





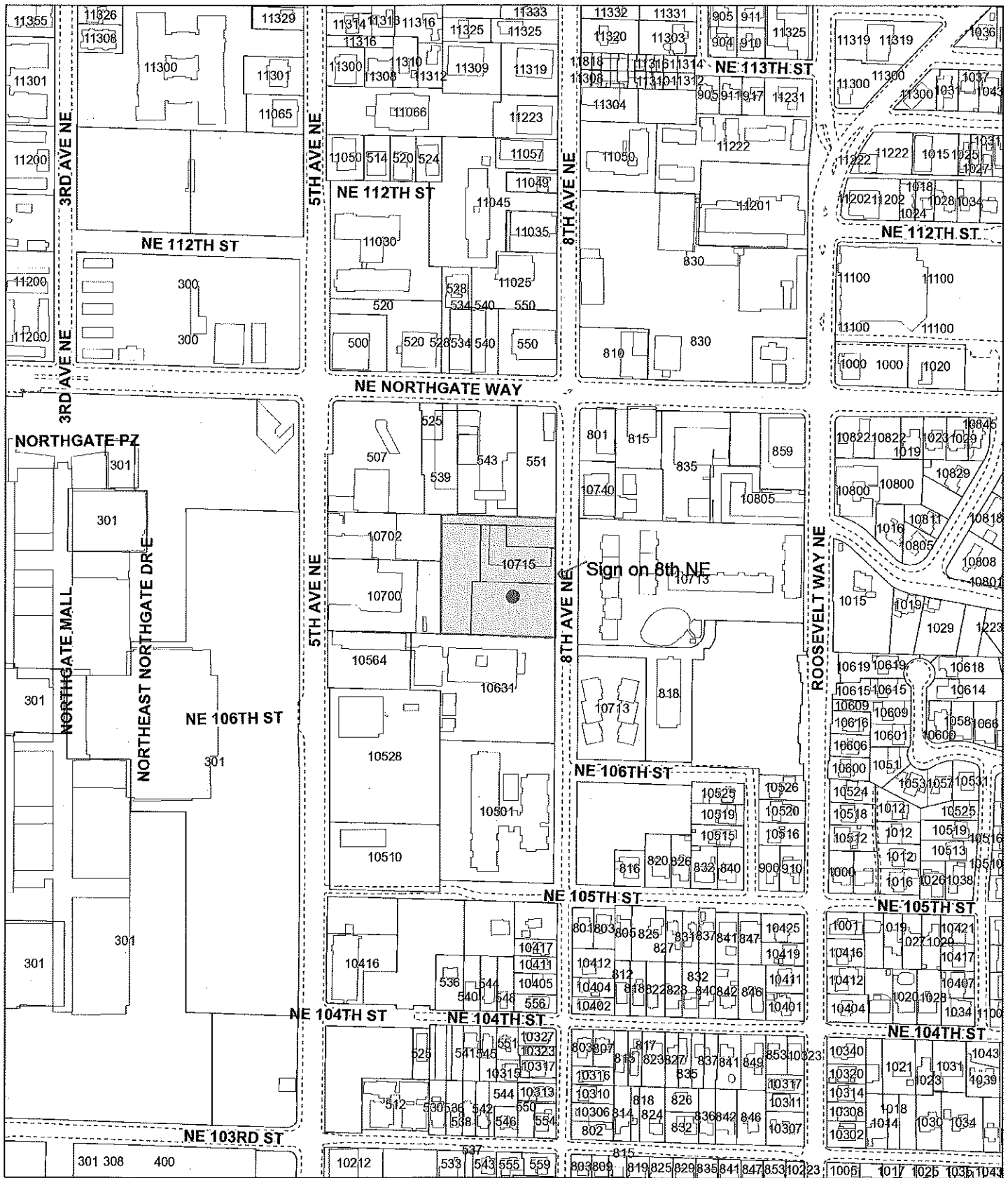
# 3018442 Rezone/ SEPA DNS

10711 8th Ave NE  
map 16



Feet

0 334



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 Coordinate System: State Plane, NAD 83-91, Washington North Zone | Vertical Datum: North American Vertical Datum of 1988 (NAVD88). Map produced by DPD GIS Viewer (DPD - IT GIS).

# NOTICE OF PROPOSED LAND USE ACTION

Master Use Project # 3018442

Address: 10711 8<sup>th</sup> Ave NE

Applicant Contact: Kevin Cleary

Phone: (425) 679-5248

DPD IS CONDUCTING AN ENVIRONMENTAL REVIEW OF THE FOLLOWING PROJECT:

COUNCIL LAND USE ACTION TO REZONE A 95,027 SQ.FT. OF PORTION OF LAND FROM NC3-40 TO NC3-65. THE PROPERTY IS BOUNDED ON THE EAST BY 8TH AVE NE, ON THE WEST BY 10700 AND 10702 5<sup>TH</sup> AVE NE ON THE NORTH BY 551, 543, AND A PORTION OF 539 NE NORTHGATE WAY AND TO THE SOUTH BY 10631 8TH AVE NE.

SPACE FOR  
PROJECT LOCATION  
MAP

The comment period ends \_\_\_\_\_ but may be extended to \_\_\_\_\_ by written request. All comment letters will be posted to the DPD web site. To submit written comments or to obtain additional information, contact Seattle's Department of Planning and Development (DPD), 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124 -4019. Contact by phone (206) 684-8467 or email [PRC@seattle.gov](mailto:PRC@seattle.gov). Be sure to refer to Master Use Project # 3018442.



DPD  
700 5th Ave Ste 2000, PO Box 34019  
Seattle, WA 98124-4019  
(206) 684-8600

# DISCRETIONARY LAND USE ACTION

Report Date 03/06/2015 04:15 PM

Submitted By

Page 1

A/P # 3018442      Type LAND USE      Issued Date      Issued By

Address 10711 8TH AVE NE  
SEATTLE WA

Location

Owner WALLACE PROPERTIES  
Phone (425)455-9976 x  
Address 330 112TH AVE NE, STE 200  
BELLEVUE WA 98004

Country  Foreign

Applicant's Full Name KEVIN WALLACE

Day Phone (425)455-9976

Fax (425)646-3374

Pager

Address 330 112TH AVE NE, #200  
BELLEVUE WA  
98004

### Fees

PASV - MINIMUM	135.75
PRE-SUBMITTAL CONFERENCE - MINIMUM	500.00
LAND USE - ADDITIONAL HOURS	437.50
LAND USE - ADDITIONAL HOURS	687.50
NOTICE - MAILED	190.00
NOTICE - POSTING	236.00
NOTICE - LUIB (DECISION)	190.00
NOTICE - CITY NEWS DECISION PUBLICATION	184.00
INTAKE APPOINTMENT FOR LAND USE REVIEWS	190.00
COUNCIL REVIEW - MINIMUM	5000.00
NOTICE - LUIB	190.00
<b>Total Paid</b>	<b>7940.75</b>

Declared Value 50000.00

Type of Work FULL C

FULL REVIEW (COMPLEX)

Calculated Value 0.00

Square Footage

0.00

Actual Value 0.00

### Comments

Council land use action to rezone a 95,027 sq.ft. of portion of land from NC3-40 to NC3-65. The property is bounded on the East by 8th Ave NE, on the West by 10700 and 10702 5th Ave NE on the North by 551, 543, and a portion of 539 NE Northgate Way and to the south by 10631 8th Ave NE.

Signature of Owner ( If Owner Builder )

Date

Signature of Contractor or Authorized Agent

Date



SCHWABE, WILLIAMSON & WYATT  
ATTORNEYS AT LAW

RECEIVED  
JAN 29 2015

DEPT OF PLANNING AND  
DEVELOPMENT

Memorandum in Support of Rezone Application

To: Diane M. Sugimura, Director, City of Seattle, Department of Planning and Community Development  
From: Aaron M. Laing  
Date: January 12, 2015  
Subject: Wallace Properties – Northgate Eighth LLC - Northgate Rezone Criteria Analysis under SMC Chapter 23.24, Per Items #16 of the City’s Client Assistance Memorandum (CAM) 228

Dear Director Sugimura,

This memorandum provides a response to the substantive criteria in SMC Chapter 23.34 for amending the City of Seattle’s Official Land Use Map—that is, for obtaining a site-specific rezone. The purpose of the application is to allow for increased residential density in the Northgate Urban Village on several underutilized parcels within the transit center walkshed. This rezone application is being submitted concurrently with a Master Use Permit (MUP) for the subject property. This memorandum is submitted in conjunction with the City’s standard forms, State Environmental Policy Act checklist and related materials. The SMC Chapter 23.34 criteria are set forth in bold italicized font, and the Applicant’s responses are in regular font.

Please do not hesitate to contact me, if you have any questions.

Respectfully yours,

  
Aaron M. Laing

SCHWABE, WILLIAMSON & WYATT  
1420 5th Ave., Ste. 3400 Seattle, WA 98101

Direct: 206-407-1553 | Fax: 206-292-0460 | Cell: 206-450-0950 | Email: [alaing@schwabe.com](mailto:alaing@schwabe.com)  
Assistant: James Anderson | Direct: 206-407-1541 | [janderson@schwabe.com](mailto:janderson@schwabe.com)

AAL:aal

LAND USE FULL C CMRCL \$50000 10711 8TH AVE NE  
Appl:3/6/2015 Prry: Filed at:10711 8TH AVE NE Use:N  
Council land use action to rezone a 95,027 sq.ft. of portion of land from NC3-40 to NC3-65. The property is bounded on the East by 8th Ave NE, on the West by 10700 and 10702 5th Ave NE on the North by 551, 543, Parent: Related AP: Build ID:NONE 3018442

wallace properties – Northgate Eighth LLC – SMC Chapter 23 Rezone Criteria Analysis

**CAM 228 REZONE APPLICATION SUBMITTAL INFORMATION**

Applicant Wallace Properties – Northgate Eighth LLC provides the following information along with the City’s standard forms, SEPA checklist and related documents in support of its rezone application:

**1. Project number:** DPD project numbers 3018442 (Wallace) and 3019072 (GRE)

<b>Parcel</b>	<b>Area</b>	<b>Address</b>	<b>Owner</b>	<b>DPD Project #</b>	<b>Present Use</b>
2926049535	30,897	10711 8th Ave. NE	Wallace Properties - Northgate Eighth LLC	3018442	Vacant/Parking
2926049454	7,281	None	Wallace GT - Northgate II LLC	None	Roadway/Access
2926049270	7,169	None	Wallace GT - Northgate II LLC	None	Vacant/Parking
2926049224	22,530	10715 8th Ave. NE	GRE/NOP Northgate LLC	3019072	Vacant Building/Parking
2926049536	27,150	None	GRE/NOP Northgate LLC	3019072	Vacant/Parking
<b>Total</b>	<b>95,027</b>				

**2. Subject property address(es):** See table above. 10711 8<sup>th</sup> Avenue NE (Parcel #2926049535), 10715 8<sup>th</sup> Avenue NE (Parcel #2926049224). Three parcels have no address: #2926049454, 2926049270 and 2926049536.

**3. Existing zoning classification(s) and proposed change(s):** Existing (all parcels) - Neighborhood Commercial 3 with a forty foot height limit (NC3-40); Proposed (all parcels) - Neighborhood Commercial 3 with an sixty-five foot height limit (NC3-65).

**4. Approximate size of property/area to be rezoned:** ~95,027 SF. See table above for parcel area breakdown.

**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

**6. Applicant information:**

**a. Property owner or owner's representative or – Property Owner:** See table above for owner list by parcel. Wallace Properties – Northgate Eighth LLC, Wallace GT – Northgate II LLC and GRE/NOP – Northgate LLC Please direct all communication and correspondence to Aaron M. Laing at the address above.

**b. Other? (Explain) –** N/A

**7. Legal description of property(s) to be rezoned:** See site plans submitted in response to item #17 below, which contain a full legal description of the subject property.

<b>Parcel</b>	<b>Legal Description</b>
2926049535	Parcel B of City of Seattle Short Subdivision No. 8705410 The N 24.00 feet of the E 1/2 of the S 1/2 of the NW 1/4 of the SW 1/4 of the SE 1/4 of Sec. 29, T26N
2926049454	R4E, W.M., King County, Washington. Except the E. 30.00 feet thereof.  Ptn. of the E 1/2 of the S 1/2 of the NW 1/4 of the SW 1/4 of the SE 1/4 of Sec. 29, T26N R4E, W.M., King County, described as follows: Beginning 24.00 feet S of the NE corner of said subdivision; Thence
2926049270	W 160.00 feet; Thence S 55.00 feet; Thence E 160.0
2926049224	Parcel A of City of Seattle Short Subdivision No. 8705410
2926049536	Parcel C of City of Seattle Short Subdivision No. 8705410

8. **Present use(s) of property:** See table in #1 above.

9. **What structures, if any, will be demolished or removed?** The vacant building on parcel #2926049224 will be removed in conjunction with the proposed development under permit #3019072. The other four parcels are vacant.

10. **What are the planned uses for the property if a rezone is approved?** High-density residential apartments.

11. **Does a specific development proposal accompany the rezone application? If yes, please provide plans.** Yes. Please refer to DPD project #3018842 for a related Master Use Permit (MUP) application to construct an apartment building with structured parking, which is described in detail in the concurrently submitted MUP application materials. GRE/NOP Northgate LLC is also underway with a MUP application under DPD #3019072, although the proposed project is believed to be compliant with the NC3-40 zoning.

12. **Reason for the requested change in zoning classification and/or new use.** On parcel #2926049535, the proposed height increase coupled with the special exception to street-level retail uses will allow for the development within the Northgate Urban Village and the Northgate transit center walkshed of between 87 and 96 additional residential units over what would be permitted under the existing NC3-40 zoning.

The remaining four parcels are submitted for the purpose of attaining a consistent zoning among all parcels within the block. The parcels abut existing NC3-65 and NC3-85 land to the west and north.

The requested rezone is also consistent with the Northgate Urban Center Rezone 2009 FEIS, which proposed an area-wide rezone of these parcels to a minimum of NC3-65 and a maximum of NC3-125. As noted in that planning document, this rezone will provide additional residential density to support the existing commercial uses along NE Northgate Way and 5th Avenue NE and leverage the City's transit investments.

13. **Anticipated benefits the proposal will provide:** Anticipated benefits include the development additional residential units in the Northgate Urban Center, which will support and leverage the City's investment in transit and provide additional density to support the growing mix of businesses and services in the subarea.

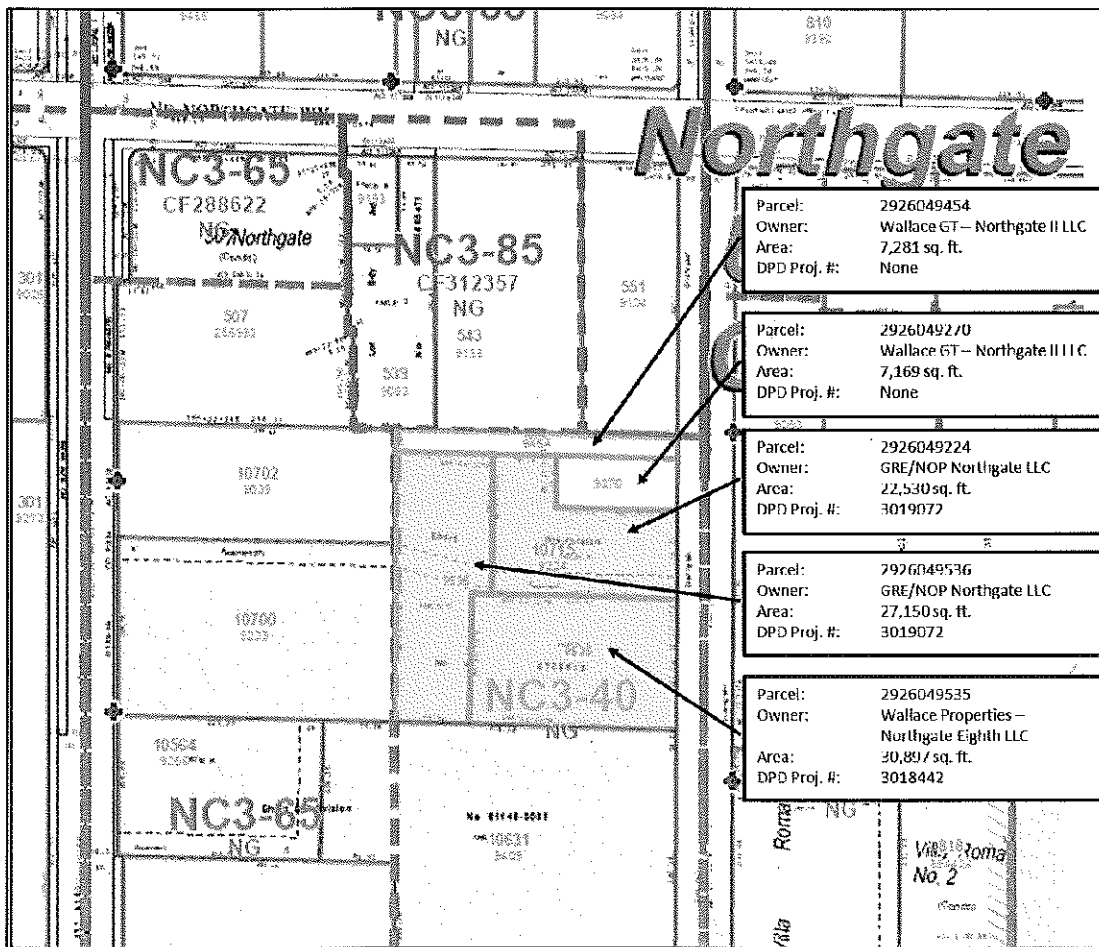


14. **Summary of potential negative impacts of the proposal on the surrounding area:** None. See analysis of SMC 23.34.008, Section F, pages 20-25 below, for additional detail.

15. **List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).** Other permits for this site include the concurrently-submitted Master Use Permit applications and those typical for Land Use and Building entitlement.

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 analysis below and related 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. Drawings as noted have been provided with the other application materials.



## BACKGROUND INFORMATION

### Summary of Request

The Land Use Code, Chapter 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 rezone of the site from Neighborhood Commercial 3 with a 40-foot height limit (NC3-40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65).

The owner / applicant Wallace Properties – Northgate Eighth LLC (hereinafter, "the Applicant") has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map along with a concurrent Master Use Permit (MUP) application to construct an 148-unit (approximately) residential project with structured parking. Consistent with the purpose of the NC3 zoning and the Northgate Urban Center Plan, the additional requested height will allow for a significant increase in density on site that is within the watershed for the nearby transit center and future light rail station (the ½ mile radius from the site is shown in the adjacent Google earth aerial map). The increased density will also support the growing mix of businesses and services in the subarea.



In order to avoid inconsistent zoning within the block, the Applicant has obtained permission from GRE/NOP Northgate LLC to include its parcels in this application and request the same zoning designation. GRE/NOP Northgate LLC is currently in the process of obtaining entitlements for a new apartment building that ostensibly complies with NC3-40 requirements, but it does not object to an upzone of its property to NC3-65.

Wallace Properties – Northgate Eighth LLC's affiliate, Wallace GT – Northgate II LLC has similarly consented to the inclusion of its two parcels of NC3-40 zoned land along with this application. Wallace GT – Northgate II LLC presently does not have plans to redevelop these small parcels.

## **Site and Vicinity Description**

The area proposed to be rezoned is located in the north central area of the Northgate Urban Center. The subject site fronts on 8th Avenue NE on the west side midblock between NE Northgate Way and NE 106th Street NE. Presently, it is zoned Neighborhood Commercial 3 with a 40-foot height limit (NC3-40).

The adjacent, abutting properties to the north and west (along, respectively, Northgate Way and 5th Avenue NE) are zoned NC3-65 and NC3-85. The NC3-85 parcel has a 70' height limit imposed through a PUDA. Properties to the south are zoned NC3-40 along 8th Avenue NE and NC3-65 along 5th Avenue NE, and nearby properties along the west side of 8th Avenue NE include NC3-40 and LR3 zoning. The closest single family (SF 7200) zoning is located approximately four blocks away to the southeast along Roosevelt Way.

The entire site is located in the Northgate District Overlay, designated NG on the Official Land Use Map. The site is also within Subarea D of the Northgate Urban Center Rezone 2009 FEIS ("2009 FEIS"), and it is comprised of the only remaining NC3-40 parcels in the portion of Subarea D anticipated to be rezoned to a higher intensity. Please see attached excerpts from the 2009 FEIS showing the three rezone alternatives for the subarea, including the two proposed changes for the site (NC3-65 and NC3-125). We note that the alternative that anticipates contract rezones instead of a legislative rezone is Alternative 3, which calls for the site to be rezoned to NC3-125. The other two alternatives call for the site to be rezoned to NC3-65.

Uses 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. For example, adjacent to the subject site to the northwest is a relatively new six-story mixed-use development (507 Northgate) and directly north is a brand new 70'-high mixed-used development (525 Northgate). One block north of the site there is an eight-story apartment complex (Northhaven Apartments) on 8th Avenue NE, 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 is essentially flat and with a gentle slope from west to east and north to south, consistent with nearby surrounding areas. The west side of the site does, however, contain a significant rise due to excavation and grading done by prior owners in conjunction with the development of the properties to the west and the subject property. As shown in the attached Topography Survey Exhibit<sup>1</sup> and site plans, the site is, on average, about ten feet lower than the adjacent property to the west, but level with 8th Avenue NE and the property to the east. There are no Environmentally Critical Areas on or near the site, and the site is not located within the shoreline environment. A portion of the site is identified as a peat settlement area, which precludes significant excavation and requires parking to be at or above grade.

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<sup>1</sup> See Attachment A; also see the site plans included with the application and the related MUP application.

Open space in the area includes a City Park (Hubbard Homestead Park) located northeast across of the site along 3rd Avenue NE. Other open space includes Northgate Park approximately two blocks to the south. There are several other parks within approximately 10 blocks of the site to the north, east, southeast and southwest. The project associated with the concurrently-submitted MUP will provide additional open space and pedestrian connections consistent with City Code requirements.

Several schools are located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Northgate Elementary approximately one mile northwest of the site across I-5. Pinehurst K-8 is located approximately eight blocks to the northeast.

NE Northgate Way is a principal arterial, 5th Avenue 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.

### **Permitted Use and History**

Currently, the site is comprised of surface parking lots and used as a construction staging area for the soon-to-be completed project at 525 NE Northgate Way.

### **Public Comments**

Because the rezone will be processed concurrently with the underlying MUP for the new residential building on the Wallace parcel, the rezone will be presented to the City and public through the Early Design Guidance (EDG) process in early 2015.

Past community comments, including those received during the 2009 Northgate Urban Center Rezone EIS process and in the 2013 rezone of the 525 Northgate site (by Wallace's affiliate), have been in support of the proposed area-wide rezone, including comments from the Maple Leaf Community Council supporting even higher height limits on the subject property and in the vicinity along NE Northgate Way. In addition, the neighboring property owners supported the 2013 rezone of the 525 Northgate project from NC3-65 to NC3-85.

### **Consistent with Northgate Urban Center Rezone**

As noted above, in December of 2009 the City of Seattle completed the Final Environmental Impact Statement for the Northgate Urban Center Rezone (the 2009 FEIS). The FEIS provides that "actions associated with the rezone alternatives could include . . . individual site-specific (e.g., contract) rezone proposals to implement increases in height and intensity on lands within the study area..."<sup>2</sup> It refers to the advice of the Northgate Stakeholders from April, 2007 that the City should "consider heights up to a maximum of 125 feet..."<sup>3</sup> In rezone Alternatives 1 and 2, the subject site was planned for NC3-65 and for Alternative 3 for NC3-

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<sup>2</sup> FEIS, at FS-2.

<sup>3</sup> FEIS, at 2-12.

125.<sup>4</sup> The FEIS states, “there are no protected scenic views that would be adversely affected by . . . any of the alternatives.”<sup>5</sup> The proposed rezone is consistent with the alternatives studied in the FEIS.

### **Summary of Analysis and Request for Approval**

The proposed rezone meets the substantive criteria applicable to the site and will allow for a better development than would otherwise be permitted under the existing zoning. If the rezone is approved, then the proposed development will provide a dense, vibrant residential structure less than one-half mile from the Northgate Transit Center, thereby leveraging the City’s transit investments and implementing the Northgate Urban Center plan. It will help to create a more active, open, pedestrian-oriented streetscape. There are no adverse impacts associated with the proposal. The Applicant respectfully requests that the City Council approve the rezone from NC3-40 to NC3-65.

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<sup>4</sup> FEIS, at 2-31 and 2-35.

<sup>5</sup> FEIS, at 3-15.

## ANALYSIS UNDER SEATTLE MUNICIPAL CODE CHAPTER 23.34 REZONE CRITERIA

The applicable requirements for this rezone proposal are set forth in SMC 23.34.002 (standard rezone procedures); SMC 23.34.007 (rezone evaluation); SMC 23.34.008 (general rezone criteria), 23.34.009 (height limits), SMC 23.34.072 (designation of commercial zones); SMC 23.34.078 (NC3 zone, function and locational criteria); and SMC 23.71.002 (purpose and intent - Northgate Overlay / Urban Village Criteria). The applicable portions of the rezone criteria are shown below in bold italics, followed by analysis in regular typeface.

### **SMC 23.34.002 Standard rezone procedures.**

*Procedures for amending the Official Land Use Map, including overlay districts and shoreline environment classifications, shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.*

### **SMC 23.34.007 Rezone evaluation.**

*A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets 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.*

The rezone is not proposed to correct a mapping error, and therefore the provisions of SMC Chapter 23.34 apply. In evaluating the proposed rezone, the provisions of SMC Chapter 23.34 should be weighed and balanced together to determine whether the proposed height increase best meets the provisions of this chapter. Additionally, the Neighborhood Commercial 3 (NC3-65) and Northgate Overlay District (NG) function statements and criteria have been used to assess the likelihood that the proposed rezone will function as intended.

*B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This analysis evaluates the full range of criteria set forth in SMC Chapter 23.34 applicable to the subject rezone application, and the conclusion that the rezone is appropriate is not based on a single criterion or group of criteria.

*C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.*

The subject site is not in the shoreline environment and the proposed rezone is not a shoreline environment redesignation, so the Comprehensive Plan Shoreline Area Objectives do not apply.

***D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.***

The entire site subject to the rezone application is located within the Northgate Urban Center also known as the Northgate Urban Center as established in the Comprehensive Plan. The provisions of SMC Chapter 23.34 applicable to areas within designated urban centers are applicable and have been addressed in this analysis.

***E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.***

The subject site is not in the shoreline environment and the proposed rezone is not a shoreline environment redesignation, so the location criteria in Sections 23.60.060 and 23.60.220 do not apply.

***F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.***

The rezone is not proposed to correct a mapping error, and therefore it should not be evaluated as a Type V Council land use decision per SMC Chapter 23.76. It should be processed as a Type IV Council land use decision per SMC Chapter 23.76 concurrently with the Applicant's related Master Use Permit application.

Conclusion: The proposed rezone from NC3-40 to NC3-65 meets the requirements of SMC 23.34.007, the site is within a portion of the Northgate subarea that has been proposed for rezoning to the requested height / designation, and there are no adverse impacts associated with the proposed rezone; thus, the Applicant respectfully requests that the rezone be approved.

***SMC 23.34.008 General rezone criteria.***

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

***1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.***

The subject property is located within the Northgate Overlay District also known as the Northgate Urban Center. (See Attachment B, Excerpts from 1993 Northgate Comprehensive Plan, 2012 Updates and SMC Chapter 23.71 Northgate Overlay).

The growth target listed for the Northgate Urban Center in the Urban Village Appendix A of the Comprehensive Plan is for 2,500 additional dwelling units between 2004 and 2024, and the density sought is 15 dwelling units per acre by 2024. In 2004, the density in the Northgate Urban Center was listed at 8 dwelling units per acre. Presently, the Northgate Urban Center has achieved only 30% of its residential growth target. (See Attachment E, DPD Urban Center / Village Residential Growth Report, dated October 3, 2014, available at [http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/dpdd017580.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd017580.pdf); see also Seattle 2035 Development Capacity Report, updated September 2014 at [http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2182731.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2182731.pdf).)

As noted in the City of Seattle Department of Planning & Development's August 2013 study titled "Implementing Transit-Oriented Development in Seattle: Assessment and Recommendations for Actions," rezoning to increase density in transit walksheds within urban villages such as Northgate is critical to the success of transit and to leveraging investments. Similarly, the Seattle 2035 Development Capacity Report provides the following explanation of the need for further rezones, particularly in transit-served urban villages:

***Why upzone when so much development capacity exists?***

*While the city may have enough development capacity overall, upzones may be proposed to encourage growth in very strategic locations. Upzoning (changing the zoning of a parcel from one category to another) has occurred in urban centers and villages where the potential for major job and housing growth increased because of the transit investments. For example, voters approved Sound Transit 2 in 2008, a \$17.8 billion investment to construct the LINK (light rail) system. Zoning changes can leverage this investment for more housing and job growth in key locations. Upzones may help to implement policies in comprehensive plan and neighborhood plans that encourage residential and job growth in urban centers and villages.*

(Emphasis added) (See Seattle 2035 Development Capacity Report, page 7 at [http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2182731.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2182731.pdf).)

The proposed rezone from NC3-40 to NC3-65 will not reduce the zoned density for the site or for the Northgate Urban Center. Rather, it will allow the Applicant to provide increase the density on the site by nearly 100 units, which will further the City's density goals and leverage the City's transit investments.

Conclusion: The proposed rezone is consistent with SMC 23.34.008.A.1, because it will not reduce residential capacity below 125% of the growth targets adopted in the Comprehensive Plan.



**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 Urban Village Element of the Comprehensive Plan.**

Conclusion: As stated above, the proposed rezone is consistent with SMC 23.34.008.A.2, because it will not reduce residential density below the density established in the Urban Village Element of the Comprehensive Plan—it will increase density consistent with the 2009 FEIS and City planning goals.

***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.***

Analyses comparing the characteristics of the area to the locational criteria for NC3-40 and NC3-65 zoning can be found in the responses to SMC 23.34.072, 23.34.078 and 23.71.002 below. In sum, due to site topography, the existing new development adjacent to the site to the north, and the opportunities for better meeting the objectives of the Northgate Overlay District, the subject site's characteristics better match the NC3-65 zoning with a special exception to allow residential uses at the street level (per SMC 23.71.044) than the existing 40-foot limit (NC3-40).

Conclusion: The proposed rezone provides the same uses with a small increase in height that results in an improved street-level design and increased residential density, making it the most appropriate zone designation for the site.

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

In late-2013, the site immediately to the north (525 NE Northgate Way) was rezoned from NC3-65 to NC3-85 with a voluntary condition to limit total height to 70 feet per a PUDA (MUP Project #3014776). In early 2013, the properties located about five blocks west at 11300 and 11301 3rd Avenue NE were rezoned from Midrise (MR) to NC3-85 (MUP Project #3006101).

In conjunction with the 1993 adoption of the Northgate Area Comprehensive Plan and Northgate Overlay District, the site was rezoned from C1-40 to NC3-40, which retained the same height limit as had existed for some time prior.<sup>6</sup> (See Attachment A, page 7 of 13, Appendix C, Ord. No. 116770 of September 1993 Northgate Area Comprehensive Plan). The adjacent and surrounding parcels were also rezoned to Neighborhood Commercial (NC) designation from Commercial (C) designations, and all existing height limits were retained.

In December 2009, the City prepared and issued a programmatic Final Environmental Impact Statement (FEIS) in conjunction with reviewing and potentially modifying the zoning for

<sup>6</sup> Attachment B hereto contains the referenced excerpts from the 1993 Northgate Area Comprehensive Plan and 2012 updates to the adopted plan.

some properties within the Northgate Urban Center.<sup>7</sup> The City examined a 'No Action Alternative' and three action alternatives (Alternatives 1, 2 and 3) for amending the subarea plan along with other potential code amendments. As noted above, the subject site is located within Subarea D of the Northgate Urban Center in the FEIS. (*See, e.g.*, FEIS at 2-19, 2-27, -31 & 35.)

Under Alternative 1, titled "Broad Rezone," "All properties within the study area would generally increase one increment in density or height, relative to existing zoning. NC3-65 properties, for example, would be rezoned to NC3-85." (*See* FEIS at 2-23—2-29.) Under this alternative, the site would be rezoned to NC3-65. Similarly, Alternative 2, titled "Focused Rezone," calls for rezoning the area around immediately around the site as well as the subject site one increment in height, so the site would be rezoned to NC3-65. (*See* FEIS at 2-29—2-32.) Under Alternative 3, titled "Urban Design Framework," the site and surrounding properties are proposed to be rezoned to NC3-125, which would increase the height limit to 125 feet but required all development to be subject to contract rezones to mitigate potential impacts. (*See* FEIS at 2-32—2-38.) Had any of the rezone alternatives been implemented, the site would already have at least a 65-foot height limit—and possibly much more.

Although the FEIS concluded that none of the alternatives would result in significant incompatibilities or "significant unavoidable land use impacts," the City has yet to adopt any of the alternatives. (*See* FEIS at 3-11—3-15.) Notably, with regard to Alternative 3, the FEIS concluded that, despite the significant height increase for buildings along the south side of NE Northgate Way in Subarea D, the shadows cast on the street from such buildings "would not cause significant impacts." (*See* FEIS at 3-33.)

Of further note, the City received comment letters from 32 individuals and organizations and oral comments from an additional 18 person on the Draft EIS for the Northgate Urban Center rezone study, including comments from the Maple Leaf Community Council. (*See generally* FEIS Chapter 4 and November 24, 2009 Northgate Revitalization letter summarizing stakeholder advice on the potential rezone alternatives.)<sup>8</sup> The public and Northgate stakeholders expressed support for Alternative 3, because it focused development in the core of the subarea and minimized impacts and compatibility issues with surrounding single family neighborhoods.

The primary concern raised in the comments was potential traffic and transportation impacts due to increased residential and commercial density and intensity. The rezone proposed here would result in a relatively nominal height increase that will allow an increase in density but no increase in commercial gross floor area.

Conclusion: The proposed rezone is consistent with and in fact implements both prior and planned zoning changes and uses for the site and subarea.

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<sup>7</sup> Attachment C hereto contains the referenced excerpts from the December 2009 Northgate Urban Center Rezone FEIS.

<sup>8</sup> This letter is included as Attachment D hereto.

***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.***

The adopted portions of the Northgate Comprehensive Plan can be found in the City of Seattle Comprehensive Plan Adopted Neighborhood Plans section. This Neighborhood Plan was adopted in 1993 and was amended in 2004 (effective 2005) and again in 2012. (See Attachment B.)

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

The subject property falls within the Northgate Comprehensive Plan subarea and is covered by the adopted portions of that plan. As set forth herein, the proposed rezone is consistent with and implements the Northgate Comprehensive Plan.

***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.***

On a general level, the following goals and policies of the Neighborhood Planning Element provide support for the Applicant's proposal:<sup>9</sup>

*NG1 Recognize neighborhood planning and implementation as critical tools for refining and turning into a reality the vision of the Comprehensive Plan.*

*N16 Permit the addition of new strategies, including regulatory changes, through the neighborhood plan implementation process when existing tools are inadequate to meet implementation needs.*

*N18 Monitor progress toward implementing Council adopted neighborhood plans and communicate results to City officials, neighborhood planning participants and interested citizens.*

The Applicant's proposal utilizes the goals and policies of the Comprehensive Plan to respond to changing market demands through regulatory changes. The City is in the process of reviewing progress toward the implementation of the Northgate subarea plan, including examining the progress toward the planned housing and job goals for the neighborhood.

In December 2013, the City published the Northgate Urban Design Framework (UDF). (See Attachment F.)

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<sup>9</sup> See 2012 Comprehensive Plan at 8.1-6, Section A (Introduction).

According to the UDF's Executive Summary, "[t]he neighborhood plan encompasses all facets of Northgate's future, foreseeing:

- a denser community with many residents and diverse housing opportunities
- a network of parks and recreational amenities
- more community services
- more small local-serving businesses
- a healthy and sustainable setting emphasizing natural environmental values; and
- a transportation system that ideally serves users of all kinds — walkers, bicyclists, transit riders and motorists."

(Emphasis added.) The UDF defines a number of strategies and actions to bring the Northgate Neighborhood Plan's vision to fruition, "especially in:

- creating a denser and vibrant mixed-use, mixed-income transit-oriented community near the Sound Transit (ST) Link and Metro Transit station;
- improving mobility and quality of facilities for pedestrians, transit riders, and bicyclists; and
- aiding the transformation from an automobile-oriented district to a better living environment throughout the Urban Center

(Emphasis added.) The UDF notes that "[a]mong the numerous benefits of a transit-oriented development approach will be:

- Increased transit system ridership and improved personal mobility
- Healthier, more walkable and livable communities supported by focused investments
- Contributes to energy conservation and climate initiatives
- Lower transportation cost burdens on households

(Emphasis added.) In sum, the Northgate Neighborhood Plan, the Seattle 2035 Development Capacity Report, the 2009 FEIS and ongoing and future planning initiatives as reflected in the UDG uniformly support increased residential density within the commercial core and within the transit center's walkshed. The proposed rezone accomplishes that goal. Like the rezone that was approved in 2013 for the property just north of the site along NE Northgate Way, the Applicant's proposal represents a step toward the addition of new strategies to meet implementation needs.

With specific regard to the Northgate neighborhood subarea plan, in addition to those goals and policies previously addressed,<sup>10</sup> the Applicant's proposal is both consistent with and implements the following goals and policies:

*NG-G1 A place where people live, work, shop, plan and go to school—all within walking distance.*

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

The Applicant's proposal will further the vitality of the mixed-use center by increasing residential density in the core commercial area and by promoting livable high-density housing and reducing reliance of vehicle trips to access services and transit.

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

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

*NG-P1 Encourage development of the core as a major regional activity center for retail, commercial, office, multifamily residential, and educational uses with densities sufficient to support transit.*

*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.*

The Applicant's property is in the North Core Subarea of the Northgate Urban Center.<sup>11</sup> The proposed rezone will not affect the surrounding single-family neighborhoods. Rather, it will facilitate intense, dense development within the core, while in turn providing ready access to a variety of goods and services within proximity to the Northgate transit center along well-established transit routes.

*NG-P5 Promote a mixture of activities including commercial and residential uses in areas that have Neighborhood Commercial and Residential Commercial zoning designations.*

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<sup>10</sup> See Attachment 2, pages 11 and 12 from May 9, 2012 submittal.

<sup>11</sup> See 2012 Comprehensive Plan at 8.133, Section B-22 (Map of North Core Area).

The Applicant's property is in the Neighborhood Commercial zone. The proposal will allow for an increase in residential, which in turn will support and promote existing and planned commercial activities within the zone.

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

The proposed rezone does not impact the transition between the existing Neighborhood Commercial zoning on the site and adjacent properties or the low-rise multi-family and single-family zones several blocks from the site to the north, south and east. The adjacent and remaining NC3-40-zoned parcels adjacent to the subject site to the south, 8th Avenue NE and the utility setback will provide a buffer to the nearby Lowrise (LR3) zones to the south and east of the site.<sup>12</sup> The proposed rezone does not include any single-family-zoned properties.

*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.*

The Applicant's site is within the North Core Subarea, and the proposed rezone will allow for increased residential density, which will increase pedestrian activity and help to provide for an enhanced pedestrian experience.

*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 10-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.*

The Applicant's site is within a 10-minute walk of the Northgate transit center and will allow for greater residential density and a broader mix of housing types within close proximity to the center. Increased residential density will also create increased demand for nearby goods and services while reducing the number and length of vehicle trip to support the commercial core.

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<sup>12</sup> The 2009 FEIS, Section 1.4.4 states, "The potential zoning designations that could be achieved through contract rezones under Alternative 3 would allow taller and more intensive buildings on properties in the central portion of the study area between I-4 and Roosevelt Way NE compared to other alternatives. However, L-2 and L-3 zoned parcels at the edges of the study area would not be rezoned; this is intended to create a buffer and transition to existing single family residential neighborhoods on the border of the Urban Center."

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

The propose rezone will bring more residents to the neighborhood, thereby increasing pedestrian activity, which in turn helps to create an improved pedestrian environment.

Conclusion: The proposed rezone will allow increased residential density within a 10-minute walk from the Northgate transit center and within the subarea's commercial core, which in turn will support nearby commercial uses and employment opportunities and leverage the City's transit investments. The proposed rezone is consistent with and implements the adopted Northgate Comprehensive Plan policies.

***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.***

This criteria is inapplicable to the present proposal as no Neighborhood Plan amendment is pending or required.

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

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

As noted above, the proposed rezone does not impact the transition between the existing Neighborhood Commercial zoning on the site and adjacent properties or the nearby low-rise multi-family and single-family zones several blocks from the site to the north, south and east. The adjacent and remaining NC3-40-zoned parcels adjacent to the subject site to the south, 8th Avenue NE and the utility setback will provide a buffer to the nearby Lowrise (LR3) zones to the south and east of the site. The 2009 FEIS intended that the LR2 and LR3 parcels were to act as a buffer to single-family residential, and the NC3 parcels were to increase in density and height.<sup>13</sup>

Please refer to the Applicant's shadow study prepared by Baylis Architects, which provides a comparison of the shadows associated with 40-foot and 65-foot buildings in the rezone area. (See Attachment G.) Because the site's topography is on average 10-15 feet lower than the adjacent site to the NC3-65 zoned property to the west, development of the site at a 65' height will provide a continuous skyline with no discernible increase in shadowing of properties to the east. No additional buffering is necessary.

Finally, design review for the subject properties would be reviewed under the existing Design Review Guidelines for Multifamily and Commercial Buildings ("City-wide guidelines"), with supplemental guidance in the Northgate Urban Center and Overlay District Design

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<sup>13</sup> 2009 FEIS, Section 1.4.4.

Guidelines. The design review guidelines include specific guidelines for new development design to respond to adjacent uses.

Examples include Guidelines:

*A-5: Respect for Adjacent Sites B-1: Height Bulk and Scale Compatibility*

Conclusion: The proposed height increase will be further mitigated through Design Review for the concurrently-filed MUP to redevelop the site.

***2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:***

***a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;***

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

***c. Distinct change in street layout and block orientation;***

***d. Open space and greenspaces.***

The topography in this area slopes gently from west to east and from north to south. The proposed height is the same as allowed (and developed) on the north and west sides of the site. The adjacent and remaining NC3-40-zoned parcels adjacent to the subject site to the south, 8th Avenue NE and the utility setback will provide a buffer to the nearby Lowrise (LR3) zones to the south and east of the site. Because the lower height zones are primarily south of the site and 8th Avenue NE is significantly lower than 5th Avenue NE (which has NC3-65 zoning), shading is not an issue.

In addition to the Applicant's shadow study, the Applicant submits the July 27, 2012 Hearing Examiner's recommendation of approval of the rezone from MR to NC3-85 for the Northgate Urban Center property located at 11200 1st Avenue NE, which recommendation was adopted and approved. (*See Attachment H.*) The recommendation addresses similar issues as presented here and provides further support for the Applicant's proposal, particularly in light of the fact that the proposed rezone along 1st Avenue NE would result in far more intense uses vis-à-vis the existing and surrounding uses than what is proposed by the Applicant here.

As shown in the shadow study, the Applicant's proposal will have no adverse shadowing effects to the surrounding properties. The shadows cast by a 65-foot structure on the subject property will be nominally greater than those associated with a 40-foot structure, and the shadows will not impact properties to the east. (*Compare Attachment G, MUP 1- 40' Building Height with Attachment G, MUP 2 – 65' Building Height.*)

Moreover, the period surrounding the winter solstice is the only time of year that shadows from structures of either height will extend to nearby properties to the north. According to publicly available information from local meteorologists and the National Oceanic and Atmospheric Administration (NOAA), Seattle averages 58 sunny days per year, 226 cloudy days



and 155 rainy days, with precipitation on 19 of December's 31 days. See, e.g., <http://www.seattle.climatemps.com/>. For example, in December 2010, Seattle saw only one day with sunshine. See, e.g., <http://www.olympicrainshadow.com/monthlysunshine.html>. Consequently, the number of days with sufficient sunshine to create shadows from any structure on the project site extending onto adjacent properties is limited.

Conclusion: There is no material difference between the development allowed under the existing NC3-40 zoning and the proposed NC3-65 zoning, and any specific impacts may be addressed at the MUP level through Design Review.

### **3. Zone Boundaries.**

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

***(1) Physical buffers as described in subsection E2 above;***

***(2) Platted lot lines.***

The proposed zoning would replace the existing zoning within the existing platted lot lines and would maintain the existing pattern of few physical buffers between zone boundaries.

***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, coupled with the Applicant's requested special exception under SMC 23.71.044 to eliminate the need for street-level commercial uses, would avoid potential commercial uses facing adjacent and existing residential uses, as contemplated by the Northgate Overlay District standards.

***4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) 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.***

As described in response to SMC 23.34.008.D above, the proposed rezone is located within the Northgate Urban Center and within the core area, and heights over 40 feet are consistent with the urban village concept. The 65-foot proposed height has been analyzed for the site in the 2009 FEIS and recommended for adoption.

***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;***

***b. Public services;***

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

***d. Pedestrian safety;***

***e. Manufacturing activity;***

***f. Employment activity;***

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

***h. Shoreline view, public access and recreation.***

The proposed rezone only increases the allowable height but does not otherwise affect allowable uses or generate non-height-related impacts. It will not have an adverse impact on housing, public services, manufacturing activity, or the character of areas recognized for architectural or historical value. The site is not within or near any shoreline or area subject to a shoreline designation.

The additional height will, however, provide for increased residential density and increased pedestrian activity. Future development will be required to complete any required street improvements such as sidewalks and sight lines for driveways. As described in the response to SMC 23.34.008.C above, future development will be subject to Design Review, which includes review of the pedestrian environment. Future development may 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), SMC Chapter 23.71 (Northgate Overlay), and the Street Improvement Manual.

As described below in response to the applicable criteria under SMC 23.34.078 (NC zoning criteria) and SMC 23.71.002 & .008 (Northgate Overlay design criteria), the additional height is more amenable to pedestrians and supportive of commercial development in that the increased density will support existing and planned commercial businesses in the subarea.

With specific regard to environmental factors, as detailed below the proposed rezone will not result in any significant adverse impacts:

*Noise* – No significant impacts are anticipated from the proposed change in height. 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. Commercial uses will be concentrated along NE Northgate Way the same as existing commercial development in the area and development allowed under the current zoning. 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 commercial core and near the transit center 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 change in zoning. 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. 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 would not create the potential for any more impervious surface than would be possible under existing zoning.

*Flora and fauna* – The existing site includes virtually no vegetation, landscaping or trees (see aerial photo to the right). What little there is will be replaced and significantly enhanced per the landscaping plan associated with the Applicant's concurrently-filed MUP and in compliance with SMC Chapter 23.45. No noticeable change in impacts will result from the proposed height change, as the site could be redeveloped in substantially the same manner with or without the rezone.



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

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

*Shadows* – 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 impacts will be nominal and essentially the same as those associated with the existing NC3-40 zoning. With regard to the properties to the east along 8th Avenue NE, the shadows associated with 65-foot structures would not extend beyond 8th Avenue NE right-of-way due to the topography (the site sits much lower than 5th Avenue NE).

Also, as noted in the response to SMC 23.34.008.C above, future development would be subject to design review, which would include consideration of shadow impacts. And, as noted above, the Northgate Urban Center 2009 FEIS concluded that, even with an allowable height of 125 feet for buildings in Subarea D along NE Northgate Way (Alternative 3), the shadows cast on the street from such buildings “would not cause significant impacts.” (See FEIS at 3-33, Attachment C.)

*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* – Upon full build-out of the adjacent properties according to their current zoning, there would be no appreciable difference to private views between NC3-40 and NC3-65 zoning, in light the surrounding topography. A 65 foot tall building built to the west of the site would stand some 10-15 feet higher than a 65 foot tall building on the site. The building at 507 NE Northgate Way already stands 30 feet higher than would a 65 foot tall building on the site, and the existing building at 525 NE Northgate Way stands 20 feet higher than would a 65 foot tall building on the site.

Conclusion: The increased height will allow for increased residential density with no demonstrable impacts.

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

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*
- e. Utility and sewer capacity;*
- f. Shoreline navigation.*

The proposed rezone will not exceed the service capacities in the area. The increased density will help to leverage transit investments. The impacts of even greater intensity development (*i.e.*, a 125-foot height limit) were analyzed in the 2009 FEIS, and no service deficiencies were anticipated. The site is not within the shoreline environment, so shoreline navigation is not applicable.

Conclusion: The proposed rezone will not result in development that exceeds service capacities.

***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.***

There are several examples of changed circumstances that bear on the proposed rezone:

*A Growing Population and Economy* – In 1990 the Puget Sound Council of Governments projected the need for 34,000 new households over the next 30 years (2020). Since that time the economy in Seattle and the region experienced robust growth as Seattle established itself as one of the most desirable places to live and work. As a result, in 2004 Seattle projected the need for

47,000 additional households by 2024 to accommodate expected growth. The proposed rezone will facilitate redevelopment of the site, resulting in the addition of nearly 150 new residential units instead of the 50 to 60 allowed under the existing zoning.

*Growth Management Act (GMA)* – In 1990 the Legislature found that “uncoordinated and unplanned growth, together with a lack of common goals... pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.” See RCW 36.70A.010. This is the foundation for the Growth Management Act (GMA).

As a result, the State directed 29 counties and the 218 cities within the state to establish plans for growth based on certain requirements. These jurisdictions included Seattle and some of the other fastest-growing counties and the cities.

Several goals of the GMA were to focus urban growth in urban areas, reduce sprawl, provide efficient transportation, encourage affordable housing, and encourage sustainable economic development.

*Seattle Comprehensive Growth Plan* – In 1994, in response to the State Growth Management Act of 1990, the City of Seattle adopted a Comprehensive Growth Plan. The Comprehensive Plan established 20-year housing unit growth targets for Urban Centers, Center Villages, Hub Urban Villages, and Residential Urban Villages. The Northgate Urban Center is an integral part of meeting Seattle’s residential growth targets, and was assigned a target of 2,500 net new units from 2005-2024. In the first 10 years, only 41% (1,034 units) of that target has been met – ranking Northgate sixth out of six Urban Centers.<sup>14</sup> The proposed rezone will facilitate redevelopment of the site, resulting in the addition of approximately 148 new residential units.

*Northgate Urban Center Rezone FEIS*. In December of 2009 the City completed the Northgate Urban Center Rezone FEIS, calling for a change in zoning for the site from NC3-40 to NC3-65 or even NC3-125. The legislative rezone has not yet been considered by the City Council, but the FEIS does provide evidence that this proposed contract rezone is appropriate.

*Investing in Seattle’s Urban Villages and Centers* – By the year 2000, Seattle’s urban village areas housed 32% of the city’s population. As part of the Comprehensive Growth Plan they are expected to accommodate most of Seattle’s new housing units. As a result, the City is making infrastructure investments in and around urban villages and centers to improve transit access, to create more walkable communities and to provide attractive residential and commercial environments.

In the 2004 Comprehensive Plan update the Northgate Urban Center was given a 2024 growth target of 2,500 additional households.

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<sup>14</sup> Urban Center/Village Residential Growth Report, October 3, 2014.  
[http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/dpdd017580.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd017580.pdf).

With the adoption of the Urban Village Element of Seattle's Comprehensive Plan provides several key policies that bear on the present proposal:

*UV3-3: The ability to accommodate a range of employment or commercial activity compatible with the overall function, character, and intensity of development specified for the village.*

*UV3-4: Zoning that provides locations for commercial services convenient to residents and workers and, depending on the village designation, serving a citywide and regional clientele.*

*UV10: Maintain and enhance retail commercial services through the city, especially in areas attractive to pedestrians and transit riders, to support concentrations of residential and employment activity, with special emphasis on serving urban villages.*

*UV15-13: Zoning that can accommodate a broad mix of activities, including commercial and residential activities, as appropriate to the planned balance of uses in the center.*

In sum, the adoption of the Comprehensive Plan (1994), the designation of the Northgate Urban Center, and the adoption of the 2024 growth target are all circumstances that have changed since the most recent zoning change for this area in 1982 (described in response to 23.34.008.C above). The proposed rezone will facilitate redevelopment of the site, resulting in the addition of approximately 148 new residential units with close access to the Northgate Transit Center. The current zoning would support only 52 units. It will also support a wider variety of commercial services in a manner that enhances the pedestrian experience. Without the rezone, the site will only yield 50 to 60 new residential units.

*Transportation* – Since 1990, the City of Seattle and its transit partners have made significant street and transit investments to keep people, goods and services moving. As part of the Complete Streets initiative investments are being made to provide people with options to single occupancy vehicles.

The area near the subject property is within walking distance of the Northgate Transit Center that includes several frequent bus transit options. The Transit Center is also planned as a Light Rail station that is expected to open in 2020.

Seattle Department of Transportation (SDOT), as part of Bridging the Gap and the Northgate Coordinated Transportation Improvement Plan (CTIP), is making a number of improvements to the city transportation network, including a double-left turn lane from Northgate Way to 5th Avenue NE that is currently under construction. The double-left turn lane and other CTIP improvements are targeted to increase transit speed & reliability in the Northgate area.

These transit service increases are circumstances that have changed since the most recent zoning change for this area in 1982 (described in response to 23.34.008.C above). The proposed

rezone will facilitate redevelopment of the site, resulting in the addition of nearly 150 new residential units with close access to the Northgate Transit Center.

Conclusion: Regulatory changes and significant planning and infrastructure investments over the past 20 years constitute significant changes in circumstances that support—and in turn will be supported by—the proposed rezone, because it will facilitate redevelopment of the site, resulting in the addition of nearly 150 new residential units—as opposed to only 50 or 60 new units—and a broader variety of commercial services within close proximity to the Northgate Transit Center.

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

This site is located in the Northgate Overlay, which includes specific street level and other development as described in SMC Chapter 23.71. As discussed in greater detail below, SMC 23.71.002 states that the purpose of the Northgate overlay is to “implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:

- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and
- B. To protect the residential character of residential neighborhoods; and
- C. Support the use of Northgate as a regional high-capacity transportation center.”

Conclusion: The proposed rezone will allow a greater level density in the core of the Northgate urban center, which in turn will increase pedestrian activity, support the subarea’s growing commercial center and leverage the City’s investment in the Northgate transit center.

***I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.***

The site does not contain nor is it adjacent to or near any critical area, so this criterion is inapplicable.

***J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:***

- 1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or***
- 2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable***

*housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned.*

The site is not within a zone with an incentive zoning suffix, so this criterion is inapplicable.

**SMC 23.34.009 Height limits of the proposed rezone.**

*Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:*

The proposed height relates to the specific proposed zone of NC3-65 (*i.e.*, it is not independent of the designation). Therefore the height limits have been analyzed in SMC 23.34.008, and these criteria do not apply. Nevertheless, the Applicant provides the following discussion of the criteria below to provide a better understanding of the utility and benefits of the proposed rezone.

***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.***

The proposed rezone would allow for twenty-five foot height increase to allow for development of the same size and scale as that on the adjacent, abutting sites to the west and north under NC3-65 zoning while maintaining the planned and existing transition to lower heights and intensities on properties south and east of the subarea. The increased height will allow for an increase in residential density, which will in turn support existing businesses and transit investments without the need to make vehicle trips. No preferred uses will be displaced.

***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.***

As described above, the subject site slopes gently from west to east with an approximate 10-foot grade change across the site. The properties immediately west of the site along 5th Avenue NE are zoned NC3-65 and sit approximately 10 feet higher than the site, due to past excavation and grading. The existing 65-foot mixed-use 507 Northgate development adjacent to and northwest of the site is on average 25-to-30 feet higher than the subject site. The recently-constructed project at 525 NE Northgate Way is approximately 15-to-20 feet higher than the site and has a 70-foot height limit. The proposed rezone will allow redevelopment on the subject site to 65 feet, which will make the roofline lower than most existing and planned adjacent development.

Also, because of the overhead power lines along 8th Avenue NE (which themselves block views from the east), any project on the site will be setback from the street, which will provide a transition to properties to the east. Finally, because the site is lower than adjacent



properties to the west and north that already have the 65-foot height limit, the twenty-five foot increase in height on the site will not result in discernible or additional view blockage or shadowing, as shown in the Applicant's attached shadow study. (See Attachment G.)

***C. Height and Scale of the Area.***

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

***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.***

Again, as stated above, the proposed rezone will limit redevelopment of the subject site such that it is both consistent with the height allowed under the existing NC3-65 zoning and the height and scale of existing adjacent and nearby development.

***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.***

***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 23.34.008 D2, are present.***

See discussion under SMC 23.34.008.D.2 and SMC 23.34.009.A & B above. In brief, the proposed rezone will provide essentially the same gradual transition in height to actual and zoned heights in surrounding areas, as analyzed in the Northgate Urban Center Rezone 2009 FEIS, with 8th Avenue NE maintaining a transition from higher to lower heights moving west to east.

***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.***

***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 and Section 23.34.008.***

See discussion under SMC 23.34.008.D and SMC 23.34.009.A & B above. It bears repeating that, in response to the Northgate Urban Center Rezone 2009 FEIS process, stakeholders and the public commented favorably on Alternative 3, which would have allowed

for heights up to 125 feet for the site. The other two alternatives would increase height on the site to what is now proposed: 65 feet.

Conclusion: The proposed rezone is consistent and compatible with actual and zoned heights on adjacent and nearby properties surrounding the subject site as well as the proposed heights analyzed in the 2009 FEIS.

#### **SMC 23.34.072 Designation of Commercial Zones:**

***A. The encroachment of commercial development into residential areas shall be discouraged.***

The underlying Neighborhood Commercial zoning for the site would not change, only the height is proposed to change as a result of the rezone. The subject property fronts on 8th Avenue NE approximately midblock between NE Northgate Way and 106th Avenue NE in a predominantly multifamily residential area. It has no frontage along major commercial corridors like 5th Avenue NE or NE Northgate Way and, instead, lies in a transition area between the commercial and residential areas. The site is poorly-suited for commercial development, whereas nearby and adjacent sites provide significant opportunity for commercial development. The Applicant thus believes that the provisions in SMC 23.71.044 that allow for an exception to street-level commercial development for sites such as the subject site are applicable and that a special exception is warranted. The associated MUP reflects the special exception. Allowing higher density residential development on this site will not interrupt an established commercial street but will instead provide density to support existing and planned commercial development along 5th Avenue NE or NE Northgate Way.

***B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.***

The area does not meet the locational criteria for a single-family designation.

***C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.***

The site is currently zoned for Neighborhood Commercial 3 (NC3), which is the same zone for all adjacent and abutting properties as well as the properties along the north side of NE Northgate Way near the site. (Adjacent and nearby zones are described in the Site and Vicinity section at the beginning of this analysis). The proposed rezone would be consistent with this pattern, and the height would be consistent with the height of the adjacent 507 Northgate mixed-use project to the northwest, the new 525 Northgate mixed-use project to the north, and the decades-old eight-story Northhaven Apartments a block north along 8th Avenue NE. The preferred configuration of commercial zones in this area does not conflict with the preferred configuration or edge protection of residential zones in this area.

***D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.***

The proposed rezone from NC3-40 to NC3-65 with the allowed special exception under SMC 23.71.044 would result in an additional residential density in predominantly residential area immediately south and east of established commercially-zoned properties along 5th Avenue NE and NE Northgate Way. The proposed rezone would not enable diffusion or sprawl of the existing commercial area. It is precisely the type of development envisioned for the site in the Northgate Urban Center plan and supported by the community and local stakeholders.

***E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.***

No new business or commercial district would be created through the proposed rezone. Instead, coupled with the special exception in SMC 23.71.044, the rezone would allow for the development of a high-density residential project that would complement existing residential development on nearby sites while providing density to support the existing Northgate Urban Village businesses and leveraging the City's transit investments.

Conclusion: The subject site is and will remain a Neighborhood Commercial 3 (NC3) zone; only a modest height increase is proposed. The height increase is consistent with the surrounding zoning and development and the 2009 FEIS. The proposed rezone will enhance and strengthen the commercial nature of this existing commercial area by providing additional residential density without impacting the nature of the neighborhood through tenuously viable commercial development. Due to its proximity (less than one-half mile) from the Northgate Transit Center, it will also help the City to leverage its investment in transit infrastructure.

**SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.**

***A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:***

***1. A variety of sizes and types of retail and other commercial businesses at street level;***

As explained above, the rezone would allow for the development of a high-density residential project that would complement existing residential development on nearby sites while providing density to support the existing Northgate Urban Village businesses.

***2. Continuous storefronts or residences built to the front lot line;***

As noted above, no new business or commercial district would be created through the proposed rezone. Instead, the Applicant intends to rely upon the special exception in SMC 23.71.044 to allow for the development of a high-density residential project that would complement existing residential development on nearby sites while providing density to support the existing Northgate Urban Village businesses and leveraging the City's transit investments. This portion of 8th Avenue NE does not have continuous storefronts or residences build to the front lot line. Allowing higher density residential development on this site will not interrupt an established commercial street but will instead provide density to support existing and planned commercial development along 5th Avenue NE or NE Northgate Way.

### ***3. Intense pedestrian activity;***

By allowing for the creation of nearly 100 additional residential units over the existing zoning, the rezone will generate increased pedestrian activity through the Northgate Urban Village, especially along NE Northgate Way, 5th Avenue NE and 8th Avenue NE, where the City and Wallace's affiliates have made significant investments in sidewalks and street landscaping. There are a wide variety of retail and commercial businesses within ¼ mile of the site, not the least of which is Northgate Mall. Also, the site is within the Northgate transit center's walkshed, which will also foster increased pedestrian activity.

### ***4. Shoppers can drive to the area, but walk around from store to store;***

The area was mostly developed in the last half of the 20th century, and many of the commercial developments are not built to the front lot line. Newer development such as Northgate North (on the block to the west) is built to the front lot line. The area has historically been auto-oriented with busy arterials and surface parking lots. There have been recent efforts to improve pedestrian connectivity and provide safe crossings, allowing shoppers to drive to the area but walk between the commercial sites.

While the proposed rezone does not impact the analysis under this criterion one way or another, it is worth noting that the proposed redevelopment will provide for structured parking and increased residential density, which in turn will allow residents to park in the building and then walk from store to store throughout the subarea.

### ***5. Transit is an important means of access.***

The area includes the Northgate Transit Center within a 10-minute walk, and frequent bus services on the adjacent arterials and at the Transit Center. The Transit Center will include a Light Rail Station, anticipated to open in approximately 2020. The requested rezone will facilitate redevelopment of the site to provide nearly 150 additional residences (existing zoning would limit the number to approximately 50), all of which allow the City to leverage its transit infrastructure investments.

Conclusion: The proposed rezone simply increased height to facilitate development of a higher-density residential project that will complement surrounding development and support transit.

***B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:***

- 1. The primary business district in an urban center or hub urban village;***
- 2. Served by principal arterial;***
- 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;***
- 4. Excellent transit service.***

As noted above, the site is located in the Northgate Urban Center and is served by the primary arterial NE Northgate Way. Nearby and adjacent zones are described in the Site and Vicinity section at the beginning of this analysis. The lowest density zones nearby are LR3 zones east and south of the site along 8th Avenue NE. The area is located within a Frequent Transit Corridor and is walking distance to the Northgate Transit Center, the site of a future light rail station and existing frequent bus service.

Importantly, the site is already zoned NC3, and the only change will be an additional twenty-five feet of height, which will allow for increased residential density consistent with and supportive of the City's adopted plans for the area.

Conclusion: By virtue of already being zoned NC3, the site meets the function and locational criteria for a Neighborhood Commercial 3 zone. As discussed above, the additional requested height is compatible with the existing and planned development in the vicinity and the Northgate Urban Center plan.

#### **SMC 23.71.002 Purpose and intent - Northgate Overlay / Urban Village Criteria**

***The purpose of this chapter is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:***

- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and***
- B. To protect the residential character of residential neighborhoods; and***
- C. Support the use of Northgate as a regional high-capacity transportation center.***

The proposed rezone to allow for an additional twenty-five feet of height will support increased residential density, which in turn will support existing and planned commercial activity and leverage the City's transit investments.

There will be no impacts on surrounding residential neighborhoods, and the concurrently-filed MUP application will allow for the creation of an additional 148 residential units within a 10-minute walk to the Northgate Transit Center.

Conclusion: The proposed rezone will is consistent with and will help to implement the Northgate Area Comprehensive Plan and leverage the City's significant transit investments.

#### **REQUEST AND RECOMMENDATION**

Based on the foregoing analysis and the record, and the weighing and balancing of all the provisions in SMC Chapter 23.34, the Applicant respectfully requests that the Director recommend approval of the proposed rezone from Neighborhood Commercial 3 with 40-foot height limit to Neighborhood Commercial 3 with an 65-foot height limit (NC3-85) with a special exception to eliminate the street-level commercial use requirements, per SMC 23.71.044.