

The rezone is subject to the execution of a Property Use and Development Agreement (PUDA) requiring the owners to comply with certain conditions, as follows:

Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability suffix of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapters 23.58B and 23.58C.

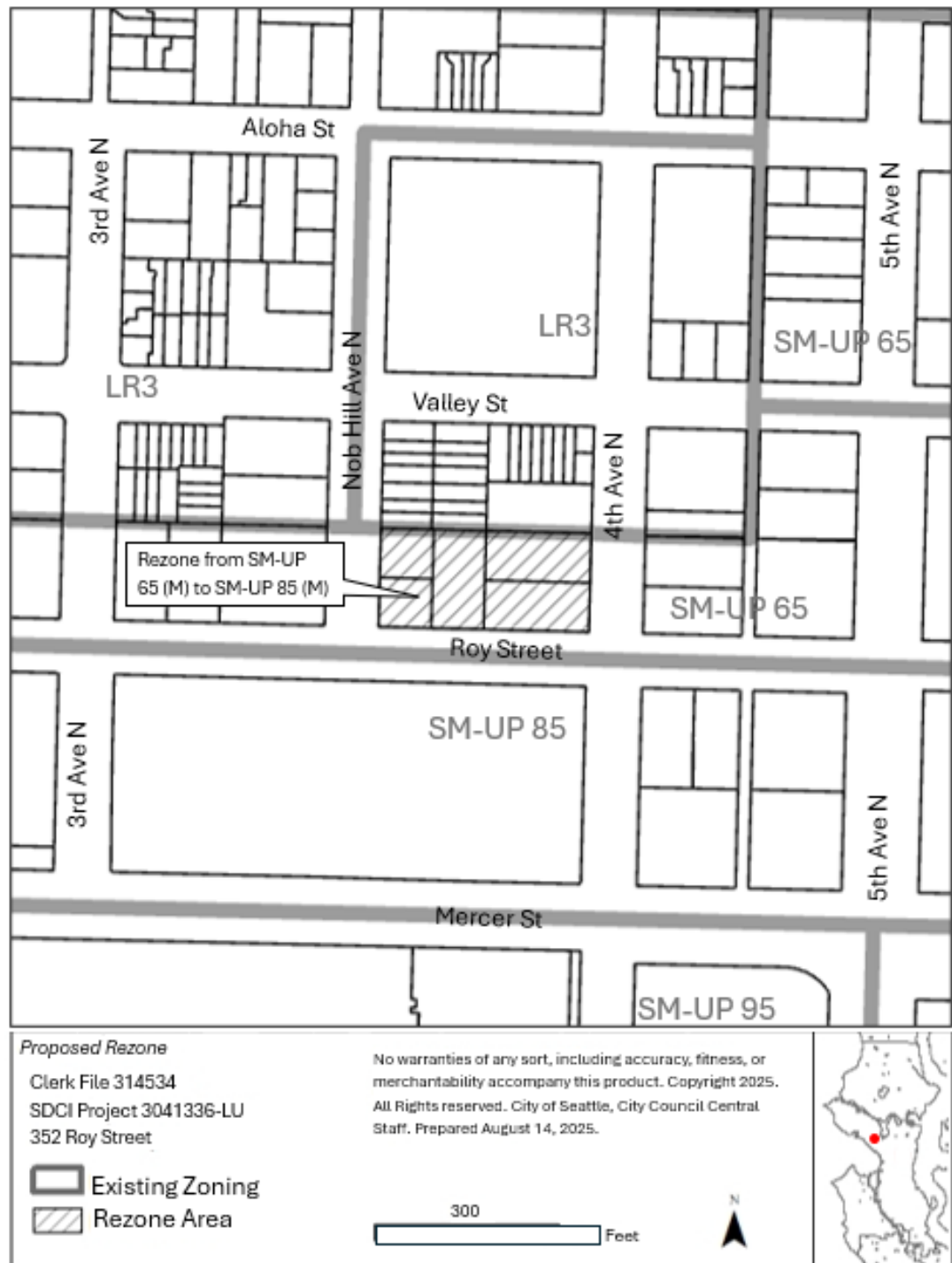
For the Life of the Project

3. Development of the rezoned property shall be in accordance with the final approved Master Use Permit drawings for SDCI Project No.3041336-LU, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Council President

## ATTACHMENT A



ATTACHMENT B

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON