



# CITY OF SEATTLE

## City Council

### Agenda

Tuesday, March 1, 2022

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; [Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)

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<http://seattle.gov/cityclerk/accommodations>.



# CITY OF SEATTLE

## City Council Agenda

**March 1, 2022 - 2:00 PM**

### **Meeting Location:**

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

### **Committee Website:**

<http://www.seattle.gov/council>

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*Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.*

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at [Council@seattle.gov](mailto:Council@seattle.gov)  
Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

### **A. CALL TO ORDER**

### **B. ROLL CALL**

### **C. PRESENTATIONS**

**D. APPROVAL OF CONSENT CALENDAR**

*The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.*

**Journal:**

1. [Min 368](#) February 22, 2022

**Attachments:** [February 22, 2022](#)

**Introduction and Referral Calendar:**

*Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.*

2. [IRC 338](#) March 1, 2022

**Attachments:** [Introduction and Referral Calendar](#)

**Council Bills:**

3. [CB 120276](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of February 14, 2022 through February 18, 2022 and ordering the payment thereof.

**E. APPROVAL OF THE AGENDA**

**F. PUBLIC COMMENT**

*Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.*

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.

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**G. COMMITTEE REPORTS**

*Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).*

**CITY COUNCIL:**

1. [CB 120270](#) AN ORDINANCE relating to taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment's first annual heating oil tax program status report.

**Supporting Documents:**

[Summary and Fiscal Note](#)  
[Central Staff Memo \(2/23/22\)](#)

2. [CB 120272](#) AN ORDINANCE relating to staffing shortages in the Community Safety Communications Center and the Seattle Police Department; retroactively authorizing a one-month hiring bonus incentive program for hiring 911 dispatchers and police officers; and ratifying and confirming certain prior acts.

**Supporting Documents:**

[Summary and Fiscal Note](#)

3. [Res 32043](#) A RESOLUTION declaring the intention of the City Council to hold a public hearing relating to changing the assessment rate for the Seattle Tourism Improvement Area.

**Supporting**

**Documents:** [Summary and Fiscal Note](#)

**LAND USE COMMITTEE:**

4. [CF 314441](#) Application of Wallace Properties - Park at Northgate, LLC for a contract rezone of a site located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability (MHA) suffix (LR3 (M)) to Midrise with an M1 MHA suffix (MR (M1)) (Project No. 3033517; Type IV).

**The Committee recommends that City Council grant as conditioned the Clerk File (CF).**

**In Favor: 5 - Strauss, Morales, Mosqueda, Nelson, Pedersen**

**Opposed: None**

**Attachments:** [Rezone Material](#)

[Hearing Examiner Findings and Recommendation](#)

[Hearing Examiner Exhibit List](#)

[SDCI Recommendation Ex. 1](#)

[Rezone Analysis 2.3.21 Ex. 10](#)

[Public Comment Ex. 42-67](#)

[Draft Environmentally Critical Areas Protection Covenant](#)

[Environmentally Critical Area Covenant Running with the Land](#)

**Supporting**

**Documents:** [Unexecuted Findings, Conclusions, and Decision](#)

5. [CB 120275](#) AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 16 of the Official Land Use Map to rezone two parcels located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability Suffix (LR3 (M)) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Application of Wallace Properties - Park at Northgate, LLC, C.F. 314441, SDCI Project 3033517-LU)

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor: 5 - Strauss, Morales, Mosqueda, Nelson, Pedersen**

**Opposed: None**

**Attachments:** [Ex A - Rezone Map](#)  
[Ex B - Property Use and Development Agreement](#)

**Supporting Documents:** [Summary and Fiscal Note](#)  
[Proposed Substitute](#)

#### H. ADOPTION OF OTHER RESOLUTIONS

6. [Res 32045](#) A RESOLUTION adopting the Statements of Legislative Intent for the 2022 Adopted Budget and 2022-2027 Adopted Capital Improvement Program.

**Attachments:** [Att A – 2022 Statements of Legislative Intent by Council Committee](#)

**Supporting Documents:** [Summary and Fiscal Note](#)

7. [Res 32046](#) A RESOLUTION adopting the Seattle City Council 2022 Work Program.

**Attachments:** [Att A - Seattle City Council 2022 Work Program](#)

**Supporting Documents:** [Summary and Fiscal Note](#)

#### I. OTHER BUSINESS

**J. ADJOURNMENT**



Legislation Text

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**File #:** Min 368, **Version:** 1

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February 22, 2022

# SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor  
Seattle, WA 98104



## Journal of the Proceedings of the Seattle City Council

Tuesday, February 22, 2022

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

### City Council

*Debora Juarez, Council President*

*Lisa Herbold, Member*

*Andrew J. Lewis, Member*

*Tammy J. Morales, Member*

*Teresa Mosqueda, Member*

*Sara Nelson, Member*

*Alex Pedersen, Member*

*Kshama Sawant, Member*

*Dan Strauss, Member*

Chair Info: 206-684-8805; [Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)

*Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.*

#### **A. CALL TO ORDER**

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.15, and guidance provided by the Attorney General's Office, on February 22, 2022, pursuant to the provisions of the City Charter. The meeting was called to order at 2:08 p.m., with Council President Debra Juarez presiding.

#### **B. ROLL CALL**

**The following Councilmembers were present and participating electronically:**

**Present:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Excused:** 1 - Morales

#### **C. PRESENTATIONS**

Councilmember Juarez presented a proclamation recognizing February 2022 as Black History Month. The Council Rules were suspended to allow Councilmember Juarez to present the Proclamation, and to allow Michelle Merriweather, the Urban League of Metropolitan Seattle, to address the Council.

#### **D. APPROVAL OF CONSENT CALENDAR**

Motion was made, duly seconded and carried, to adopt the proposed Consent Calendar which included items 1 and 2.

##### **1. Approval of Journal**

[Min 365](#)

**February 8, 2022**

**The item was adopted on the Consent Calendar by the following vote, and the President signed Minutes:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

[Min 366](#)

**February 15, 2022**

**The item was adopted on the Consent Calendar by the following vote, and the President signed Minutes:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**2. Adoption of Introduction and Referral Calendar**

[IRC 337](#)

**February 22, 2022**

**The item was adopted on the Consent Calendar by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**E. APPROVAL OF THE AGENDA**

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

**F. PUBLIC COMMENT**

By unanimous consent, the Council Rules were suspended to provide a 60 minute Public Comment period.

The following individuals addressed the Council:

Margot Stewart  
Kate Rubin  
Michael Mellini  
Daniel Kavanaugh  
Brett Frank-Looney  
Sasha Somer  
Camille Gix  
Nshan Burns  
Charlotte Thistle  
MariLyn Yim  
Hannah Swoboda  
Cory Brewer  
Sonja Ponath  
Matthew Mitnick  
Eva Metz  
Ayda Cader  
Rev. Robert Jeffrey  
Madeline Olson  
Daniel Swanson  
Jacob Schear  
Naomi Kim  
Preston Sahabu  
Sam Singh  
Kevin Vitz-Wong  
Barbara Phinney  
Christa Erwin  
Kyle Graham  
Jasmine Smith  
Rev. Andrew Conley-Holcom  
Julia Kobelt  
Brent McFarlane  
Alicia Gomez  
James Suddarth  
Ben Ohmart  
Jessica Avaniidhar  
Sujatha Ramni  
Carl Nakajima  
Daniel Wang

Shirley Henderson  
Dina Drovetto  
Mark Taylor-Canfield  
Jack Francis  
Judith Wallak  
Steve Hooper  
Rev. Angela Ying  
Jake Lindsay  
Bruce Becker  
Brandon Shanks  
Tram Tran-Larson

**G. PAYMENT OF BILLS**

[CB 120274](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of February 7, 2022 through February 11, 2022 and ordering payment thereof.**

Motion was made and duly seconded to pass Council Bill 120274.

**The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**H. COMMITTEE REPORTS**

**CITY COUNCIL:**

1. [Appt 02097](#) **Appointment of Douglas Migden as member, Seattle Bicycle Advisory Board, for a term to August 31, 2023.**

**The Appointment (Appt) was discussed.**

Motion was made and duly seconded to confirm Appointment 02097.

**The Motion carried, and the Appointment (Appt) was confirmed by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

2. [Appt 02098](#) **Appointment of Xander Barbar as member, Seattle Transit Advisory Board, for a term to August 2, 2023.**

**The Appointment (Appt) was discussed.**

Motion was made and duly seconded to confirm Appointment 02098.

**The Motion carried, and the Appointment (Appt) was confirmed by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**FINANCE AND HOUSING COMMITTEE:**

3. [Appt 02105](#) **Appointment of Julie A. Dingley as Director of the City Budget Office, for a term to December 31, 2025.**

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor:** 4 - Mosqueda, Herbold, Pedersen, Lewis

**Opposed:** None

**The Appointment (Appt) was confirmed by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

Council President Juarez invited Ms. Dingley to provide brief remarks to the Council.

- 4. [Appt 02096](#) **Appointment of Kristin Little Sukys as member, Sweetened Beverage Tax Community Advisory Board, for a term to August 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Mosqueda, Herbold, Pedersen, Lewis

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 5. [CB 120267](#) **AN ORDINANCE related to the City’s response to the COVID-19 crisis; amending Ordinance 126490, which adopted the 2022 Budget; accepting funding from non-City sources; changing appropriations to various departments and budget control levels, and from various funds in the 2022 Budget; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 6. [CB 120268](#) **AN ORDINANCE accepting the gift of Google ad grant credits; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**NEIGHBORHOODS, EDUCATION, CIVIL RIGHTS, AND CULTURE COMMITTEE:**

7. [Appt 02094](#) Reappointment of Allan Nyaribo as member, Seattle Human Rights Commission, for a term to January 22, 2024.

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor:** 4 - Morales, Sawant, Lewis, Strauss

**Opposed:** None

The Appointment (Appt) was confirmed by the following vote:

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

8. [Appt 02095](#) Reappointment of Julia A. Ismael as member, Seattle Human Rights Commission, for a term to January 22, 2024.

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor:** 4 - Morales, Sawant, Lewis, Strauss

**Opposed:** None

The Appointment (Appt) was confirmed by the following vote:

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:**

9. [Appt 02101](#) Appointment of Davon Thomas as member, Board of Parks and Recreation Commissioners, for a term to March 31, 2023.

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor:** 5 - Lewis, Mosqueda, Herbold, Juarez, Morales

**Opposed:** None

The Appointment (Appt) was confirmed by the following vote:

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

10. [Appt 02102](#) **Appointment of Justin P. Umagat as member, Board of Parks and Recreation Commissioners, for a term to March 31, 2024.**

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor:** 5 - Lewis, Mosqueda, Herbold, Juarez, Morales

**Opposed:** None

**The Appointment (Appt) was confirmed by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

11. [Appt 02103](#) **Appointment of Stafford Mays as member, Board of Parks and Recreation Commissioners, for a term to March 31, 2025.**

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor:** 5 - Lewis, Mosqueda, Herbold, Juarez, Morales

**Opposed:** None

**The Appointment (Appt) was confirmed by the following vote:**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

#### **TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:**

12. [CB 120256](#) **AN ORDINANCE relating to street and sidewalk use; amending Ordinance 126474 and the Street Use Permit Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code; and amending Section 2 and Section 3 of Ordinance 126339.**

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor:** 5 - Pedersen, Strauss, Herbold, Morales, Sawant

**Opposed:** None

**The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**I. ADOPTION OF OTHER RESOLUTIONS**

13. [Res 32044](#) **A RESOLUTION modifying Resolution 31938 and the March 14, 2020 emergency order relating to residential evictions.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 32044.

ACTION 2:

Motion was made by Councilmember Herbold and duly seconded, to amend Resolution 32044, as shown on Attachment 1 to the Minutes.

The Motion failed by the following vote:

**In Favor:** 3 - Herbold, Mosqueda, Strauss  
**Opposed:** 5 - Juarez, Lewis, Nelson, Pedersen, Sawant

ACTION 3:

The Motion in Action 1 was restated.

**The Motion failed, and the Resolution was not adopted by the following vote:**

**In Favor:** 3 - Herbold, Mosqueda, Sawant  
**Opposed:** 5 - Juarez, Lewis, Nelson, Pedersen, Strauss

**J. OTHER BUSINESS**

There was none.

**K. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 4:21 p.m.

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**Jodee Schwinn, Deputy City Clerk**

**Signed by me in Open Session, upon approval of the Council, on March 1, 2022.**

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**Debora Juarez, Council President of the City Council**

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**Monica Martinez Simmons, City Clerk**

**Att 1 - Action 2 of RES 32044**

Att 1 – Action 2 of RES 32044

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

..title

A RESOLUTION modifying Resolution 31938 and the March 14, 2020 emergency order relating to residential evictions.

..body

WHEREAS, on February 29, 2020, Washington Governor Jay Inslee declared a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 3, 2020 the Mayor proclaimed a civil emergency related to the spread of COVID-19, authorizing the Mayor to exercise the emergency powers necessary for the protection of the public peace, safety, and welfare; and

WHEREAS, on March 5, 2020 the Council adopted Resolution 31937 affirming the civil emergency, modifying orders transmitted by the Mayor related to the emergency, and establishing Council’s expectations related to future orders and reporting by the Mayor during the civil emergency; and

WHEREAS, on July 22, 2020, the Local Health Officer for King County issued a directive and order requiring quarantine or isolation to stem the spread of COVID-19 in the community; and

WHEREAS, on March 14, 2020 the Mayor issued a civil emergency order related to residential evictions; and

WHEREAS, on March 16, 2020 the Council adopted Resolution 31938 affirming and modifying the civil emergency order related to residential evictions and establishing Council’s expectations related to future orders during the civil emergency; and

1 WHEREAS, subsequent emergency orders have extended the moratorium on evictions through  
2 February 28, 2022 as long as the period of civil emergency does not end before that time;  
3 and

4 WHEREAS, the intention of this resolution is to ~~tie the civil emergency order related to evictions~~  
5 ~~to the end of the period of civil emergency~~ continue the civil emergency order as the  
6 Council continues to monitor the risk due to COVID-19 and its impacts; and

7 WHEREAS, although Seattle has been very successful in achieving a high rate of vaccination  
8 against COVID-19 among the City's residents, the Omicron variant surged throughout the  
9 community and continues to pose a serious threat due to its heightened contagiousness;  
10 and

11 WHEREAS, on February 14, 2022, Public Health – Seattle and King County confirmed 733  
12 cases of COVID-19 in King County, including 17 deaths, for a rate of 375 cases per  
13 100,000 residents; and

14 WHEREAS, community transmission is considered substantial or high when there are more than  
15 50 cases per 100,000 residents; and

16 WHEREAS, while reported COVID-19 cases and hospitalizations are now trending downward  
17 after a substantial surge related to the Omicron variant, the seven-day average of newly  
18 reported COVID-19 cases continues to be higher than on any other date prior to the  
19 emergence of the Omicron variant; and

20 WHEREAS, continued decreases in case counts, hospitalizations, and deaths are needed before  
21 the heightened risk from the Omicron variant can be said to have passed or stress on the  
22 health system will cease to be a concern; and

1 WHEREAS, the COVID-19 crisis has had a significant impact on the local economy, and the  
2 improvements in economic conditions since the start of the pandemic have been put at  
3 risk due to the Omicron variant; and

4 WHEREAS, the Census Bureau’s Household Pulse Survey released on February 16, 2022  
5 estimates that more than 77,000 households in the Seattle area with incomes below  
6 \$50,000 remain behind on rent; and

7 WHEREAS, households will continue to be at risk of eviction and housing insecurity until  
8 employment returns to pre-pandemic levels or sufficient rental assistance is available to  
9 make them current on rent payments; and

10 WHEREAS, as of January 2022, The City of Seattle has allocated over \$55 million to provide  
11 rental assistance to individuals and households whose ability to pay rent has and  
12 continues to be impacted by the public health emergency and to date over 6,300  
13 individuals and households have received rental assistance payments, with about  
14 \$25 million of funds still remaining to be distributed, in addition to funding available  
15 through King County’s rental assistance program; and

16 WHEREAS, it is unlikely that all households that are behind on their rent due to the effects of  
17 the pandemic will receive rental assistance prior to February 28, 2022, and rental  
18 assistance funding may not be sufficient to assist all impacted households; and

19 WHEREAS, the Center for Disease Control and Prevention guidelines state that those who  
20 develop symptoms or who test positive for COVID-19 without symptoms stay isolated  
21 for at least five days and those exposed to COVID-19 and not up to date on vaccinations  
22 stay home for five days, assuming no symptoms arise; and

1 WHEREAS, meeting requirements to self-isolate due to illness, a positive test, or exposure to  
2 COVID-19, the need to care for household members with illness or exposure, or the loss  
3 of child care arrangements due to outbreaks could have substantial impacts on household  
4 income and the ability to stay current on rent, and these risks are compounded for  
5 workers without paid sick or safe time, those who work in the “gig economy,” and  
6 historically disadvantaged populations that are already at greater risk of eviction; and

7 WHEREAS, The City of Seattle continues to be in a state of civil emergency due to COVID-19,  
8 which is expected to prolong requirements for protective measures to stem the spread of  
9 COVID-19 and its subsequent variants; and

10 WHEREAS, protective measures, such as masking and improving air quality, and treatments for  
11 COVID-19 have not progressed to where imposing those requirements through public  
12 health orders are sufficient to prevent economic impacts as new variants emerge; and

13 WHEREAS, many sectors of the economy continue to be affected by the impacts of the  
14 pandemic, with corollary impacts on income for many households; and

15 WHEREAS, the combined economic repercussions of COVID-19 on household income,  
16 including the ability to pay rent, is expected to continue **for the duration of the public**  
17 **civil emergency, and for a notable period afterward for many households**; and

18 WHEREAS, the September 2018 Seattle Women’s Commission and the King County Bar  
19 Association’s report *Losing Home: The Human Cost of Eviction in Seattle* (“Losing  
20 Home Report”) found that the most disadvantaged groups face the highest likelihood of  
21 eviction; and

22 WHEREAS, the Losing Home report found that most evicted respondents became homeless,  
23 with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional

1 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted  
2 respondents found another apartment or home to move into; and

3 WHEREAS, a 2018 investigation by the King County Medical Examiner’s Office found that  
4 over half of 107 presumed homeless deaths investigated occurred outside and attributed  
5 approximately 121, or 62 percent, of presumed homeless deaths investigated to non-  
6 natural causes (drug overdose, accidents (including hypothermia), suicide, homicide, and  
7 undetermined), making it clear that people experiencing homelessness have a much  
8 higher risk than the general population of developing exposure-related conditions; and

9 WHEREAS, persons with underlying health conditions are at greater risk of fatality if they catch  
10 COVID-19, and preventing individuals from becoming higher-risk patients will protect  
11 the public health, safety, and welfare of the region; and

12 WHEREAS, *The Negative Effects of Instability on Child Development*, published in 2013 by the  
13 Urban Institute, found that “[c]hildren experiencing residential instability demonstrate  
14 worse academic and social outcomes than their residentially-stable peers, such as lower  
15 vocabulary skills, problem behaviors, grade retention, increased high school drop-out  
16 rates, and lower adult educational attainment”; and

17 WHEREAS, continuing to maintain a moratorium on evictions, unless due to actions by the  
18 tenant constituting an imminent threat to the health and safety of certain persons, is  
19 necessary to protect public health and support stable housing, decrease the likelihood that  
20 individuals and families will fall into homelessness, enable tenants in the City whose  
21 income and ability to work is affected due to COVID-19 to remain in their homes; and  
22 decrease the likelihood that individuals and families **continue to will** increase the risk of

1 exposure for themselves or others due to an eviction ~~while the COVID-19 emergency~~  
2 ~~exists~~; and

3 WHEREAS, Seattle Municipal Code subsection 10.02.020.B provides that the Seattle City  
4 Council can either ratify and confirm, modify, or reject civil emergency orders; NOW,  
5 THEREFORE,

6 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

7 Section 1. The Civil Emergency Order relating to residential evictions, issued by Mayor  
8 Jenny A. Durkan on March 14, 2020 (Exhibit A to this resolution) as modified by the Council on  
9 March 16, 2020 (Exhibit B to this resolution) by Resolution 31938, is modified as shown in  
10 Exhibit C to this resolution.



**CIVIL EMERGENCY ORDER**

**CITY OF SEATTLE**

**MORATORIUM ON RESIDENTIAL EVICTIONS**

1  
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5  
6 **WHEREAS**, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle  
7 in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and  
8

9 **WHEREAS**, the facts stated in that proclamation continue to exist, as well as the following  
10 additional facts:  
11

12 **WHEREAS**, the World Health Organization (WHO) has declared that COVID-19 disease is a  
13 global pandemic, which is particularly severe in high risk populations such as people with  
14 underlying medical conditions and the elderly, and the WHO has raised the health emergency to  
15 the highest level requiring dramatic interventions to disrupt the spread of this disease; and  
16

17 **WHEREAS**, as of March 13, 2020, Public Health – Seattle & King County announced 58 new  
18 cases of COVID-19 in King County residents, for a total of 328 cases, including 32 deaths; and  
19

20 **WHEREAS**, on March 13, 2020, the Governor of Washington state issued an emergency order  
21 announcing all K-12 schools in Washington to be closed from March 17, 2020  
22 through April 24, 2020 to combat the spread of the disease; and  
23

24 **WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency  
25 to allow the government to marshal additional resources to combat the virus; and  
26

27 **WHEREAS**, on March 11, 2020, the Governor of Washington state and the Local Health Officer  
28 for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 250  
29 people or more for social, spiritual and recreational activities in King County; and  
30

1 **WHEREAS**, the COVID-19 crisis has had a significant impact on the local economy impacting  
2 the retail, restaurant and other industries resulting in layoffs and reduced work hours for a  
3 significant percentage of this workforce and loss of income for small businesses; and

4  
5 **WHEREAS**, layoffs and substantially reduced work hours will lead to widespread economic  
6 hardship that will disproportionately impact low- and moderate- income workers resulting in lost  
7 wages and the inability to pay for basic household expenses, including rent; and

8  
9 **WHEREAS**, in the last two weeks there has been a significant 50% drop in the number of tenants  
10 appearing in court for their eviction hearings in King County resulting in default judgments being  
11 entered and tenants losing substantial rights to assert defenses or access legal and economic  
12 assistance; and

13  
14 **WHEREAS**, evictions result in a loss of housing and create housing instability, potentially  
15 increasing the number of people experiencing homelessness and creating a heightened risk of  
16 disease transmission; and

17  
18 **WHEREAS**, the City invests in eviction prevention programs, but resources are not sufficient to  
19 address housing stability needs of dislocated workers during this unprecedented public health  
20 epidemic; and

21  
22 **WHEREAS**, jurisdictions across the nation are considering or have implemented eviction  
23 prevention to provide housing stability to dislocated workers during this unprecedented public  
24 health emergency; and

25  
26 **WHEREAS**, Art. XI, Sec. 11 of the Washington State Constitution grants cities like The City of  
27 Seattle broad police powers to “make and enforce within its limits all such local police, sanitary  
28 and other regulations as are not in conflict with general laws”; and

29  
30 **WHEREAS**, the Washington State Legislature has declared a state policy to help residents who  
31 are experiencing a temporary crisis in retaining stable housing to avoid eviction from their homes,  
32 as expressed in Laws of 2019 c 356 section 1; and

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**WHEREAS**, a temporary moratorium on residential evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means lowering the number of people who may develop the disease or spread the disease; and

**WHEREAS**, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

**WHEREAS**, SMC 10.02.020.A.15 authorizes the Mayor to proclaim “such other orders as are imminently necessary for the protection of life and property” and take extraordinary measures to protect the public peace, safety and welfare; and

**WHEREAS**, the COVID-19 civil emergency requires the issuance of an order that is specifically aimed at a moratorium on residential evictions during the civil emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Civil Emergency Order; therefore,

**WHEREAS**, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public per SMC 10.02.025.C and

**WHEREAS**, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

**BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:**

I, **JENNY A. DURKAN**, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020.A.15, AND MY MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020, HEREBY ORDER:

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**SECTION 1:**

A. Effective immediately, a moratorium on residential evictions is hereby ordered until **April 30, 2022** the earlier of **the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020** or 60 days from the effective date of this Emergency Order. ~~The decision to extend the moratorium shall be evaluated and determined by the Mayor based on public health necessity;~~

B. A residential landlord shall not initiate an unlawful detainer action, issue a notice of termination, or otherwise act on any termination notice, including any action or notice related to a rental agreement that has expired or will expire during the effective date of this Emergency Order, unless the unlawful detainer action or action on a termination notice is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant’s or landlord’s household members. Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium; and

C. It shall be a defense to any eviction action that the eviction of the tenant will occur during the moratorium, unless the eviction action is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant’s or landlord’s household members. For any pending eviction action, regardless if the tenant has appeared, a court may grant a continuance for a future court date in order for the matter to heard at a time after the moratorium is terminated; and

D. Effective immediately, the Sheriff of King County is requested to cease execution of eviction orders during the moratorium.

**SECTION 2:**

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

**SECTION 3:**

1 A copy of this Civil Emergency Order shall be delivered to the Governor of the State of  
2 Washington and to the County Executive of King County. To the extent practicable, a copy of this  
3 Civil Emergency Order shall be made available to all news media within the City and to the general  
4 public. In order to give the widest dissemination of this Civil Emergency Order to the public, as  
5 many other available means as may be practical shall be used, including but not limited to posting  
6 on public facilities and public address systems. SMC 10.02.100.

7  
8 **SECTION 4:**  
9

10 This Civil Emergency Order shall immediately, or as soon as practical, be filed with the  
11 City Clerk for presentation to the City Council for ratification and confirmation, modification or  
12 rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or  
13 modification shall not affect any actions previously taken. The Council may, by resolution, ratify,  
14 modify or reject the order. If the City Council modifies or rejects this Civil Emergency Order, said  
15 modification or rejection shall be prospective only, and shall not affect any actions taken prior to  
16 the modification or rejection of this Civil Emergency Order, including the City’s responsibility for  
17 the actual costs incurred by those who were ordered by or entered into contracts with the City, as  
18 set forth in Seattle Municipal Code subsection 10.02.020.B. The Council shall endeavor to act on  
19 any order within 48 hours of its being presented to the Council by the Mayor.

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23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ am/pm.  
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27 \_\_\_\_\_  
28 JENNY A. DURKAN  
29 MAYOR OF THE CITY OF SEATTLE  
30  
31



Legislation Text

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**File #:** IRC 338, **Version:** 1

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March 1, 2022



## Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<b><u>By: Mosqueda</u></b>		
1. <a href="#">CB 120276</a>	AN ORDINANCE appropriating money to pay certain audited claims for the week of February 14, 2022 through February 18, 2022 and ordering the payment thereof.	City Council
<b><u>By: Juarez</u></b>		
2. <a href="#">Res 32045</a>	A RESOLUTION adopting the Statements of Legislative Intent for the 2022 Adopted Budget and 2022-2027 Adopted Capital Improvement Program.	City Council for Introduction & Adoption
<b><u>By: Juarez</u></b>		
3. <a href="#">Res 32046</a>	A RESOLUTION adopting the Seattle City Council 2022 Work Program.	City Council for Introduction & Adoption
<b><u>By: Nelson</u></b>		
4. <a href="#">CF 314490</a>	Seattle Information and Technology Department request for a six-month extension for the filing of the Group 4 Surveillance Impact Report (SIR) due on March 1, 2022.	City Council
<b><u>By: Nelson</u></b>		
5. <a href="#">CB 120278</a>	AN ORDINANCE relating to the City Light Department; authorizing the Mayor and the General Manager and Chief Executive Officer of City Light to execute a memorandum of agreement between The City of Seattle, the Upper Skagit Indian Tribe, and the National Park Service for the transfer and curation of certain precontact archeological artifacts recovered during the 2013 Newhalem Gorge Inn Restoration Project; and ratifying and confirming certain prior acts.	Economic Development, Technology, and City Light Committee
<b><u>By: Morales</u></b>		
6. <a href="#">Appt 02106</a>	Appointment of Jan Hendrickson as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to June 30, 2023.	Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

7. [Appt 02107](#) Reappointment of Paul Neal as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to June 30, 2024. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

8. [Appt 02108](#) Reappointment of Devin McComb as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to June 30, 2025. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

9. [Appt 02109](#) Appointment of Stephanie Johnson Toliver as member, Historic Seattle Preservation and Development Authority Governing Council, for a term to November 30, 2023. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

10. [Appt 02110](#) Appointment of Kenny Pittman as member Historic Seattle Preservation and Development Authority Governing Council, for a term to November 30, 2024. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

11. [Appt 02111](#) Appointment of Steve Horvath as member, Community Involvement Commission, for a term to May 31, 2022. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

12. [Appt 02112](#) Appointment of Ahoua Kone as member, Community Involvement Commission, for a term to May 31, 2022. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

13. [Appt 02113](#) Appointment of Julia Jannon-Shields as member, Community Involvement Commission, for a term to May 31, 2023. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Herbold**

14. [CB 120277](#) AN ORDINANCE relating to grant funds from non-City sources; authorizing the Seattle Police Department to accept specified grants and execute related agreements for and on behalf of the City; amending Ordinance 126490, which adopted the 2022 Budget; changing appropriations to the Seattle Police Department; and ratifying and confirming certain prior acts. Public Safety and Human Services Committee





Legislation Text

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**File #: CB 120276, Version: 1**

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**CITY OF SEATTLE**

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

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

AN ORDINANCE appropriating money to pay certain audited claims for the week of February 14, 2022 through February 18, 2022 and ordering the payment thereof.

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

Section 1. Payment of the sum of \$14,782,892.77 on PeopleSoft 9.2 mechanical warrants numbered 4100549258 - 4100550999 plus manual or cancellation issues for claims, E-Payables of \$23,929.23 on PeopleSoft 9.2 9100011244 - 9100011271 and Electronic Financial Transactions (EFT) in the amount of \$63,722,455.19 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$52,630,769.77 on City General Salary Fund mechanical warrants numbered 51359553 - 51360244 plus manual warrants, agencies warrants, and direct deposits numbered 80001 - 82798 representing Gross Payrolls for payroll ending date February 15, 2022 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council February 24, 2022 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 1st day of March 2022, and signed by me in open session in authentication of its passage this 1st day of March 2022.

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

Approved/ returned unsigned/ vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

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**File #:** CB 120270, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment's first annual heating oil tax program status report.

WHEREAS, on September 23, 2019, the Seattle City Council passed Ordinance 125934 to add a new Chapter 5.47 to the Seattle Municipal Code to impose a tax on heating oil service providers; and

WHEREAS, under Section 16 of Ordinance 125934, the provisions of the ordinance imposing the heating oil tax take effect on September 1, 2020; and

WHEREAS, it is expected that many heating oil service providers will pass on the cost of the heating oil tax to their customers; and

WHEREAS, on March 11, 2020, the World Health Organization announced that the novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on February 29, 2020, the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19; and

WHEREAS, on March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and the resulting deaths and illness; and

WHEREAS, the COVID-19 crisis and the state of emergency continue and are causing severe harm to the economy; and

WHEREAS, on August 17, 2020, the Council passed Ordinance 126144 to delay the effective date of the heating oil tax from September 1, 2020, to September 1, 2021; and

WHEREAS, on July 19, 2021, the Council passed Ordinance 126391 to delay the effective date of the heating oil tax from September 1, 2021, to April 1, 2022; and

WHEREAS, imposing the heating oil tax on April 1, 2022, during the continued COVID-19 crisis may cause undue hardship to certain households that purchase heating oil; and

WHEREAS, the Seattle City Council intends therefore to further delay the effective date of the heating oil tax by nine months to January 1, 2023; NOW, THEREFORE,

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

Section 1. Section 15 of Ordinance 125934, last amended by Ordinance 126391, is amended as follows:

Section 15. The Council requests that the Office of Sustainability and Environment (OSE):

A. Provide a status update on outreach efforts to date regarding the new heating oil tax by July 1, 2020. The update should include the number of households contacted; any changes in the number of low-income households with oil heat enrolled in the City's Utility Discount Program following outreach efforts; a summary of feedback from residents, labor unions, and heating oil service providers, received during outreach efforts, including a description of challenges encountered during the outreach process; and proposed strategies for overcoming these challenges, if applicable; and

B. Report annually on Heating Oil Tax program status, including the number of homes the City has helped convert from oil heat to electricity and outcomes of workforce development support, and collaborate with the Office of Economic Development, Seattle Department of Construction and Inspections, and the Office of Housing to determine a methodology to assess the following potential impacts of the Heating Oil Tax:

1. Job losses, gains, and retention in the Seattle area's home heating, ventilation, and air conditioning industry, with a focus on workers represented by labor unions and family-wage jobs, and

what additional investments are necessary to support workers in the event of net job losses; and

2. Rates of conversion from oil heating systems to electric systems in homes occupied by renters enrolled in the Utility Discount Program, including identifying who is paying the costs of conversion and whether additional measures are necessary to alleviate the costs if renters are overly burdened.

3. Analysis of the viability to extend the heating oil tax reimbursement to households whose income is between 70 percent state median income and 80 percent area median income. OSE is requested to report to Council by ~~((April))~~ January 1, ((2023)) 2024, and every year thereafter up to 2028.

Section 2. Section 16 of Ordinance 125934, last amended by Ordinance 126391, is amended as follows:

Section 16. Sections 1 through 13 of this ordinance shall take effect on ~~((April))~~ January 1, ((2022)) 2023, and no tax under Chapter 5.47 of the Seattle Municipal Code shall be imposed prior to ~~((April))~~ January 1, ((2022)) 2023.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Yolanda Ho/x6-5989	N/A

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment’s first annual heating oil tax program status report.

**Summary and Background of the Legislation:** The Council passed Ordinance 125934 in 2019, imposing a heating oil tax to take effect on September 1, 2020. Because of economic concerns as a result of the COVID-19 crisis and based on feedback from community organizations, the Council delayed the effective date of the heating oil tax twice via Ordinance 126144 in August 2020 (delaying the date by one year to September 1, 2021), and Ordinance 126391 in July 2021 (delaying the date a further six months from September 1, 2021, to April 1, 2022). Recognizing that residents continue to be negatively impacted by both the pandemic and high inflation rates, this legislation would delay the effective date of the tax by nine additional months, from April 1, 2022, to January 1, 2023.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?       Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget?       Yes  No

Appropriation change (\$):	General Fund \$		Other \$	
	2022	2023	2022	2023
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2022	2023	2022	2023
	(871,230)	1,218,253		
Positions affected:	No. of Positions		Total FTE Change	
	2022	2023	2022	2023

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

This legislation would result in the City forgoing collecting approximately \$870,000 in revenues from the heating oil tax in 2022.

**Are there financial costs or other impacts of *not* implementing the legislation?**

If the legislation is not passed by the Council, the heating oil tax will go into effect on April 1, 2022.

**3.b. Revenues/Reimbursements**

This legislation adds, changes, or deletes revenues or reimbursements.

**Anticipated Revenue/Reimbursement Resulting from This Legislation:**

Fund Name and Number	Dept	Revenue Source	2022 Revenue	2023 Estimated Revenue
General Fund 00100	OSE	Tax on sale of home heating oil	(871,230)	1,218,253
<b>TOTAL</b>			<b>(871,230)</b>	<b>1,218,253</b>

**Is this change one-time or ongoing?**

One-time, with annual updates to projected revenues and expenditures.

**Revenue/Reimbursement Notes:**

None.

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

The Office of Sustainability and Environment (OSE) is responsible for overall program oversight and implementation and will receive tax revenues. The Office of Housing (OH) will be implementing the low-income conversions, funded by heating oil tax revenues. OSE will establish an MOU with OH for this work.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

Delaying this tax is responsive to community concerns about adding additional financial burden to low- to middle-income households already impacted by the ongoing economic downturn caused by the COVID-19 civil emergency and high inflation rates. Similar to the outreach process regarding last year's delay, OSE is anticipated to communicate this program change via a postcard to all Seattle residents with oil-heated homes, which would include an in-language statement providing a phone number to call for help getting the information translated.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

Forgoing heating oil tax revenues for another nine months will eliminate a dedicated revenue source for conversions from oil heat to electric heat pumps for low-income homes in 2022. The intent of this tax is to accelerate the rate of conversions from oil heat to clean electric heat pump systems with the ultimate goal of eliminating oil heat systems by 2028, which currently account for about eight to nine percent of the Seattle's total GHG emissions. This delay could cause the City to fall short of achieving this goal.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No, though converting oil heat systems to electric heat pumps will add air conditioning and air filtration capacity to homes that may not currently have it, better preparing residents for hot weather and wildfire smoke, which are predicted to become more common as a result of global warming.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

Not applicable.

**Summary Attachments:**

None.

February 23, 2022

## MEMORANDUM

**To:** City Council  
**From:** Yolanda Ho, Analyst  
**Subject:** Heating Oil Tax Delay – Council Bill 120270

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On March 1, 2022, the City Council (Council) will consider and may vote on [Council Bill \(CB\) 120270](#) that would delay the effective date of the [heating oil tax](#) from April 1, 2022, to January 1, 2023.

This memorandum describes: (1) the background of the heating oil tax; (2) CB 120270; (3) impacts of CB 120270; (4) related policy considerations; and (5) next steps.

### Background

In September 2019, the Council passed [Ordinance \(ORD\) 125934](#), establishing a new tax on heating oil beginning on September 1, 2020. The tax rate is \$0.236 per gallon of heating oil sold by heating oil service providers in Seattle (excluding biodiesels).

The tax and associated programs supported by the tax revenues are intended to accelerate the rate of conversion from oil heat to electric heat pump systems, with the ultimate goal of requiring that all existing steel tanks be either decommissioned (i.e., removed or filled with a material to prevent collapse) or replaced by a modern non-corroding tank by December 31, 2028.<sup>1</sup> This will help to: (1) eliminate ground contamination caused by deteriorating underground steel oil tanks associated with oil heating systems, most of which were installed between the 1920s and 1950s; and (2) reduce greenhouse gas (GHG) emissions. Phasing out oil heat by 2030 is estimated to decrease residential building GHG emissions by 16 to 18 percent, which equals a reduction of about eight percent of Seattle’s total building GHG emissions.

Of the approximately 15,500 households that use oil heat, the Office of Sustainability and Environment (OSE) estimates that around 900 of these households are enrolled in the City’s Utility Discount Program (UDP) for income-qualified customers. The typical household pays about \$1,700 per year for heating oil, with no discounts available for low-income households. Assuming the tax will be passed directly on to customers, households who use oil heat will pay an average additional cost of \$120 per year.

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<sup>1</sup> The Seattle Fire Department, the Seattle Department of Construction and Inspections, and OSE considered whether a mandate would be needed to achieve this goal (see [report](#) submitted to Council in June 2020). Instead of amending the Seattle Fire Code to include a requirement, they opted to add an informational note to the 2018 Seattle Fire Code update ([Ordinance 126283](#), passed in February 2021) as a preview for a potential requirement. The City will continue to monitor progress to determine if a mandate is needed in the future.

Recognizing that this tax will disproportionately burden low-income households, most of the tax proceeds will be used to:

- Fully cover the costs of converting from oil heat to an electric heat pump system for low-income households; and
- Reimburse low-income households up to \$120 annually to offset the added cost of the tax, either as a credit on their City Light account or as a check.

Converting low-income households with oil heat to electric heat pumps will provide them greater benefit from the UDP and is expected to reduce their overall utility costs.

Tax revenues will also be used to:

- Expand the existing rebate program available to all households with oil heat, supporting the conversion of about 1,600 homes to electric heat pumps;
- Provide education and outreach regarding the tax and associated programs;
- Provide workforce development for four to five oil service providers and their employees to support a transition to clean heating sales and installation; and
- Support tax administration in the Department of Finance and Administrative Services and program administration in OSE and the Office of Housing (OH), which manages the heating system conversions.

Primarily in response to community concerns about the impacts of the tax on low- and middle-income households during the COVID-19 crisis, the Council passed [ORD 126144](#) in August 2020 to delay the effective date of the tax from September 1, 2020, to September 1, 2021. An additional rationale for the delay was related to the Washington's Pollution Liability Insurance Agency's (PLIA) new [Heating Oil Loan and Grant Program](#)<sup>2</sup> that could result in creating substantial financial liability for homeowners with oil heating systems who were not registered with PLIA prior to July 1, 2020.

Rather than continuing their grant program that helped to cover up to \$60,000 of the costs of cleaning up residential oil tank leaks, PLIA is instead offering low-interest loans of up to \$70,000, a \$5,000 grant to cover site assessment costs, and a \$1,000 grant for technical assistance (if needed) for those who register with the program after July 1, 2020. Depending on PLIA's final rule, this new program could disproportionately burden low- and middle-income households. PLIA is currently administering the program as a pilot and collecting data about low-income households to help inform their rulemaking this year.

In a [report](#) to the Council dated June 1, 2021, OSE provided: an update on the Heating Oil Loan and Grant Program; summarized community feedback on whether the effective date of the tax

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<sup>2</sup> The 2020 Washington State Legislature passed and the Governor signed [Substitute Senate Bill 6256](#) that transitions PLIA's Heating Oil Insurance Program to a Loan and Grant Program.

should be further delayed; and analyzed various delay scenarios. OSE proposed that the effective date of the heating oil tax be further delayed by six months based on the feedback received and because PLIA had not yet adopted a final rule for the Heating Oil Loan and Grant Program. The Council passed [ORD 126391](#) in July 2021 to delay the effective date of the tax from September 1, 2021, to April 1, 2022.

These delays caused projected total heating oil tax revenues to decrease by about \$1.4 million, from \$7.88 million to \$6.5 million from 2021 to 2029. Revenues are expected to diminish over time as demand for heating oil decreases once houses convert to more efficient systems.

The 2022 Adopted Budget allocates \$1.7 million of one-time JumpStart Payroll Expense Tax Funds (JumpStart Funds), supported by payroll expense tax revenues, to fund conversions for low-income households, electric heat pump system rebates for all households seeking to convert from oil heat, outreach efforts, and program administration that were to be supported by the heating oil tax. This amount serves as a replacement for the forgone tax revenue from September 1, 2020, to April 1, 2022, and is intended to support implementation of these key programs without further delay.

### **CB 120270**

CB 120270 would delay the effective date of the tax from April 1, 2022, to January 1, 2023. An associated reporting request on the impacts of the tax and program activities would also be delayed from April 1, 2023, to January 1, 2024.

### **Impacts of CB 120270**

Delaying the effective date of the heating oil tax by another nine months will avoid imposing an additional financial burden on households with oil heat as residents are in various stages of recovery from the economic crisis caused by the COVID-19 pandemic and are also coping with increasingly high inflation rates. The delay would also allow the City to continue working with PLIA on rulemaking for its Heating Oil Loan and Grant Program to avoid adverse impacts on low- and middle-income households.

CB 120270 would result in forgoing anticipated tax revenues of about \$871,000 in 2022. The 2022 Adopted Budget assumes that this revenue would fund conversions from oil heating systems to more efficient electric heat pump systems for 55 low-income households and expand the City's existing electric heat pump rebate program<sup>3</sup> to about 200 additional households. These projected revenues were also assumed to be available to launch the other program activities described previously.

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<sup>3</sup> Since 2014, the City has allocated \$200,000 General Fund to fund conversions of about 200 homes per year, providing up to \$1,500 to any household choosing to convert from oil heat to a high-efficiency electric heat pump system. Converting to an electric heat pump system typically costs between \$15,000 to \$17,000.

This proposed delay would fully pause some of these activities, such as tax administration and workforce development for oil service providers, but with the \$1.7 million in one-time JumpStart Funds, OSE and OH would still be able to support 70 conversions for low-income households and 300 heat pump rebates for all households. The reduced funding for low-income conversions and heat pump rebates could cause the City to fall short of its near-term goals to reduce GHG emissions. Additionally, OSE and OH would need to adjust their plans for staffing and program implementation given the one-time nature of the JumpStart Funds in the 2022 Adopted Budget.

All told, delaying the effective date of the tax from September 1, 2020, to January 1, 2023, would result in the City forgoing a total of nearly \$2.3 million in projected revenues in 2021 and 2022. Assuming the tax goes into effect on January 1, 2023, as proposed, the City would have a dedicated source of ongoing funds for these programs and activities next year, which will advance Seattle's climate goals and ensure a just transition for people whose jobs rely on fossil fuels.

### **Related Policy Considerations**

In July 2020, the Council passed [ORD 126108](#), establishing a payroll expense tax, and adopted a spending plan ([Resolution \(RES\) 31957](#)) specifying Council's intent for use of the revenues. This was followed by passage of [ORD 126393](#) in 2021 that created the JumpStart Fund in the City's treasury. The JumpStart Fund policies, consistent with RES 31957, allocates nine percent<sup>4</sup> of the tax proceeds for investments to advance the Green New Deal for Seattle ([RES 31895](#)). Strategies include transitioning housing from fossil fuel heating systems to electric systems and providing job training programs to workers who would be adversely impacted as Seattle shifts away from an economy reliant on fossil fuels.

The 2022 Adopted Budget allocates \$6.5 million in one-time JumpStart Funds that are being held in Finance General for Green New Deal priorities, pending recommendations from the Green New Deal Oversight Board (Board). The Board could recommend using some portion of this amount to fund additional conversions from oil heat to electric heat pumps for low-income households, more electric heat pump rebates for all households, and/or other programs that were intended to be funded by heating oil tax revenues.

The Board could also consider whether to recommend using ongoing JumpStart Funds in lieu of heating oil tax revenues to fund these programs beginning in 2023. OSE anticipates that the Board will provide budget recommendations to the Mayor and Council by early summer. Depending on the recommendations of the Board, the Council may want to consider whether the tax should be allowed to go into effect in 2023.

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<sup>4</sup> Initial assumptions are that this would be about \$20 million, though the amount may be lower in 2023 if JumpStart Funds are needed to support base City services as they were in the 2022 Adopted Budget.

**Next Steps**

The City Council is scheduled to consider and possibly vote on CB 120270 at its meeting on March 1, 2022. Council action on the legislation is needed no later than March 29 to delay the effective date of the heating oil tax, which will otherwise go into effect on April 1.

cc: Aly Pennucci, Deputy Director



Legislation Text

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**File #:** CB 120272, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to staffing shortages in the Community Safety Communications Center and the Seattle Police Department; retroactively authorizing a one-month hiring bonus incentive program for hiring 911 dispatchers and police officers; and ratifying and confirming certain prior acts.

WHEREAS, on October 29, 2021, Mayor Durkan issued a Civil Emergency Order under the authority of the Seattle Municipal Code Sections 10.02.020 and 10.02.025 and her Mayoral Proclamation of Civil Emergency, dated March 3, 2020; and

WHEREAS, the Order authorized an ongoing hiring incentive program that would allow the Seattle Community Safety and Communication Center (CSCC) and Seattle Police Department (SPD) to offer experienced dispatch and officer candidates a hiring incentive of up to \$25,000, depending on experience level, and new recruit candidates up to \$10,000 per hire; and

WHEREAS, on November 22, 2021, the City Council passed Resolution 32027, which modified the Mayor’s Civil Emergency Order to (1) sunset the authority to offer the hiring incentives authorized by the Order on the earlier of December 31, 2021, or the termination of the Civil Emergency proclaimed on March 3, 2020; and (2) limit total expenditures for hiring incentives authorized by the Order to \$500,000; and

WHEREAS, on December 30, 2021, Mayor Durkan sent the SPD Chief and the Interim Director of the CSCC a memo instructing them to continue to hire and implement the terms of the order; and

WHEREAS, on February 4, 2022, Senior Deputy Mayor Monisha Harrell, sent an e-mail to Councilmembers that indicated, “unbeknownst to the Harrell Administration,” the SPD and CSCC “continued to offer incentive bonuses throughout the entire month of January,” and that they “have since directed both SPD

and CSCC to cease offering the bonuses immediately,” and

WHEREAS, the Chair of the Council’s Public Safety and Human Services Committee, Councilmember

Herbold, and Senior Deputy Mayor Harrell have expressed their intent to work together on legislation that will ensure that new SPD and CSCC dispatch and officer hires made in January 2022 are paid the incentives offered in their hire letters; and

WHEREAS, the CSCC hired in January a total of 14 dispatchers and SPD hired a total of five new officers for a combined value of approximately \$220,000 in incentive pay, and

WHEREAS, Council Budget Action SPD-003-B-001 restricted the SPD’s use of sworn salary savings and SPD’s portion of the incentive pay is \$50,000; NOW THEREFORE,

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

Section 1. In 2022, the Seattle Community Safety and Communications Center may offer dispatch candidates who received an offer of employment between January 1, 2022, and January 31, 2022, a hiring incentive of up to \$25,000, depending on experience level, to be paid after beginning employment with The City of Seattle.

A. Incentives provided to lateral dispatch hires shall not exceed \$25,000 per hire.

B. Incentives provided to new recruit hires shall be provided one time and shall not exceed \$10,000 per hire.

C. If an employee who has received this incentive leaves the department, that person may not receive an incentive to return.

D. Half of the hiring incentive will be paid in the first paycheck and the second half upon completion of any probationary period established by law.

Section 2. In 2022, the Seattle Police Department may offer police officer candidates who received an offer of employment between January 1, 2022, and January 31, 2022, a hiring incentive of up to \$25,000, depending on experience and training level, to be paid after beginning employment with The City of Seattle.

A. Incentives provided to lateral police officer hires shall not exceed \$25,000 per hire.

B. Incentives provided to new recruit hires shall be provided one time and shall not exceed \$10,000 per hire.

C. If an employee who has received this incentive leaves the department, that person may not receive an incentive to return.

D. Half of the hiring incentive will be paid in the first appropriate paycheck (e.g., after completion of the academy or lateral equivalent) and the second half upon completion of any probationary period established by law.

Section 3. Total expenditures for hiring incentives authorized by this ordinance shall not exceed \$220,000.

Section 4. Council Budget Action SPD-003-B-001, approved in the 2022 Adopted Budget per Ordinance 126490, restricts the appropriations in SPD's budget for salary and benefit to only be used to pay SPD's recruits and sworn officers, unless authorized by future ordinance. This ordinance provides authorization to use up to \$50,000 of funds approved in Ordinance 126490 to support salary and benefits for 1,200 SPD recruit and sworn officer FTEs on an average annual basis, to provide payments of hiring incentives for police officer candidates who received an offer of employment between January 1, 2022, and January 31, 2022.

Section 5. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Mayor's Office	Jeremy Racca / 684-5321	

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to staffing shortages in the Community Safety Communications Center and the Seattle Police Department; retroactively authorizing a one-month hiring bonus incentive program for hiring 911 dispatchers and police officers; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:** This legislation authorizes a financial incentive program for January 2022 for new or lateral officers joining the Seattle Police Department (SPD) and dispatch employees joining the Community Safety and Communications Center (CSCC) and caps the total expenditures under the program at \$220,000, which covers the amount committed during that time period.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes \_\_\_ X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget? \_\_\_ Yes \_\_\_ X No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

Is there financial cost or other impacts of *not* implementing the legislation?  
No.

**4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department?  
This legislation impacts the Seattle Police Department and Community Safety and Communications Center.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

N/A

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

None.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A

**List attachments/exhibits below:**



Legislation Text

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**File #:** Res 32043, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION declaring the intention of the City Council to hold a public hearing relating to changing the assessment rate for the Seattle Tourism Improvement Area.

WHEREAS, in 2011, through Ordinance 123714, the City established the Seattle Tourism Business

Improvement Area (STIA), providing for the levy of special assessments upon participating hotels within the defined area for the purpose of promoting leisure tourism in order to increase area hotel occupancies within the business improvement area; and

WHEREAS, the travel and tourism industry is a significant contributor to the local economy, generating \$8.1 billion in economic impact in Seattle/King County in 2019, resulting in \$837.5 million in state/local tax revenues, and creating over 80,000 jobs; and

WHEREAS, the travel and tourism industry has been disproportionately impacted by the COVID-19 pandemic, resulting in 54 percent fewer visitors in 2020, 56 percent less state/local tax revenues, and 40 percent fewer jobs supported; and

WHEREAS, on January 14, 2022, the STIA Ratepayer Advisory Board voted to increase the monthly special assessments, with new assessment values taking effect in 2022;

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

Section 1. The City Council declares its intention to modify the special assessment rat for the Seattle Tourism Business Improvement Area in Section 3 of Ordinance 123714, as follows:

Section 3. Levy of Special Assessments. To finance the programs authorized in Section 2, there

is levied upon and shall be collected from the owners of all transient accommodations (“Ratepayers”) with more than 60 rooms located within the boundaries of the Business Improvement Area described in Section 1, monthly special assessments in an amount equal to ((~~\$2~~) \$4) per night per occupied hotel room for each such Ratepayer.

The special assessments shall not be imposed on rooms (a) where the occupant has stayed 30 or more days, (b) that are provided by a Ratepayer to guests without charge for promotional purposes, (c) that are available exclusively to members or guests of members of a private member-owned club or its reciprocal clubs or (d) that comprise facilities where accommodations are generally marketed and sold on a per bed, shared room basis (e.g. hostels).

Section 2. A hearing shall be heard on this matter before the Economic Development, Technology, and City Light Committee in the City Council Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington 98104 (enter on Fifth Avenue), on March 23, 2022, at 9:30 a.m. Due to the COVID-19 civil emergency declared by the City and the State of Washington, persons who wish to participate in or attend the hearing may do so remotely. The City will provide instructions in the meeting agenda on how to participate remotely. The City Council will hear all protests and receive evidence for or against the proposed action.

Section 3. The City Clerk is requested to publish notice of this intention and of the hearing in a newspaper of general circulation in Seattle and mail a complete copy to each ratepayer within the proposed area, each at least ten days prior to the hearing. The notice shall include a statement that a copy of the proposed ordinance may be examined electronically at <http://www.seattle.gov/leg/clerk/>, or in paper form at the Office of the City Clerk, City Hall, 600 Fourth Avenue, 3rd Floor, Seattle, Washington 98104, or will be mailed upon request.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>Executive Contact/Phone:</b>
Economic Development	Phillip Sit / 256-5137	Miguel Jimenez

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** A RESOLUTION declaring the intention of the City Council to hold a public hearing relating to changing the assessment rate for the Seattle Tourism Improvement Area.

**Summary and background of the Legislation:**

The proposed resolution declares the intent of the City Council to increase the assessment rate for the Seattle Tourism Improvement Area (STIA), following a public hearing on the matter as required by RCW 35.87A.140.

Background: Through Ordinance 123714, the City established the Seattle Tourism Improvement Area (STIA) in 2011. Ordinance 123714 provided for the levy of special assessments upon participating hotels within the defined area to for the purpose of promoting leisure tourism in order to increase area hotel occupancies within the business improvement area. The assessment rate established in 2011 through Ordinance 123714 has never been modified.

On January 14<sup>th</sup>, 2022, the STIA Board of Ratepayers voted and approved the decision to pursue an assessment rate change from \$2 to \$4 per occupied room night. The STIA Board of Ratepayers seeks the proposed rate increase to maintain market competitiveness amongst regional destination for leisure tourism.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?      \_\_\_ Yes X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget?      \_\_\_ Yes X No

**4. OTHER IMPLICATIONS**

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**  
None.
- b) **Is there financial cost or other impacts of not implementing the legislation?**  
None. The STIA is established as a revenue-neutral program.
- c) **Does this legislation affect any departments besides the originating department?**

Yes – the Department of Finance and Administrative Services (FAS), which supports the administration of the assessments for the BIAs. OED has worked in close coordination with FAS on this legislation package.

**d) Is a public hearing required for this legislation?**

Yes. This resolution of intention establishes the date and place of the hearing, as required by RCW 35.87A.140.

**e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. This resolution must be published to give notice of the public hearing for the proposed related Council Bill.

**f) Does this legislation affect a piece of property?**

No.

**g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

Prior to the pandemic, tourism was an \$8.1 billion industry in Seattle/King County, creating and supporting over 80,000 jobs and generating \$837.5 million annually in taxes for the State and City. COVID-19 has disproportionately impacted the tourism and hospitality industry, which remains distant from a full recovery to pre-pandemic activity

80% of STIA’s advertising budget has focused on BIPOC, LGBTQ, women-owned businesses, arts and culture or neighborhoods.

**h) Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program’s desired goals.**

The STIA is an existing program.

**List attachments/exhibits below:**



Legislation Text

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**File #:** CF 314441, **Version:** 1

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**Application of Wallace Properties - Park at Northgate, LLC for a contract rezone of a site located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability (MHA) suffix (LR3 (M)) to Midrise with an M1 MHA suffix (MR (M1)) (Project No. 3033517; Type IV).**

**The Rezone Material is provided as an attachment.**

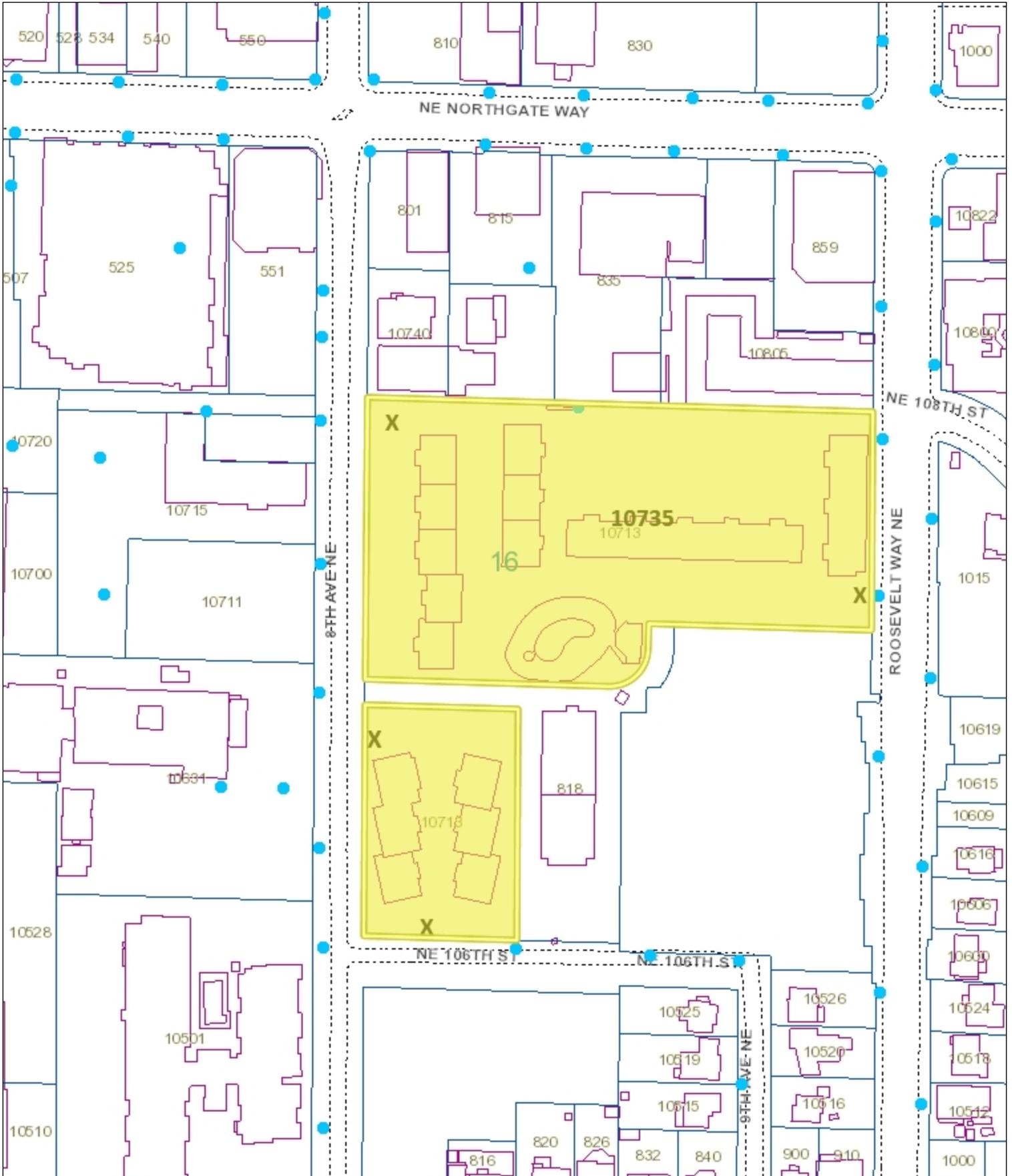


# 3033517-LU

10735 ROOSEVELT WAY NE  
MAP 16



Feet  
0 150



Memorandum

**To:** Nathan Torgelson, SDCI Director  
**From:** Aaron M. Laing  
**Date:** July 29, 2019  
**Subject:** SDCI Record No. 013750-18PA/3033516-EG - Park at Northgate Site-Specific Rezone Request – Rezone Criteria Analysis

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**CAM 228 REZONE APPLICATION SUBMITTAL INFORMATION**

Applicant Wallace Properties – Park at Northgate LLC provides the following information along with the City’s standard forms, SEPA checklist, and related documents in support of its request to for a site-specific rezone:

1. **Project number:** SDCI Record No. 013750-18PA/3033516-EG. A pre-application meeting was held on January 3, 2019. There is no associated Master Use Permit.
2. **Subject property address(es):** The Site is located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617.

3. **Existing zoning classification(s) and proposed change(s):** Per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Site’s existing zoning designation is Lowrise 3 with a fifty foot (50’) height limit and a Mandatory Housing Affordability (MHA) suffix of (M) or LR3(M). The proposed zoning designation for the Site is Midrise with an eighty foot (80’) height limit and MHA suffix of (M1) or MR(M1), per newly-revised SMC Chapter 23.45.

4. **Approximate size of property/area to be rezoned:** The Site is approximately 5.24 acres/ 228,319 square feet.



5. **If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and CAM 103B, Environmentally Critical Area Site Plan Requirements.** N/A. The Site does not contain, nor is it within 25 feet of, an environmentally critical area. Please see Altmann Oliver Associates LLC's March 6, 2019 Wetland and Stream Reconnaissance in Attachment D hereto.

6. **Applicant information:**

a. **Property owner or owner's representative or – Property Owner:** The property owner/Applicant is Wallace Properties – Park at Northgate LLC, and the property owner's representative is Kevin Wallace.

b. **Other? (Explain) – N/A**

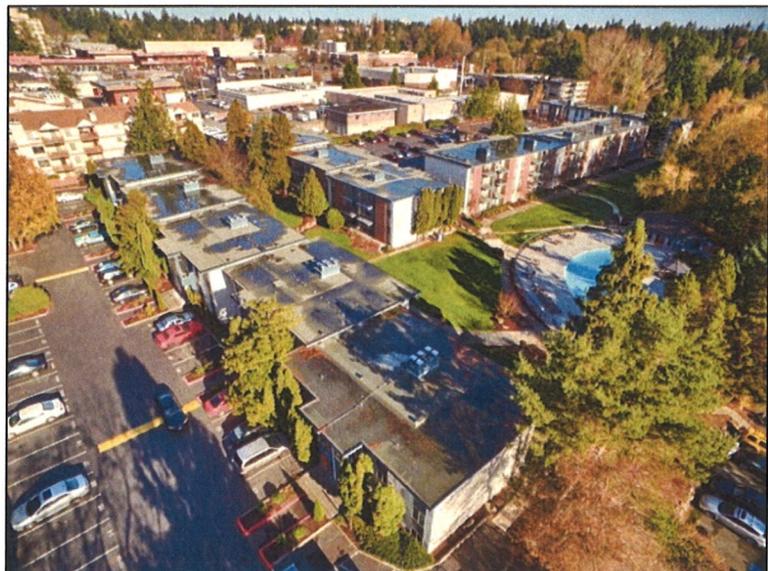
7. **Legal description of property(s) to be rezoned:** The Site's full legal description and depiction are attached hereto as Attachment A, Bush, Roed & Hitchings, Inc.'s July 25, 2019 ALTA Survey of the Site. The Site's short form legal description is as follows:

South ½ of NE ¼ of SW ¼ of SE ¼, Section 29, Township 26 N, Range 4  
E, W. M., situated in King County, WA

8. **Present use(s) of property:** The Site is developed with a series of two-story wood-framed garden-style apartments, surface parking and a swimming pool, comprising a 148-unit apartment complex in six separate structures built in 1967. All units are two-bedroom, one bathroom, market-rate apartments that currently lease at rates affordable between 70% and 90%+ of Area Median Income (AMI). While the Site appears to be comprised of two separate parcels, it is a single parcel for tax purposes.

9. **What structures, if any, will be demolished or removed?** For the rezone, none of the structures identified in item #8 will be removed. Upon redevelopment of the Site, all of the structures and improvements on the Site identified in item #8 will be removed and replaced with new multifamily residential structures and associated parking and amenities. In Section 13 below, Applicant proposes to phase the demolition in order to reduce potential displacement impacts on existing Park at Northgate residents.

10. **What are the planned uses for the property if a rezone is approved?** Applicant seeks both to rezone the Site to MR(M1) and to enter into a Property Use and Development Agreement (PUDA) with a 20-



year term to allow development of multifamily housing, including affordable housing units, and associated parking and amenities. Based on our current analysis, if the Site is rezoned to MR(M1), Applicant may develop up to 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant proposes to: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. Applicant will also provide an east-west pedestrian connection along the Site's northern property line to facilitate access to transit and improve pedestrian connectivity in the neighborhood. Redevelopment will also allow for enhanced water quality for stormwater leaving the Site and discharging to Thornton Creek and its associated wetland complex.

**11. Does a specific development proposal accompany the rezone application? If yes, please provide plans.** No. A general phasing plan along with two massing diagrams prepared by BCRA for the PUDA are included as Attachment B.

**12. Reason for the requested change in zoning classification and/or new use.** While well-maintained, the Site's existing wood-framed units are over 50 years old and nearing the end of their useful life. The City and region have made significant transportation investments in the Northgate Urban Center, and the City has ongoing planning initiatives to leverage such investments and provide more affordable housing and a wider range of housing opportunities in the neighborhood.

On November 9, 2017, the City issued the Mandatory Housing Affordability SEPA Final Environment Impact Statement (MHA FEIS) with a LR3(M) as the Preferred Alternative for the Site. During the MHA SEPA process, Applicant requested that the Site be rezoned to MR(M1) due to the infeasibility of redeveloping the Site under the LR3(M) designation and the opportunity that the MR(M1) designation would provide for the development of a significant number of family-sized affordable units. Please see June 30, 2017 and August 7, 2018 correspondence, Attachment C.

Due to displacement concerns, the Site was rezoned to LR3(M) effective April 19, 2019, per Ordinance No. 125791 / Council Bill 119444. The rezone from LR3 to LR3(M) did not convey enough additional density to offset the cost of the MHA requirements, increasing the FAR from 2.0 to 2.3, a value of \$12.90/land square foot, but imposing an MHA requirement at a

cost of \$30.48/land square foot; as such, redevelopment of the Site is infeasible without this requested rezone to MR(M1). Please see May 17, 2018 correspondence, Attachment C.

Applicant now requests that the Site be rezoned through this process to MR(M1), which will enable Applicant to provide the benefits outlined in Section 13 below. As explained in response to item #10 above, if granted, Applicant's request will allow for an increased density on the Site from 148 market-rate units to approximately 1,100 units, of which 29% will be affordable units per SMC Chapter 23.58C (MHA – 9%) and SMC Chapter 5.73 (MFTE – 20%). If granted, the proposed rezone also provides the opportunity to create an east-west pedestrian connection from Roosevelt Way NE across the Site and allow for enhanced water quality for stormwater leaving the Site and discharging to Thornton Creek and its wetland complex.

**13. Anticipated benefits the proposal will provide:** Anticipated benefits include:

- a. The timely replacement of an aging, low-density apartment complex with a modern, energy efficient, transit-oriented development that will provide up to 1,100 homes, of which 29% will be rent-restricted affordable units in the heart of the Northgate Urban Center. The ~319 rent-restricted units alone will more than double the current rent-restricted unit count on Site under LR(3)(M) zoning.
- b. Support and leverage the City's planning, affordability, and pedestrian goals through additional density and the opportunity for a pedestrian connection from Roosevelt Way NE to 5<sup>th</sup> Avenue NE.
- c. Allow for enhanced stormwater treatment of water leaving the Site and discharging into Thornton Creek and the associated wetland complex south of the Site through compliance with current stormwater regulations.
- d. Meet the City's transportation, land use and housing objectives, including providing transit-oriented affordable housing per the goals established in the City's Seattle 2035 Comprehensive Plan and the goals of the HALA / MHA process.
- e. Under the current LR3(M) zoning, it is not feasible to redevelop the Site as the cost of compliance far exceeds the value of the nominal increase in FAR provided by the rezone from LR3 to LR3(M). See May 17, 2018 correspondence, Attachment C. Even if redevelopment were feasible, the (M) zoning designation means only 5-7% of new homes would be reserved at 60% AMI affordable rents, as opposed to 9% with the requested (M1) zoning suffix. Redevelopment under the LR3(M) zoning would not require any phasing, retention of the family-sized two-bedroom units or other mitigation to reduce displacement impacts. By contrast, the proposed rezone, coupled with the proposed PUDA, will result in development of a significantly greater number of affordable, rent-restricted, family-sized units and mitigate displacement impacts.
- f. Applicant proposes to provide the 9% MHA units on-site, as opposed to paying the fee in lieu available under SMC Chapter 23.58C.

- g. Applicant proposes to provide 20% of the units at affordable rates pursuant to the (MFTE) incentive, as it currently exists in SMC Chapter 5.73.
- h. Applicant proposes to provide at least 148 two-bedroom family-sized units in the redevelopment, which is would replace the existing units at a minimum ratio of 1:1.
- i. To minimize impacts on existing residents of the Site, Applicant will agree to phase the redevelopment such that no more than two of the existing six buildings will be demolished within nine months of the others.

Applicant is willing to commit to provide the benefits listed in (f), (g), (h) and (i) above through execution of a PUDA with a 20-year term.

- 14. Summary of potential negative impacts of the proposal on the surrounding area:** None. *See* analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below, for additional detail. Please also refer to the July 26, 2019 SEPA checklist submitted with this application and the studies referenced therein.
- 15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).** Property Use and Development Agreement (PUDA) to allow conditional phased redevelopment of Site over a period of twenty (20) years.
- 16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.** *See* detailed analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below and supporting attachments.
- 17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans coversheet. See Attachment A.**

**BACKGROUND INFORMATION**

**Summary of Request**

The Land Use Code, Section SMC 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. This proposal includes a rezoning of the Site from LR3(M) with a fifty-foot (50’) height limit and MHA suffix (M) or LR3(M)<sup>1</sup> to MR with an eighty-foot (80’) height limit and MHA suffix (M1) or MR(M1)) along with a Property Use and Development Agreement with a 20-year term that will require phased redevelopment, onsite performance / provision of affordable units, 1:1 replacement of the Site’s existing 148 two-bedroom units, provision of an east-west pedestrian connection along the Site’s northern property line and enhanced stormwater treatment to Thornton Creek and its associated wetland complex.

The Seattle 2035 Comprehensive Plan seeks to add 3,000 housing units to the Northgate Urban Center by 2035. Consistent with the applicable goals and policies of the Seattle 2035 Comprehensive Plan Land Use, Housing and Transportation elements and the Seattle 2035 Northgate Neighborhood Plan, the zoning designation change (*i.e.*, LR3(M) to MR(M1)) will allow for a significant increase in density on the Site, which is within both the City’s adopted Frequent Transit Service Area and within the 10-minute walkshed for the Northgate Transit Center and soon-to-open (2021) light rail station. The increased density will allow phased replacement of market-rate units affordable at the 70%-90%+ AMI level with a wide-range of affordable housing options on the Site, and the significant increase in residential density will support the growing mix of businesses and services in the Northgate Urban Center. Through the PUDA, redevelopment will allow for the provision of an east-west pedestrian connection from Roosevelt Way NE to 5<sup>th</sup> Avenue NE.

**Site and Vicinity Description**

The Site is located at 10713 Roosevelt Way NE, on the east edge of the Northgate Urban Center. The Site fronts on the east side of 8th Avenue NE midblock between NE Northgate Way and NE 106th Street NE, and it also fronts upon and has access to Roosevelt Way NE. Presently, it is zoned LR3(M). The Site is located within the ½-mile ten-minute walkshed of the Northgate Transit Center and soon-to-open Northgate Link Light Rail station. See Park at Northgate Transit Radius, Attachment E. The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City’s adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and

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<sup>1</sup> As shown in Tables A and B for newly-revised SMC 23.45.514, Structure height, the base height for, respectively, LR3-zoned properties in Urban Centers is 50’, and the base height for MR-zoned properties is 80’, provided that the property has an MHA suffix.

<http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>.

As shown in Attachment H, Site Elevation Cross Section, the Site is essentially flat, sits in a bowl and slopes from west to east and north to south. From north to south, there is an approximately 30' change in elevation across the Site, and the northernmost part of the Site sits 20' to 30' lower than NE Northgate Way. The southernmost portion of the Site along NE 106<sup>th</sup> Street sits at essentially the same elevation as the Thornton Creek wetland complex, and the topography rises steeply south of the creek moving up a hill toward the Maple Leaf neighborhood. The closed single-family neighborhoods to the south are along NE 105<sup>th</sup> Street, which is at an elevation approximately 40' higher than the lowest portion of the Site and in the same elevation as the northernmost portion of the Site. In sum, due to the topography, the Site sits significantly lower than the properties to the north along NE Northgate Way as well as properties to the south. There are no Environmentally Critical Areas on the Site, and the Site is not located within the shoreline environment.

Open space in the area includes a City Park (Hubbard Homestead Park) located between 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE a few blocks northeast of the Site. Other open space includes Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools are located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. In addition to transit service, the Site is also well-served by the City's growing network of bicycle pathways. *See Attachment E.*

NE Northgate Way is a principal arterial, 5th Avenue NE is a minor arterial, Roosevelt Way NE is a minor arterial and 8th Avenue NE is a non-arterial access street. (*See* SDOT Street Classification Map). Parking in the area is a combination of structured parking, surface parking, and limited on-street parking.

Other uses and developments in the area include Northgate Mall, one- to seven-story commercial development and parking garages, one- to eight-story residential and mixed-use structures, and offices. Existing development represents a wide range of ages and styles of construction. Two blocks north of the Site along 8th Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are several three-to-four story apartment complexes with surface parking lots.

As shown in **Figure 1** below and Attachment G, the adjacent, abutting properties to the north are zoned NC2-55(M) and NC3-55(M); properties to the west along 8<sup>th</sup> Avenue NE are zoned NC3-95(M), NC3(75(M) and NC3-55(M), and abutting properties to the south are zoned LR3(M). The

closest single-family zoning (SF 7200) is located to the southeast along Roosevelt Way NE. The single-family neighborhoods directly south of the Site along NE 8<sup>th</sup> Avenue are more than a block away and are physically separated by both public rights-of-way and the Thornton Creek Beaver Pond wetland complex.

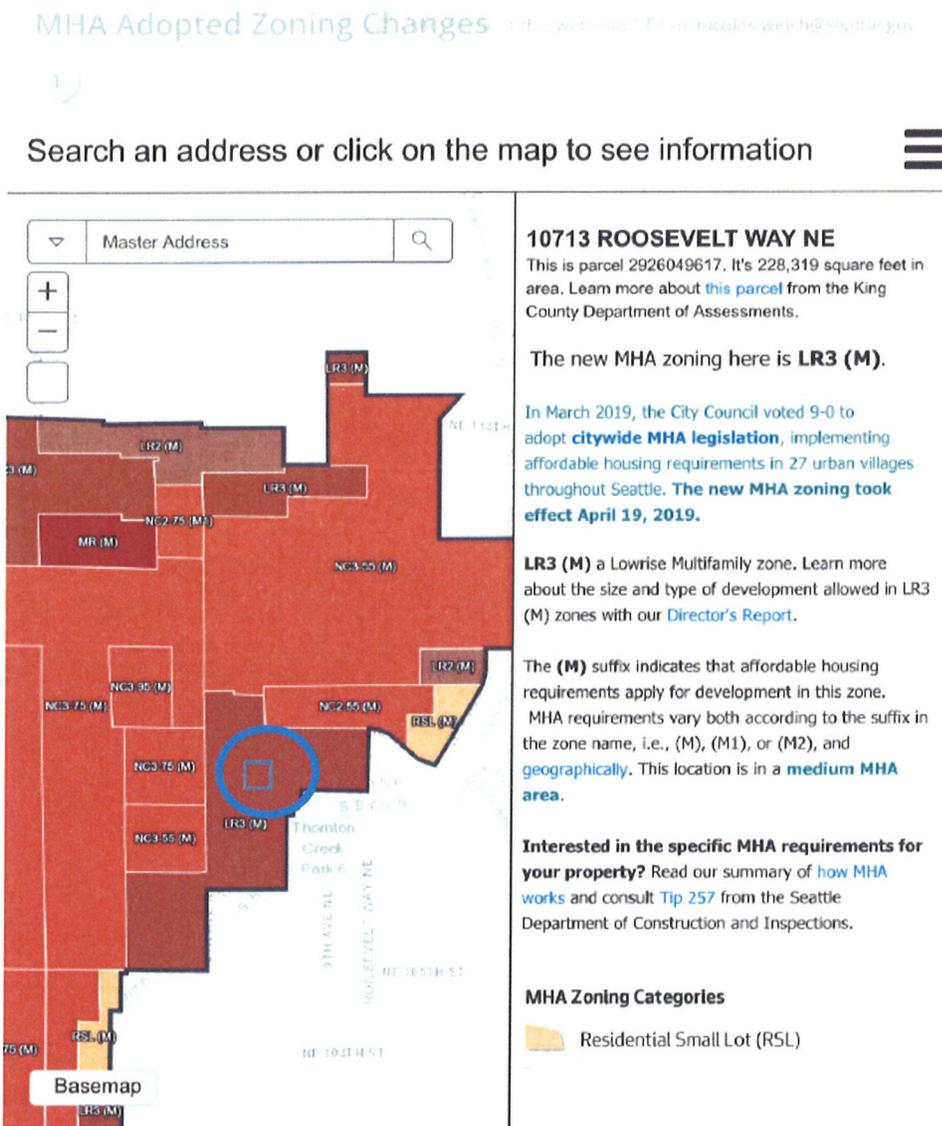


Figure 1 MHA Zoning (Effective April 19, 2019)

As shown in Figure 1 above and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)). Most of those areas sit higher than the Site due to topography. *See Site Elevation Cross Section, Attachment H.*

The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). Per Table A of SMC 23.45.510 and Table A of SMC 23.47A.013 of the newly-adopted MHA Ordinance, the allowable FAR for MR-zoned sites with an MHA suffix is 4.5, and the allowable FAR for NC-zoned sites with heights from 55' to 95' ranges from 3.75 to 6.25. The allowable density on the Site under MR zoning would be consistent with the density allowed on other adjacent and nearby parcels.

Also, along 8<sup>th</sup> Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the MR zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the MR zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to similar heights and densities as the Prism.

These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level as the heights and allowable FAR are comparable both as-zoned and as-developed.

### **Permitted Use and Zoning History**

Currently, the Site is developed with a 148 unit garden-style apartment complex. The units are market-rate and rent at the 70%-90%+ AMI affordability level. This low-density complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. The floor-area ratio (FAR) of the existing buildings is 0.66 (about 28 units per acre); current zoning allows an FAR of 2.3, per Table A of SMC 23.45.510. To say the least, the Site is underutilized from a housing standpoint. Much of the Site is covered with impervious parking lots and stormwater runoff to Thornton Creek and its associated wetland is untreated.

In December, 2009 the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative, the Site was recommended for one increase in zoning height/intensity—that is, from LR3 to LR4. In 2010, the City eliminated the LR4 zoning designation. Under the City's current zoning designations, the next increment from LR3 is MR.

During the ten-year period between completion of the 2009 FEIS and adoption of the MHA Ordinance in March 2019, the City only increased density in the Northgate Urban Center via three contract rezones. The Mullaly family received a contract rezone for their site on NE 1<sup>st</sup> Street/NE Northgate Way along I-5, going from MR to NC3-85. Two Wallace Properties affiliates obtained contract rezones, nominally increasing the height and density on land a block northwest (525 NE Northgate Way) and directly west of the Site (10711 8<sup>th</sup> Avenue NE). Both of those sites have now been rezoned to higher heights and densities.

### Consistency with Seattle 2035 Comprehensive Plan

Under the recently adopted MHA Ordinance, the Site was rezoned from LR3 with a 40' height limit to LR3(M) with a 50' height limit. This would allow one more level of residential units with 5-7% of homes reserved at affordable rents for low-income people. By contrast, this request to rezone the Site to MR(M1) combined with a PUDA would allow for the phased redevelopment of the Site over a period of twenty years to provide significantly more affordable units and ensure one-for-one replacement of the existing market-rate 148 two bedroom family-sized units. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request.

In November 2016, the City adopted its new Seattle 2035 Comprehensive Plan. As detailed in the Citywide Planning element, the heart of the City's growth strategy are the City's urban villages. Simply put, "The urban village strategy is Seattle's growth strategy." See Seattle 2035 Urban Village discussion at 22-26. The goal of the Seattle 2035 growth strategy is succinct:

***GS G1** Keep Seattle as a city of unique, vibrant, and livable urban neighborhoods, with concentrations of development where all residents can have access to employment, transit, and retail services that can meet their daily needs.*

From a zoning standpoint, Goal GS G1 is to be achieved through the following policies:

#### **POLICIES**

***GS 1.1** Designate places as urban centers, urban villages, or manufacturing/industrial centers based on the functions they can perform and the densities they can support.*

***GS 1.2** Encourage investments and activities in urban centers and urban villages that will enable those areas to flourish as compact **mixed-use** neighborhoods designed to accommodate the majority of the city's new jobs and housing.*

...

***GS 1.5** Encourage **infill development** in underused sites, particularly in urban centers and villages.*

***GS 1.6** Plan for development in urban centers and urban villages in ways that will provide all Seattle households, particularly marginalized populations, with better access to services, transit, and educational and employment opportunities.*

**GS 1.7** Promote levels of density, mixed-uses, and transit improvements in urban centers and villages that will support walking, biking, and use of public transportation.

**GS 1.8** Use zoning and other planning tools to shape the amount and pace of growth in ways that will limit displacement of marginalized populations, and that will accommodate and preserve community services, and culturally relevant institutions and businesses.

....

**GS 1.13** Provide opportunities for marginalized populations to live and work in urban centers and urban villages throughout the city by allowing a variety of housing types and affordable rent levels in these places.

(Bold text in original; underlining added.) By rezoning the Site to MR(M1) and entering into the proposed PUDA, each of these strategies is brought to fruition: more and a broader range of affordable housing will be provided in the Northgate Urban Center near jobs, businesses and transit, and displacement impacts will be minimized through phasing and retention of family-sized units on Site.

The second and related goal of the Seattle 2035 growth strategy is also succinct:

**GS G2** *Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers.*

To accomplish this goal, the Seattle 2035 plan sets forth the following policies relevant to this proposed rezone:

**GS 2.1** *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

**GS 2.2** *Base twenty-year growth estimates for each urban center and manufacturing/ industrial center on the following criteria:*

- *Citywide targets for housing and job growth adopted in the Countywide Planning Policies*
- *The role of the center in regional growth management planning*
- *The most recently adopted subarea plan for the center*
- *Level of transit service*

- *Existing zoning capacity for additional commercial and residential development existing densities*
- *Current development conditions, recent development trends, and plans for private or public development, such as by major institutions*
- *Plans for infrastructure, public amenities, and services that could attract or support additional growth*
- *Access to employment for, and potential displacement of, marginalized populations*

....

**GS 2.6** *Work with communities where growth is slower than anticipated to identify barriers to growth and strategies to overcome those barriers.*

(Bold text in original; underlining added.)

With specific regard to the City's Multifamily Residential Areas, the Seattle 2035 Land Use Element provides the following self-evident goals and policies that support this request to rezone the Site from LR(3)(M) to MR(M1):

### **GOAL**

**LU G8** *Allow a variety of housing types and densities that is suitable for a broad array of households and income levels, and that promotes walking and transit use near employment concentrations, residential services, and amenities.*

### **POLICIES**

**LU 8.1** *Designate as multifamily residential areas those places that either are predominantly occupied by multifamily development or are within urban centers or urban villages.*

...

**LU 8.3** *Provide housing for Seattleites at all income levels in development that is compatible with the desired neighborhood character and that contributes to high quality, livable urban neighborhoods.*

**LU 8.4** *Establish evaluation criteria for rezoning land to multifamily designations that support the urban village strategy, create desirable multifamily residential neighborhoods, maintain compatible scale, respect views, enhance the streetscape and pedestrian environment, and achieve an efficient use of the land without major impact on the natural environment.*

....

**LU 8.6**      *Establish multifamily residential use as the predominant use in multifamily areas and limit the number and type of nonresidential uses to preserve the residential character of these areas, protect these areas from negative impacts of incompatible uses, and maintain development opportunities for residential use.*

...

**LU 8.11**      *Use midrise multifamily zones to provide greater concentrations of housing in urban villages and urban centers.*

(Bold text in original; underlining added.) The Site is already designated and zoned for multifamily use, but the allowed density under LR3(M) zoning is not consistent with the City's vision for placing the highest levels of density in Urban Villages and Urban Centers, particularly in areas like the Site that are well-served by transit and have significant employment and service opportunities nearby.

The Seattle 2035 Comprehensive Plan's Housing element is focused, in part, on growth and equity. The Housing element was developed and adopted, following a process that began in 2013 with the review of the City's affordable housing incentive programs. In 2014, the City Council and Mayor jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee. In 2015, the Mayor and Council approved the Seattle Housing Affordability and Livability Agenda (HALA). The HALA contains sixty-five recommendations for how Seattle can create more affordable housing, including steps for-profit and nonprofit housing developers to build and preserve affordable housing. Seattle 2035's overarching housing goals provide:

**H G2**      *Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.*

**H G3**      *Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.*

(Underlining added.) To achieve this goal, the City adopted several dozen policies, of which several speak to rezoning underutilized properties like the Site to encourage redevelopment:

**H 2.4**      *Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.*

...

***H 3.3** Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.*

...

***H 5.16** Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.*

(Bold text in original; underlining added.)

With regard to the emphasis on housing affordability, the Housing Element provides the following relevant goals and policies that support rezoning the Site from LR3(M) to MR(M1):

**GOAL**

***H G5** Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.*

**POLICIES**

***H 5.3** Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.*

...

***H 5.6** Increase housing choice and opportunity for extremely low- and very low-income households in part by funding rent/income-restricted housing throughout Seattle, especially in areas where there is a high risk of displacement. Also increase housing choice in areas where lower-cost housing is less available but where there is high frequency transit service and other amenities, even if greater subsidies may be needed.*

***H 5.7** Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.*

(Underlining added.) Again, the Site is on the City's adopted Frequent Transit Service Area map, is adjacent to a transit stop on Roosevelt Way NE and within the ten-minute walkshed of the Northgate Transit Center and future light rail station. See Attachment E. By significantly increasing the density while requiring on-site performance of MHA affordability requirements, the

Site will provide more than twice as many rent-restricted affordable units (over 300 such units) than the existing 148 market-rate units, which are affordable at the 70%-90%+ AMI level.

Finally, with regard to the Seattle 2035 Plan's Natural Environment and Urban Design – Built Environment goals and policies, the following policies are relevant for the proposed conditions of the PUDA requested as part of this rezone:

**GS 3.3**      *Encourage design that recognizes natural systems and integrates ecological functions such as stormwater filtration or retention with other infrastructure and development projects.*

**GS 3.4**      *Respect topography, water, and natural systems when siting tall buildings.*

....

**GS 3.11**      *Use zoning tools and natural features to ease the transitions from the building intensities of urban villages and commercial arterials to lower-density developments of surrounding areas.*

...

**GS 3.14**      *Design urban villages to be walkable, using approaches such as clear street grids, pedestrian connections between major activity centers, incorporation of public open spaces, and commercial buildings with retail and active uses that flank the sidewalk.*

(Bold text in original; underlining added.) By requiring the east-west pedestrian connection across the Site, the rezone and PUDA will better meet the goals and policies above that development under the existing LR3(M) zoning. By allowing for redevelopment under the City's current stormwater code, the quality of stormwater discharged to Thornton Creek and its wetland complex will be significantly improved. Also, the Site's topography lends itself to higher buildings as it sits in a bowl, relative to surrounding properties.

### **Consistency with Seattle 2035 Northgate Neighborhood Plan**

The Site is within the core of the Northgate Urban Center, per the Seattle 2035 Future Land Use Map. As described in the Seattle 2035 Land Use Element, the Northgate Urban Center is planned for increased intensity of development, including increased residential density. The Seattle 2035 Northgate Neighborhood Plan provides the following goals and policies that speak to and support increased density on the Site through the proposed rezone to MR(M1):

**NG-P2**      *Use land use regulation to cause new development to locate close to transit stops and provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

...

***NG-P6*** *Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.*

...

***NG-P8.5*** *Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

#### **TRANSPORTATION GOALS**

***NG-G6*** *An economically viable commercial core with improved alternative means of access, good vehicular and pedestrian circulation, and an enhanced, interesting environment that attracts customers, visitors, and employers.*

***NG-G7*** *Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.*

....

#### **TRANSPORTATION POLICIES**

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

....

#### **DRAINAGE POLICY**

***NG-P16*** *Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.*

(Bold text in original; underlining added.)

Of further note, the Transportation Element of the Seattle 2035 Plan identifies high priority pedestrian investments in the Northgate Urban Center as part of the strategy to implement the following policies:

***T 3.10*** *Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.*

***T 3.11*** *Develop and maintain bicycle and pedestrian facilities, including public stairways, that enhance the predictability and safety of all users of the street and that connect to a wide range of key destinations throughout the city.*

(Bold text in original; underlining added.) By providing the east-west pedestrian connection across the Site as a condition of the PUDA, the rezone will further these policies.

#### **SMC CHAPTER 23.76 CRITERIA & ANALYSIS OF REZONE FROM LR3(M) TO MR(M1).**

Pursuant to SMC 23.76.036.A.1. and SMC 23.76.058.C., this is a request for a quasi-judicial Type IV City Council land use decision to for a site-specific rezone from LR3(M) to MR(M1) and a related request to enter into a Property Use & Development Agreement. As required by SMC 23.76.040, Applicant is the holder of record of fee title to the subject property and authorizes the undersigned and BCRA to pursue this application on its behalf. Applicant submits this memorandum to address the substantive criteria set forth in those provisions and respectfully requests that the City Council approve this request.

Per SMC 23.34.004, Contract rezones, the City Council may approve of rezone subject to the execution, delivery and recording of a PUDA with “self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone” and “self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property.” Applicant’s proposed PUDA will further mitigate any potential housing displacement impacts by ensuring phased development and 1:1 replacement of the Site’s existing 148 two-bedroom, one bathroom family-sized units.

Per SMC 23.34.007, and as detailed below, Applicant’s request is not a request to correct a mapping error; it is a request for a site-specific rezone and to enter into a PUDA. The request is consistent with the MR zone function statement and the Comprehensive Plan. The Site is not within the shoreline jurisdiction and does not contain any critical areas.

SMC 23.34.007.A. provides in part that “In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.” SMC 23.34.007.B. further states that “No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision

indicates the intent to constitute a requirement or sole criterion.” Applicant’s request meets all of the substantive criteria for approving the requested rezone, subject to the proposed PUDA.

With regard to the substantive criteria applicable to this request, Applicant provides the following analysis of the criteria in SMC 23.76.008, SMC 23.76.009, SMC 23.76.024. For clarity, the provisions of the code appear in bold italicized text, and the responses appear in regular text below.

***SMC 23.34.008 - General rezoning criteria<sup>2</sup>***

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

***1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than 125 percent of the growth estimates adopted in the Comprehensive Plan for that center or village.***

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map. Per Urban Village Figure 8 of the Urban Village Element of the Comprehensive Plan (amended in 2015). The proposed rezoning to MR(M1) will allow for an increase in density (not a reduction) and will not result in the zoned capacity of the Northgate Urban Center falling below 125% of growth estimates. To the contrary, it will better help ensure the City meet its growth targets. This criterion is met.

***2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.***

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map, and the proposed rezoning from LR(3)(M) to MR(M1) will significantly increase allowable density on the Site and will not result in a decrease of zoned capacity, taken as a whole. Please see response to section SMC 23.34.008.A.1. above. This criterion is met.

***B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.***

Presently the site is zoned LR3(M). As detailed below, the proposed rezoning to MR(M1) meets both the function and locational criteria of the MR zone. Please refer to the discussion below under SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria. This criterion is met.

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

Although the City commenced and studied a comprehensive upzone for all of the Northgate Urban Center in the mid-2000s (culminating in the publication of a Final Environmental Impact

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<sup>2</sup> Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Statement in 2009), the Council never acted on the proposed rezone. The zoning on the Site and in many nearby areas remained unchanged until March 19, 2019, when the Council enacted Ordinance No. 125791 / Council Bill 119444, the Mandatory Housing Affordability Ordinance, which became effective on April 19, 2019. During the roughly decade from the publication of the 2009 Northgate rezone FEIS and the adoption of the MHA ordinance, two properties within two blocks of the Site (the 525 Northgate and Prism properties) were rezoned in accordance with the 2009 FEIS to allow increased height and density. These two site-specific rezones were accompanied by PUDAs, and each of these rezones increased height and density on the subject properties. With the adoption of the MHA Ordinance, all nearby properties have seen an increase in height and allowable density.

***D. Neighborhood Plans.***

***1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.***

There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan. The Site is within the Northgate Core. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

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

The Site is within the core of the Northgate Urban Center. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

As detailed above in the section titled “Consistency with Northgate Neighborhood Plan,” the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

***3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.***

The Site is within the core of the Northgate Urban Center. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for “the most intense and dense development activity [to be] concentrated within the core.” The Site meets this criterion.

As detailed above in the section titled “Consistency with Northgate Neighborhood Plan,” the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

***4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.***

See response to subsections 1-3 above. To the extent this criterion is applicable, this criterion is met.

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

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

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. See Attachment E. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. There are significant and growing employment opportunities within a few blocks of the Site both west and north.

Along 8<sup>th</sup> Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)).

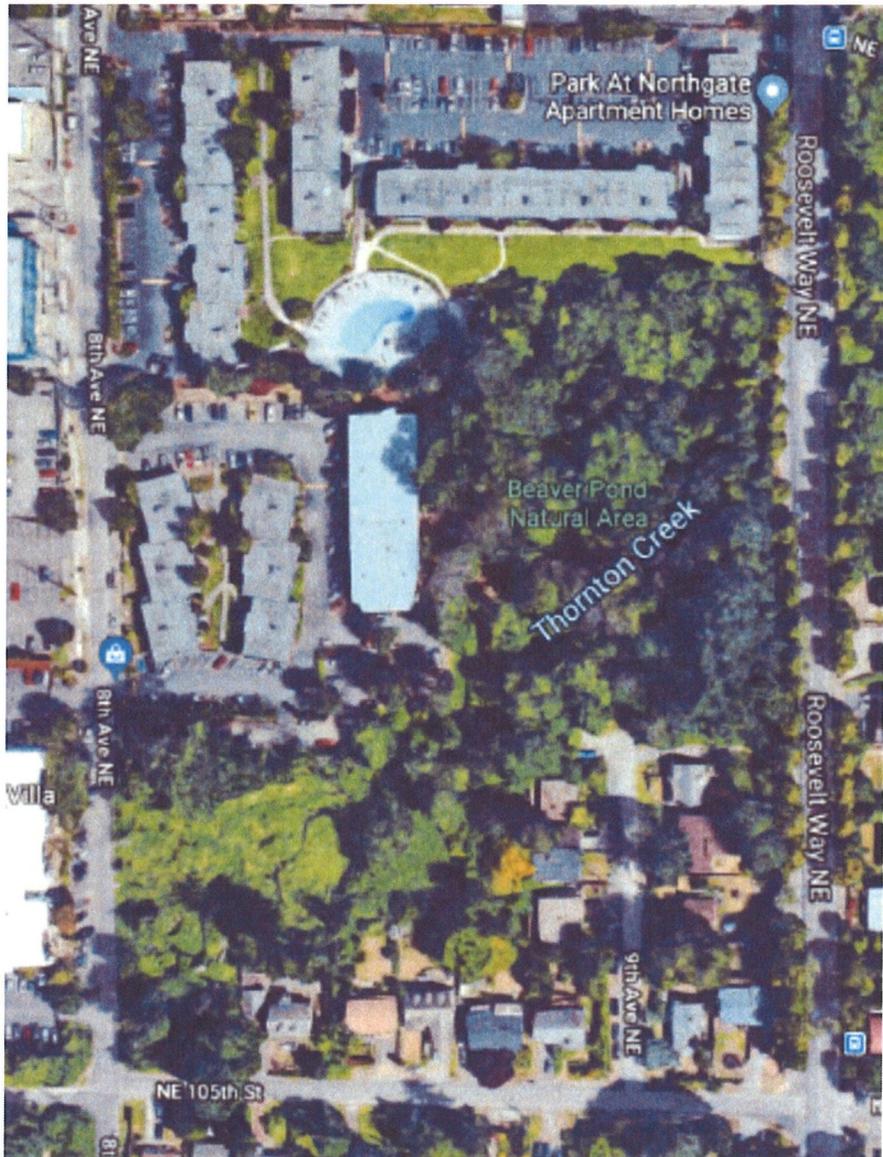
The neighborhoods a few blocks south of the Site (south of NE 105<sup>th</sup> Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. In addition, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. See Attachment K, July 21, 2019 photographs of tree canopy from south of Site along 105<sup>th</sup> Street NE.

The Site itself has a moderate slope from north to south of about 5%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106<sup>th</sup> Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. This criterion is met.

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

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

Topographically, the Site sits in a depression, below the private properties to the north, south and west. The Site slopes from north to south and from west to east, so properties north and west of the Site sit higher. Please refer to Attachments A and H. To the south of the Site just south of NE 106<sup>th</sup> Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. See Attachment K.



The Thornton Creek ravine continues on the east side of Roosevelt Way NE to the southeast of the Site and provides an additional natural buffer. This criterion is met.

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

As shown above, the Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion is met.

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

The Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion may not be applicable, but to the extent that it is applicable it is met.

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

As noted and shown above, to the south of the Site just south of NE 106<sup>th</sup> Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. See above and Attachment K. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. This criterion is met.

***3. Zone Boundaries.***

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

***(1) Physical buffers as described in subsection 23.34.008.E.2; and***

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

***b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.***

The proposed rezone to MR(M1) will ensure that residential development, as now exists on the Site, will continue and will be adjacent to and facing other existing residential uses. As shown in **Figure 1** and Attachments E and G, the Site is located in an increasingly dense area within the core of the Northgate Urban Center and the Northgate Transit Station's ten-minute walkshed. Within a two-block area of the Site, many parcels have been recently developed to heights and residential densities similar to those permitted by the Midrise zone. For example, the Prism multifamily project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). This criterion is met.

***4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.***

The Site is in the core of the Northgate Urban Center in the Seattle 2035 Comprehensive Plan. This criterion is met.

***F. Impact evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.***

***1. Factors to be examined include, but are not limited to, the following:***

***a. Housing, particularly low-income housing;***

The proposed rezone to MR(M1) and PUDA will allow Applicant to develop approximately 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant will: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom, one bathroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. By contrast, redevelopment of the Site under the LR3(M) zoning would result in far fewer affordable units, no phasing and potentially little or no onsite performance. This criterion is met.

***b. Public services;***

The Site is well-served by public services, and the rezone will not result in an unplanned or unanticipated burden on or impact to public services. See Attachments E, F and J. Fire Station 31 is located at 1319 N Northgate Way a little over a mile west of the site, and the City's North Precinct station is about a mile west of the Site near North Seattle Community College. The Northgate library branch is located just south and east of the Site, and there are athletic fields, trails, schools and playgrounds within a few blocks of the Site in all directions. The Site is well-served by transit, and the street network is sufficient current and planned growth in the neighborhood. This criterion is met.

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

With specific regard to environmental factors, please refer both the June 28, 2019 SEPA checklist and associated reports submitted with this application as well as the following analysis, which that the proposed rezone from LR3(M) to MR(M1) will not result in any significant adverse environmental impacts:

*Noise* – No significant impacts are anticipated from the proposed increase in density and height that would result from the rezone. The resulting height increase will simply allow for more planned and desired residential density, including affordable units, in the Northgate Urban Center. As with any site in the Northgate Urban Center, noise from the anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Development as the result of a proposed rezone is unlikely to create significant additional noise in this area.

*Air quality* – No noticeable change in impacts will result from a change in zoning to allow additional building height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. Sustainable measures related to air quality include CFC reduction in HVAC equipment, ozone depletion prevention, and Indoor Environmental Quality measures. Increasing residential density in the Northgate Urban Center, which is well-served by transit center and amenities, should decrease the number and length of vehicle trips and thereby reduce impacts on air quality associated with motorized trips.

*Water quality* – No noticeable change in impacts will result from a change in zoning. When future redevelopment occurs, storm water runoff from the associated project will be conveyed to a City drainage system via a stormwater detention system designed in compliance with the City stormwater code. Presently, such water is discharged from the Site untreated to Thornton Creek and its associated wetland complex south of the Site. Sustainable design related to water quality will also be attained through compliance with the City green factor requirements and through compliance with other elements of the City codes. The proposed rezone will allow for redevelopment to occur that, in turn, will allow for significant improvements in water quality.

*Flora and fauna* – Redevelopment of the Site under the proposed rezone will not impact existing landscaping and trees in any manner different than redevelopment under the existing zoning designation. Any redevelopment will require a landscaping plan and compliance with the City's regulations. No noticeable change in impacts will result from the proposed height change. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC Chapter 23.45 and any exceptional trees proposed for removal would need to go through the process described in SMC Chapter 25.11.

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

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

*Shadows* – Please refer to the attached solar (shadow) studies. See Attachment I. While the additional height may create some additional shadows on existing sites to the north, depending on season, weather and time of day, the additional shadow impacts will be imperceptible and essentially the same as those associated with the existing LR3(M). Also, future redevelopment of the Site would be subject to design review, which would include consideration of shadow impacts.

*Energy* – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

*Views* – There are no territorial views, and existing developments to the north and west sit higher than the Site, as do the neighborhoods to the south of the Site south of Thornton Creek.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no significant adverse environmental impacts. This criterion is met.

***d. Pedestrian safety;***

Future development of the Site will be required to complete any required street improvements such as sidewalks and sight lines for driveways subject to Design Review, which includes review of the pedestrian environment. Future development may also require submittal of specific traffic impact information, including consideration of how driveway placement may impact pedestrian traffic on sidewalks and at crosswalks. Pedestrian safety is also regulated by requirements in SMC Chapter 23.53 (Streets and Alleys) and the Street Improvement Manual.

Also, future redevelopment will be conditioned per the proposed PUDA to provide an east-west pedestrian connection across the Site's northern boundary, which will improve pedestrian access in the area and improve pedestrian safety.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no demonstrable adverse impacts to pedestrian safety. This criterion is met.

***e. Manufacturing activity;***

The Site is not zoned or proposed to be rezoned to allow for manufacturing activity. This criterion is met.

***f. Employment activity;***

The Site is not zoned or proposed to be rezoned for commercial (employment) activity. The increased density will, however, support commercial uses and employment in the Northgate Urban Center. This criterion is met.

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

The proposed rezone will not adversely impact any recognized architectural or historical character. This criterion is met.

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

The Site is not located within any shoreline view, public access or recreation area. This criterion is met.

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

***a. Street access to the area;***

The Site has adequate street access, and the proposed rezone for additional density and height will not impact local street access. Please see the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. This criterion is met.

***b. Street capacity in the area;***

The area surrounding the Site has adequate street capacity, and the proposed rezone for additional density and height will not exceed the service capacity of the local street network. Please see the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. This criterion is met.

***c. Transit service;***

The Site is well-served by transit (*i.e.*, is within the 1/2-mile walkshed from the Northgate Transit Center and is within the City's adopted Frequent Transit Service area), and the proposed rezone for additional density and height will not exceed the transit service capacity for the area. Please see Attachment E and the attached transportation impact analysis dated June 28, 2019 prepared by TENW. See Attachment F. The proposed rezone will leverage the City's existing and planned transit investments in the Northgate Urban Center. This criterion is met.

***d. Parking capacity;***

The proposed rezone to MR(M1) will allow for additional density and height and will not create a parking deficiency. Any redevelopment of the Site will require compliance with the City's adopted parking standards. This criterion is met.

***e. Utility and sewer capacity;***

The Site has adequate utility and sewer capacity, and the proposed rezone for additional density and height will not exceed the utility and sewer service capacity of the area. See Attachment J. This criterion is met.

***f. Shoreline navigation.***

The Site is not located within or near any shoreline navigation areas. This criterion is met.

***G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.***

Housing affordability is now a key, if not *the* key, issue facing the City. The City adopted the Seattle 2035 Comprehensive Plan (detailed above) and the Mandatory Housing Affordability Ordinance, effective April 19, 2019, to address this issue through a variety of tools, including rezoning properties throughout the Northgate Urban Center to higher heights to allow for additional density and affordable housing.

Since the adoption of the city-wide MHA rezone, the area has seen significant increase in density and height with the completion of the Prism and Lane projects adjacent to and west of the Site. The ongoing Northgate Mall redevelopment and NHL hockey training facility are other significant changes of circumstances. And prior to the redevelopment of the Site, light rail will open in 2021 and provide a 15-minute ride to Westlake Center station, with trains running every 4-6 minutes (<https://www.soundtransit.org/system-expansion/northgate-link-extension>).

Implementation of the Seattle 2035 Plan will require additional residential density and affordable housing. The proposed rezone from LR3(M) to MR(M1) coupled with the conditions in the proposed PUDA will allow for the provision of increased density, affordable housing and a broader range of viable affordable residential development on the Site consistent with and in furtherance of the City's vision for 2035. The current LR(3)(M) zoning is inadequate to even allow for redevelopment, and even were it feasible to develop under such zoning, such redevelopment would result in far fewer affordable units, no phasing and potentially little or no onsite performance. See Attachment C. This criterion is met.

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

The Site is within the Northgate Overlay district, which was recently amended through the adoption of Ordinance No. 125792 / Council Bill 119445 effective April 19, 2019. The amendment did not impact the Site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District. To the extent it is applicable, this criterion is met.

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

There are no critical areas on or adjacent to the Site. See Attachment D. This criterion is met.

#### ***SMC 23.34.009 - Height limits of the proposed rezone***

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

***A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted***

***goods and services and the potential for displacement of preferred uses shall be considered.***

As noted above, the two primary aspects of this request are to increase the allowed density and height, with permitted height going from 50' to 80'. The proposed height is consistent with existing zoning and existing development patterns within two blocks of the Site within the Northgate Urban Center core areas. As detailed below, the request meets the requirements of SMC 23.34.009 to allow for an increase in height.

***B. Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.***

The Site has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106<sup>th</sup> Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

***C. Height and scale of the area***

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

As shown in **Figure 1** above and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The parcel directly west of the Site along 8<sup>th</sup> Avenue NE is zoned NC3-75(M) and sits higher than the Site. The Site meets this criterion.

***2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.***

The predominant height limits within two blocks of the Site are in the 55' to 70' range. To the northwest of Site, there are two relatively new six-story mixed-use developments, 507 Northgate at 65' and 525 Northgate at 70', and directly across 8<sup>th</sup> Avenue NE are the just-opened 65' Prism multifamily development and the brand new 65' Lane multifamily development. Two blocks north of the Site along 8<sup>th</sup> Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are

several three-to-four story apartment complexes with surface parking lots. The Site's proposed 80' height limit is compatible with the height and scale of the predominant 55' to 70' heights of existing buildings surrounding the Site, particularly in light of the fact that the Site sits lower than all adjacent properties. The Site meets this criterion.

***D. Compatibility with surrounding area***

***1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.***

There are no buildings developed as Major Institutions in the area of the Site. As detailed above, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The Site meets this criterion.

***2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection SMC 23.34.008.E.2, are present.***

As detailed above, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)), and most of those areas sit higher than the Site due to topography. The predominant heights of actual development within two blocks of the Site are in the 55' to 70' range. These existing heights and existing developments are close to and in many distinguishable from the allowed height and scale of development under the MR(M1) zoning designation. Further, the Site sits in a bowl of sorts, so existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

***E. Neighborhood plans***

***1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.***

There are no height recommendations for the Site set forth in an adopted business district plan or the Seattle 2035 Northgate Neighborhood Plan. The Site is within the Northgate Core. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." The Site meets this criterion.

***2. Neighborhood plans adopted or amended by the City Council after January 1, 1995, may require height limits different than those that would otherwise be established pursuant to the provisions of this Section SMC 23.34.009 and Section SMC 23.34.008.***

See response to previous criterion.

***SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria<sup>3</sup>***

***A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.***

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad and growing range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. There are significant employment opportunities within a few blocks of the Site both west and north, and the soon-to-open NHL practice facility and significant addition of office and retail space at Northgate Mall will bring more job, services and amenities to the neighborhood. The Site meets the function criteria of the MR zone.

***B. Locational criteria.***

***1. Threshold conditions. Subject to subsection SMC 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:***

***a. Properties already zoned Midrise;***

***b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or***

***c. Properties within an urban center or urban village.***

The Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8<sup>th</sup> Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively

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<sup>3</sup> Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site meets the criteria in both subsection b. and c. of the Locational criteria for the MR zone.

***2. Environmentally critical areas. Except as stated in this subsection SMC 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either***

***a. Was created by human activity, or***

The Site is not designated an Environmentally Critical Area and does not contain any Environmentally Critical Areas, per the June 28, 2019 SEPA checklist and associated reports as well as Attachment D. To the extent this criterion is applicable, this criterion is met.

***b. Is a designated peat settlement; liquefaction, seismic or volcanic hazard; flood prone area; or abandoned landfill.***

The Site is not designated a peat settlement, liquefaction, seismic or volcanic hazard; it is not a flood prone area, nor is it abandoned landfill.

***3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:***

***a. Properties that are adjacent to business and commercial areas with comparable height and bulk;***

As detailed above, the Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8<sup>th</sup> Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site is within and adjacent to a significant and growing business and commercial area in the Northgate Urban Center. The Site meets this criterion.

***b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;***

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

***c. Properties in areas that are in close proximity to major employment centers;***

The Site is located in an increasingly dense area within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. The Northgate Mall is undergoing significant redevelopment to include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

***d. Properties in areas that are in close proximity to open space and recreational facilities;***

The Site is in close proximity to open space and recreational facilities, including Hubbard Homestead Park located between 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE a few blocks northeast of the Site, Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools with recreational facilities are also located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. The Site meets this criterion.

***e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;***

The east side of the Site is adjacent to Roosevelt Way NE, a principal arterial, and just south of NE Northgate Way, another principal arterial. The Site slopes from north to south along Roosevelt Way NE, which both provides an edge and allows for transition in scale from properties on the opposite side of the street and areas to the south of the Site. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. The mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south, as well. The Site meets this criterion.

***f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;***

As detailed in the preceding section, the Site is not in a flat area; however, the Site is in an area where the prevailing structure height is both greater than 37' and there is such a mix of heights that there is no established height pattern. More recent development west and northwest of the Site along 8<sup>th</sup> Avenue NE and NE Northgate Way have heights in the 40' to 75' range, and the trend over the past decade is for taller buildings in the area of the site. The Site meets this criterion.

***g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;***

The Site has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106<sup>th</sup> Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

***h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and***

As detailed in the preceding section, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. The neighborhoods a few blocks south of the Site (south of NE 105<sup>th</sup> Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. However, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. The trees are also of sufficient height to obscure future redevelopment of the Site from the south. To the extent there are any views over the Site, those views are also over the tree canopy and will be retained. The Site meets this criterion.

***i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.***

Again, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. Please refer to Attachments A and H. Because the Site sits in somewhat of a bowl vis-à-vis surrounding properties and Roosevelt Way NE, the bulk of any future development under the MR(M1) zoning would be obscured from the south by the height of the mature tree canopy in the Thornton Creek wetland complex. Properties west of the Site sit higher and have no views across the Site to the east, and the Site is bounded by Roosevelt Way NE to the east. The Site meets this criterion.

**Summary and Request for Approval**

In sum, Applicant requests the following:

- rezone the Site from LR3(M) to MR(M1);
- require on-site performance instead of paying a fee in lie by providing affordable units on Site, as a condition of the PUDA;
- require a one-for-one replacement of the existing 148 two-bedroom, one bathroom units to retain family-sized units on the Site, as a condition of the PUDA;
- limit demolition of existing buildings to two buildings within any nine month period, as a condition of the PUDA;
- require an east-west pedestrian access along the Site's northern property line to provide connectivity from Roosevelt Way NE across the Site, as a condition of the PUDA; and
- provide a twenty year term to allow for phased redevelopment of the Site, as a condition of the PUDA.

As detailed above, the proposed rezone from LR3(M) to MR(M1) combined with the PUDA is consistent with and implements the applicable goals and policies of the Seattle 2035

Memo to: Nathan Torgelson, SDCI Director

July 29, 2019

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Comprehensive Plan and Northgate Neighborhood Plan and meets every one of the substantive criteria applicable to the Site under SMC 23.76.008, .009 and .024. If granted, the rezone and PUDA will allow for a better development than would otherwise be permitted under the existing zoning, which itself would prohibit redevelopment. The proposed rezone will also allow for the creation of additional market-rate and a significant number of rent-restricted units affordable to a broad range of incomes, consistent with the City's vision for the neighborhood and City.

The Site is well-served by transit, and dense redevelopment will further the City's transit-oriented growth strategy. There are no adverse impacts associated with the proposal. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request. Applicant respectfully requests that the City Council rezone the Site from LR3(M) to MR(M1) and enter into a PUDA.

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

In the Matter of the Application of

**CF-314441**

**PAROLINE ASSOCIATES**

Department Reference:  
3033517-LU

for a contract rezone for property located  
at 10713 Roosevelt Way Northeast

**Introduction**

Paroline Associates, for Wallace Properties, (“Applicant”) applied for a rezone of property located at 10713 Roosevelt Way NE, from Lowrise 3 (M) (“LR3 (M)”), to Midrise (M1) (“MR (M1)”). The Director of the Department of Construction and Inspections (“SDCI” or “Director”) submitted a report recommending that the rezone be approved. The Director's report included a SEPA Determination of Non-significance (“DNS”), which was appealed.

A hearing on the rezone application and SEPA appeal was held before the Hearing Examiner on October 6, 2021. The Applicant was represented by Aaron Laing, attorney-at-law, and the Director was represented by Carly Guillory, Senior Land Use Planner. At the opening of the hearing, the appeal of the DNS was dismissed in response to a motion from the Applicant, based on Appellants’ failure to comment during the SEPA comment period. The Hearing Examiner visited the site following the hearing.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the rezone application.

**Findings of Fact**

Site and Vicinity

1. The subject site is located at 10713 Roosevelt Way NE. The proposed rezone area is 228,319-square feet and 5.24-acres, and consists of two properties referred to as the “North Site” and “South Site.”
2. The North Site is approximately 177,346-square feet and contains four existing three-story apartment buildings with associated surface parking, landscaping, and a pool with cabana. Vehicular access is provided via one curb cut on Roosevelt Way NE and two curb cuts on 8th Avenue NE.

3. The South Site is approximately 48,955-square feet in size and contains two existing three-story apartment structures with associated surfacing parking and landscaping. Vehicular access is provided via two curb cuts on 8th Avenue NE to the west and a curb cut on NE 106th Street at the south.
4. Roosevelt Way NE is designated an arterial street as well as a Special Landscape Arterial defined in the Northgate Overlay District (SMC 23.71.012). Roosevelt Way NE has sidewalks and a bus stop along the North Site's frontage, while 8th Avenue NE and NE 106th Street are both non-arterial streets with minimal sidewalks, curbs, gutters, and on-street parking opportunities.
5. Properties to the north are zoned Neighborhood Commercial 2 with a 55-Foot Height Limit ("NC2-55(M)") and Lowrise 3 (M) ("LR3(M)"). To the south properties are zoned Single-Family with a 7,200 Square Foot Minimum Lot Size ("SF7200"). Properties to the west are zoned Neighborhood Commercial 3 with a 75-Foot Height Limit ("NC3- 75(M)"), Neighborhood Commercial 3 with a 55-Foot Height Limit ("NC3- 55(M)") and LR3(M).
6. The sites (North Site and South Site) are located within the Northgate Urban Center, immediately adjacent the Northgate Core Subarea.
7. Natural features such as topography, streams, an arterial, and open space/greenspace exist between the proposed MR(M1) zoning and the Single-Family zoning to the east and south.
8. The subject sites have a moderate slope from north to south of less than ten percent, with the southernmost portion of the South Site approximately 30-feet lower than the northern portion of the North Site. Due to the topography, existing developments north and west of the site are higher than the maximum height of 80-feet allowed by the proposed zoning of MR(M1). Additionally, the closest Single-Family development, located south of the subject sites, is at an elevation approximately 40-feet higher than the lowest portion of the site.
9. The site is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. Immediately abutting the sites to the south and southeast is the Beaver Pond Natural Area on Thornton Creek, a city-owned greenway and natural area.

#### Zoning History and Potential Zoning Changes

10. The zoning history of the subject sites includes both residential and commercial zoning designations, with a strictly multifamily designation since 1968.
11. The zoning designation of the subject sites changed most recently in 2019, after adoption of the provision for mandatory housing affordability (MHA). In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new

development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

12. On November 9, 2017, the Director issued the MHA SEPA Final Environmental Impact Statement (FEIS). The Preferred Alternative changed the subject site's zone from LR3 to LR3 with a MHA suffix of M (LR3(M)). The Applicant's materials document the submission of comments during that process, requesting the sites' zone be changed to (MR(M1)). Subsequently, the citywide rezoning was adopted, effective April 19, 2019, changing the subject sites' zone from LR3 to LR3(M).
13. The 1993 city-initiated rezoning accompanied adoption of the Northgate Area Comprehensive Plan pursuant to Ordinance 116794. Portions of the Northgate Area were rezoned to help achieve the goals of the Northgate Area Comprehensive Plan and "protect and promote the health, safety, and welfare of the general public." SDCI published a FEIS studying the effects of the zone change, along with final rezoning maps in 1992. The subject sites were not rezoned at this time; however, notable is that the property immediately abutting to the north was rezoned from Neighborhood Commercial 2 with a 40-Foot Height Limit ("NC2-40") to LR3.
14. In 2004, the Northgate area, including the subject sites, was designated an Urban Center with adoption of an updated Comprehensive Plan. The area was found to be a unique area of concentrated employment and housing, with direct access to high-capacity transit, and a wide range of supportive land uses such as retail, recreation, public facilities, parks, and open space.
15. Previous zoning changes in and around the area also include four contract rezonings between the years 1999 and 2016.

#### Urban Center Plan and Neighborhood Plan

16. The site is located within the Northgate Urban Center established in the Comprehensive Plan. The City's 2035 Comprehensive Plan states that housing in this Village is expected to grow 3000 units between 2015 and 2035.
17. According to Director's Rule 13-2021, the growth target for the Northgate Urban Center has not been exceeded. According to a May 6, 2021, SDCI Urban Center/Village Housing Unit Growth Report, the Northgate Urban Center has presently achieved only 7.9% of its residential growth target.
18. The subject sites (North Site and South Site) are within the Northgate Neighborhood Plan and are covered by the adopted portions of that plan which 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 (Ordinance number 123854).
19. The adopted portions of the Northgate Neighborhood Plan include goals and policies that relate to rezonings and properties within the Northgate Neighborhood Plan area generally, and the core subarea specifically. The subject sites are located within the Northgate Neighborhood Plan but outside the core subarea which is located across the street to the west.

20. Applicable sections of the adopted Northgate Neighborhood Plan Policies include policies for future development that are related to zoning regulations. NG-G2 encourages planning for “[a] thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area.” NG-G4 calls for concentrating the densest development within the core. NG-P6 seeks to “[p]romote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.” NG-P7 calls for planning to “[r]educe 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.” NG-P8.5 encourages planning to “[s]upport 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.” NG-G7 sets a goal for “[m]edium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.”

#### Proposal

21. The applicant proposes a rezone to change the zoning designation of two properties from Lowrise 3 with a Mandatory Housing Affordability (MHA) suffix of M (“LR3(M)”) to Midrise 1 with an MHA suffix of M1 (“MR(M1)”). No development on each site is proposed at this time; therefore, this rezone application will be based solely on its own merit as an independent proposal.
22. The Applicant intends to develop the subject sites at a future date, in a phased approach. No demolition, new construction, change of use, or other site improvements are proposed at this time.

#### Public Comment

23. The public comment period ended on December 18, 2019. Comments received by SDCI within the scope of the rezone review related to potential impacts to traffic and the nearby Thornton Creek.
24. At the public hearing on the rezone public comment was received from neighbors and individuals in the area of the proposal expressing concern. Speakers included:
- a. Janet Way. Ms. Way indicated she spoke on behalf of the Thornton Creek Defense Fund. She spoke to the value of Thornton Creek as a natural area providing habitat for salmonids, mammals, and other species. She expressed concerns regarding water quality impacts from

potential increased traffic, and about cumulative impacts from development in the area including the light rail link and the proposal.

- b. Jessica Durney. Ms. Durney spoke to portions of the comprehensive plan, that she believed that the proposal does not fulfill.
- c. Ruth Williams. Ms. Williams indicated she was speaking on behalf of the Thornton Creek Alliance. Ms. Williams spoke to concerns with the proposal's notice adequacy, and lack of pedestrian facilities in the area.
- d. Naomi Joseph. Ms. Joseph spoke to aspects of the neighborhood, and concerns about cumulative parking impacts.
- e. Frank Backus. Mr. Backus spoke to concerns about the lack of pedestrian infrastructure.
- f. Richard Ellison. Mr. Ellison spoke to portions of the comprehensive plan, that he believed that the proposal does not fulfill.

### Director's Review

25. The Director analyzed the proposal's potential long-term and short-term environmental impacts and found that there would be no need to recommend conditions to mitigate proposal-related impacts, as there were no significant impacts identified or any impacts would be addressed by the requirements of the Code.
26. The Director's report, Exhibit 1, analyzes the proposed contract rezone and recommends that it be approved with conditions.

### Applicable Law

27. SMC 23.34.008 provides the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, and boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas; and, whether the area is within an incentive zoning suffix.
28. When, as in this case, a rezone includes consideration of height limits in commercial or industrial zones, SMC 23.34.009 prescribes additional criteria to be considered, including the function of the zone, topography of the area and surroundings, height and scale of the area, compatibility with the surrounding area, and neighborhood plans.
29. SMC 23.34.007.C provides that compliance with the requirements of Chapter 23.34 SMC constitutes consistency with the Comprehensive Plan for purposes of reviewing proposed rezones, but the Comprehensive Plan may be considered where appropriate.

### **Conclusions**

1. The Hearing Examiner has jurisdiction over this matter pursuant to SMC 23.76.052, and makes a recommendation on the proposed rezone to the City Council.

2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC on rezones are to be weighed and balanced together to determine the most appropriate zone and height designation. In addition, the zone function statements are to be used "to assess the likelihood that the area proposed to be rezoned would function as intended." SMC 23.34.007.A. "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 ...." SMC 23.34.007.B.
3. 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." SMC 23.34.008.B.

#### Effect On Zoned Capacity

4. SMC 23.34.008 requires that, within an urban center or urban village, the zoned capacity, taken as whole, is to be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The proposed rezone would slightly increase the zoned capacity of the Northgate Urban Center, and this increase does not reduce capacity below 125 percent of the Comprehensive Plan growth target. The rezone allows an increase in housing units, and aids the City's ability to meet the population growth target and densities in the Plan, and thus, meets the requirements of SMC 23.34.008.

#### Match Between Zone Criteria and Area Characteristics

5. 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." SMC 23.34.008.B.
6. The area surrounding the proposed rezone sites is predominately developed to an intensity greater than LR3. In addition, this area does not meet the characteristics of LR3 zoning identified in SMC 23.34.020.B.2, because the subject sites abut neighborhood commercial zones to the north and west at heights of 55 to 95-feet. The height and scale permitted within these commercial zones are greater than that permitted in an LR3 zone.
7. The sites and their relation to adjacent zoning match the MR (M1) zone function and locational criteria, found in SMC 23.34.024, and that designation is the most appropriate zoning designation.
8. The proposed rezone sites meet the function criteria of MR (M1) zone, because it is in an area of high pedestrian value, access to a regional transit station, and access to a range of services. (SMC 23.34.024.A)
9. The subject site is located within the Northgate Urban Center in an area already developed predominately to the intensity permitted by the Midrise zone. In addition, conditions recommended by the Director will mitigate potential impacts to the ECA resulting from the rezone. (SMC 23.34.024.B.1 and 2).

10. The subject sites are located adjacent to business and commercial areas with comparable height and bulk. In addition, the subject sites are located in an area designated as a frequent transit area and are served by major arterials, including NE Northgate Way to the north and Roosevelt Way NE to the east. (SMC 23.34.024.B.1.a and b)
11. The subject sites are located in close proximity to major employment centers including the Core Subarea of the Northgate Urban Center, Northgate Mall, Seattle Kraken hockey practice rink, and a number of other commercial uses. (SMC 23.34.024.B.1.c)
12. The subject sites are located in close proximity to open space and recreational facilities, and the sites are located along Roosevelt Way NE, an arterial street, and in an area where topographic changes provide a transition in scale from the Single-Family development to the south. (SMC 23.34.024.B.1.d and e)
13. The subject sites are in an area where the prevailing structure height is greater than 37 feet. The topography of the subject sites are on a moderate slope, and the height and bulk of existing structures already limits or blocks views from within the multifamily area to upland areas. The proposal will not obstruct existing upland development views, and the bulk of any future development will be obscured. (SMC 23.34.024.B.1.f, g, h, and i)
14. The proposed rezone to MR (M1) is a lower intensity zone than the adjacent existing Neighborhood Commercial zones to the north and east, allowing for multifamily development with limited commercial uses on the ground floor.

Neighborhood Plan/Precedential Effect

15. The development is consistent with the portions of the Northgate Neighborhood Plan Policies listed in Finding 20 above. The rezone will further the vitality of the mixed-use center by increasing residential density and promoting livable high-density housing and reducing the reliance on vehicle trips to access services and transit.

The proposed rezone will provide a transition to the 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, and will not negatively affect the surrounding Single-Family neighborhoods. The proposed rezone would have minimal if any adverse impact to the transition between the existing Neighborhood Commercial zoning to the north and west and adjacent Lowrise and Single-Family properties to the east and south. The proposed MR zone will provide a gradual transition from Neighborhood Commercial to Lowrise and Single-Family Residential zoning. The proposed rezone does not include any Single-Family zoned properties.

The proposed rezone site is located adjacent the North Core Subarea of the Northgate District and support of this rezone would allow for increased residential density within proximity to the Northgate transit center which is approximately within a 10-minute walk from the site. The increased demand for nearby goods and services by the increased density could also reduce the number and length of vehicle trips and make travel by foot and bicycle more attractive.

16. The proposal is unlikely to have a precedential effect. This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

#### Zoning Principles

17. The zoning principles listed in SMC 23.34.008.E are generally aimed at minimizing the impact of more intensive zones on less intensive zones, if possible. They express a preference for a gradual transition between zoning designations, including height limits, if possible, and potential physical buffers to provide an effective separation between different uses and intensities of development.
18. The proposed MR(M1) zone would create a transition from more intensive zones, neighborhood commercial to the north and west, down to the residential zones of LR3, and Single-Family to the south and east. The impact of more intensive zones on less intensive zones is also minimized by the use of buffers such as setbacks, right-of-way widths, city-owned natural areas, and topography.
19. The proposal will create a transition in height limits, as it will create a transition from the tallest of 95 feet to the northwest, fronting Northgate Way NE, down to the 30 -feet allowable in the Single-Family zone.
20. Physical buffers such as topography, Beaver Pond Natural Area on Thornton Creek, and the right-of-way widths of Roosevelt Way NE and NE 106th Street provide an effective separation between the proposed rezone and existing, lower intensity zoning to the east and south.
21. The subject sites are located in an urban center and the proposed rezone would allow a maximum building height of 80 feet. The proposed zone with 80-foot height limit is consistent with the Northgate Neighborhood Plan and existing built character of the area.
22. The proposed rezone would maintain the existing pattern of commercially-zoned properties facing residential properties on 8th Avenue NE and residentially-zoned properties facing residentially zoned properties on Roosevelt Way NE. The proposed rezone will not create a new boundary between commercial and residential areas.

#### Impact Evaluation

23. The proposed rezone would positively impact the housing supply, as it would increase residential unit supply.
24. Although the proposal would increase the demand for public services, the increase would be minimal. There is no evidence in the record that the demand would exceed service capacities. In particular, street access, street capacity, transit service, and parking capacity were shown to be sufficient to serve the additional units that would be allowed by the rezone.
25. The Director evaluated impacts on public services and service capacities, as well as noise, air quality, water quality, flora and fauna, glare, odor, shadows, energy, and other environmental

impacts, pursuant to SEPA, and indicated that no additional conditions were required to mitigate impacts that are not otherwise adequately addressed through existing regulations. Height, bulk and scale impacts, including shadow impacts, will be reviewed and addressed through the design review process.

#### Changed Circumstances

26. Changed circumstances are to be considered, but are not required to demonstrate the appropriateness of a proposed rezone. The City has continued to emphasize growth in urban centers and villages in its Comprehensive Plan as the areas that are most appropriate for accommodating higher density development. The rezone site is within the Northgate Urban Center. The City's latest Comprehensive Plan, adopted in 2016, emphasizes locating density in urban centers and villages. The MHA upzone is an additional changed circumstance in the area. Construction is currently underway approximately one-half mile to the west of the site for the future Northgate Link Light Rail Station which is anticipated to open in 2021. In 2019, a Master Use Permit (3031301-LU) was issued for the redevelopment of the Northgate Mall, an approximately 40-acre site one-half mile to the west, and completion of Phase I is anticipated to coincide with the opening of the Link Light Rail Northgate Station.

#### Overlay Districts

27. The site is not located in any of the Overlay Districts defined in the Land Use Code.
28. The site is located within the Northgate Overlay (SMC 23.71). The amendment did not impact the site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District.
29. The Northgate District Overlay includes specific development standards as described in SMC 23.71. The purpose of the 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.
30. The proposed rezone request to allow for additional density and height, will allow a greater density near the core subarea 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. No significant impacts on surrounding residential neighborhoods were identified.

#### Critical Areas

31. The site is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. Beaver Pond Natural Area is located to the south and southeast of the sites.
32. The Applicant submitted various reports contained in the record concerning the environmental critical areas, in particular an Off-Site Wetland & Stream Delineation, and Wetland and Stream Reconnaissance. As demonstrated in these reports, the area mapped steep slope erosion hazard area on the North Site is located in an area currently developed with two, three-story apartment buildings and associated surface parking and lawn areas and appears to be created by human activity. The mapped riparian corridor is more specifically described as a riparian management area and covers a small area at the southern portion of the South Site, an area currently paved and serving as driveway and surface parking and maneuvering area. The riparian management area is required due to the proximity of a nearby watercourse.
33. The Beaver Pond Natural Area is a Category III wetland, and is located off-site to the south and is associated with Maple Leaf Creek, a Type F watercourse. This category of wetland requires a 110-foot buffer (SMC 25.09.160), and this type of watercourse requires a 100-foot riparian management area (SMC 25.09.200). Given the sites' proximity to these features, and according to the Wetland and Stream Reconnaissance Report, the following buffers would be required: a wetland buffer along the southeast portion of the North Site and a wetland buffer and riparian management area along the south portion of the South Site.
34. The prohibition of development within this riparian management area, along with future development's compliance with applicable codes such as the critical areas ordinance (SMC 25.09) and stormwater code (SMC 22) are anticipated to mitigate potential impacts to the nearby critical area. The Director also recommended additional conditioning related to the environmentally critical area on the South Site.
35. Due to the site's proximity to Thornton Creek, future development will be subject to flow control wetland protection standards of the Seattle Stormwater Manual and shall prevent impacts to the wetlands.
36. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the subject site is MR (M1) with a PUDA.

### **Recommendation**

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA that incorporates the final approved Master Use Permit drawings for the proposal, and the following conditions:

*Prior to Issuance of the Council Action No. 3033517-LU 1.*

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

Prior to Issuance of a Master Use Permit

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
6. Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

Entered December 3, 2021.

/s/Ryan Vancil  
Ryan Vancil  
Hearing Examiner

**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.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the 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 Sustainability Committee  
c/o Seattle City Clerk  
600 Fourth Avenue, Floor 3 (physical address)

P.O. 94728 (mailing address)  
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**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 **PAROLINE ASSOCIATES**. Case Number: **CF-314441** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Applicant</b> Andy Paroline Paroline Associates 206-719-0339 permits@parolineassociates.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"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Department</b> Carly Guillory SDCI 206-684-0720 carly.guillory@seattle.gov  SCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov  Janet Oslund janet.oslund@seattle.gov  SCI_LUIB SCI_LUIB@seattle.gov  Nathan Torgelson nathan.torgelson@seattle.gov  Roger Wynne roger.wynne@seattle.gov  Sam Zimbabwe sam.zimbabwe@seattle.gov	<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"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

<p>Ketil Freeman ketil.freeman@seattle.gov</p>	
<p><b>Public Commentors</b> Janet Way janetway@yahoo.com</p> <p>Jessica Durney jsdurney@gmail.com</p> <p>Ruth Williams ruthalice@comcase.net</p> <p>Naomi Joseph njoseph@hotmail.com</p> <p>Frank Backus frankbackus1@gmail.com</p> <p>Richard Ellison climbwall@msn.com</p> <p>Ione Rowe irowe48@outlook.com</p> <p>Clare Hill chill_148@comcast.net</p> <p>Clarrisa Koszarek clarissakoszarek@gmail.com</p> <p>Jeremy Taiwo jeremy.taiwo@gmail.com</p> <p>Meadowbrook Community Council info@meadowbrookcouncil.org</p> <p>Susan Jacobsen sejay07@msn.com</p> <p>Annie Fanning anniefanning@gmail.com</p> <p>Erika Brk erikabr14@gmail.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid</p> <p><input type="checkbox"/> Inter-office Mail</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Fax</p> <p><input type="checkbox"/> Hand Delivery</p> <p><input type="checkbox"/> Legal Messenger</p>

<p>Chuck Dolan chuclesd2@hotmail.com</p> <p>Gordon Dass Adams gordondass@yahoo.com</p> <p>Wayne Johnson mag98kamiak@comcast.net</p> <p>Cheryl Klinker aeacak@gmail.com</p> <p>Muriel Lawty m.g.lawty@gmail.com</p> <p>Dan Keefe papadan44@gmail.com</p> <p>Kay Landolt kaylandolt@gmail.com</p> <p>Housing Development Consortium patience@housingconsortium.org</p>	
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Dated: December 3, 2021

/s/ Galen Edlund-Cho  
Galen Edlund-Cho  
Legal Assistant

**3033517-LU** - \*\*Notice of Application  
\*Notice of Application & Checklist sent  
12/5/19 drm

\*\*Applicant, Owner, FRP:  
[Permits@parolineassociates.com](mailto:Permits@parolineassociates.com)  
[alaing@schwabe.com](mailto:alaing@schwabe.com)  
[kwallace@wallaceproperties.com](mailto:kwallace@wallaceproperties.com)

PUBLIC REVIEW DOCUMENTS\*  
QUICK INFORMATION CENTER  
SEATTLE PUBLIC LIBRARY  
LB-03-01

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SUQUAMISH, WA 98392

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[marti@richardspeightpc.com](mailto:marti@richardspeightpc.com)

**EXHIBIT LIST  
BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

<p>In the Matter of the Application of</p> <p><b>PAROLINE ASSOCIATES</b></p> <p>for a contract rezone of property addressed as 420 NE 72nd St</p>	<p>Council File: <b>314441</b></p> <p>Department Reference: <b>3027312-LU</b></p> <p><b>EXHIBIT LIST</b></p>
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Exhibit #	Offered By	Admitted?	Description
1	Department	Y	City of Seattle Analysis, Decision, and Recommendation of the Director of the Seattle Department of Construction and Inspections dated September 9, 2021 (Department Exhibit 1)
2	Department	Y	SEPA Checklist, Annotated (Department Exhibit 2)
3	Department	Y	Plan Set (Department Exhibit 3)
4	Department	Y	Public Notice: a) Notice of Application dated December 5, 2019; b) Notice Map dated November 18, 2019; c) Public Notice Sign Photo; d) Public Notice Sign Photo; e) Public Notice Sign Photo; f) Public Notice Sign Photo; and, g) Notice of Recommendation, Decision, and Public Hearing dated September 9, 2021 (Department Exhibit 4)
5	Department	Y	Public Comment: a) Public Comment, VanderMeer dated December 11, 2019 ; b) Public Comment, Morgan December 15, 2019 ; and, c) Public Comment, Webster dated January 9, 2020 (Department Exhibit 5)
6	Department	Y	King County Wastewater Treatment Division Comment dated December 13, 2019

<b>Examiner:</b>	Ryan Vancil
<b>Assistant:</b>	Galen Edlund-Cho
<b>Date:</b>	October 6, 2021
<b>HE Case #:</b>	CF-314441
<b>HE Case Name:</b>	Paroline Associates Rezone Application

			(Department Exhibit 6)
7	Department	Y	Landmarks Preservation Board Memorandum dated December 5, 2019 (Department Exhibit 7)
8	Department	Y	SDCI Correction Letters: a) Correction Notice #1, ECA Wetland dated December 3, 2019; b) Correction Notice #1, Land Use May 22, 2020; c) Correction Notice #1, Transportation February 13, 2020; d) Correction Notice #2, Land Use dated January 5, 2021; and, e) Correction Notice #2, Transportation dated December 9, 2020 (Department Exhibit 8)
9	Department	Y	Rezone Request, Criteria Analysis dated July 29, 2019 (Department Exhibit 9)
10	Department	Y	Rezone Request, 2nd Amended Rezone Request Analysis dated February 3, 2021 (Department Exhibit 10)
11	Department	Y	Northgate Urban Center Zoning Map (Department Exhibit 11)
12	Department	Y	Site Section A-A dated June 14, 2019 (Department Exhibit 12)
13	Department	Y	Photographs of Tree Canopy South of Site dated July 29, 2019 (Department Exhibit 13)
14	Department	Y	Northgate Mobility Map, Excerpt (Department Exhibit 14)
15	Department	Y	Transit Radius Map (Department Exhibit 15)
16	Department	Y	Enhanced Viewshed Analysis Map dated January 29, 2020 (Department Exhibit 16)
17	Department	Y	Sun Shadow Analysis dated January 29, 2020 (Department Exhibit 17)
18	Department	Y	Shadow Studies dated June 14, 2019 (Department Exhibit 18)

<b>Examiner:</b>	Ryan Vancil
<b>Assistant:</b>	Galen Edlund-Cho
<b>Date:</b>	October 6, 2021
<b>HE Case #:</b>	CF-314441
<b>HE Case Name:</b>	Paroline Associates Rezone Application

19	Department	Y	Zoning History of Site (Department Exhibit 19)
20	Department	Y	Historic Preservation Appendix A (Department Exhibit 20)
21	Department	Y	Geotechnical Engineering Study dated May 4, 2017 (Department Exhibit 21)
22	Department	Y	Phase I Environmental Site Assessment Report dated May 25, 2011 (Department Exhibit 22)
23	Department	Y	Wetland and Stream Reconnaissance dated March 6, 2019 (Department Exhibit 23)
24	Department	Y	Preliminary Site Research Report dated June 12, 2019 (Department Exhibit 24)
25	Department	Y	Off-Site Wetland & Stream Delineation dated April 14, 2020 (Department Exhibit 25)
26	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts dated June 28, 2019 (Department Exhibit 26)
27	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts dated March 19, 2020 (Department Exhibit 27)
28	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts Updated DRAFT for Review dated March 19, 2020 (Department Exhibit 28)
29	Department	Y	Comprehensive Plan/Zoning Analysis of Traffic Impacts, Response to Correction Notice #1 dated March 17, 2020 (Department Exhibit 29)
30	Department	Y	Applicant Response to Correction Notice #1, Land Use dated October 21, 2020 (Department Exhibit 30)
31	Department	Y	Applicant Response to Correction Notice #2, Land Use dated February 2, 2021 (Department Exhibit 31)

<b>Examiner:</b>	Ryan Vancil
<b>Assistant:</b>	Galen Edlund-Cho
<b>Date:</b>	October 6, 2021
<b>HE Case #:</b>	CF-314441
<b>HE Case Name:</b>	Paroline Associates Rezone Application

32	Department	Y	Applicant Comments on OPCD MHA Citywide Rezone: a) Request for Modification to Northgate Urban Village Draft Mandatory Housing Affordability Map Zoning Designation from LR3 to MR (M1) dated June 30, 2017; b) Comments on OPCD MHA Citywide Ordinance dated May 17, 2018; c) Comments on OPCD MHA Cityside Ordinance dated August 7, 2018; and, d) MHA Adopted Zoning Changes dated May 23, 2019 (Department Exhibit 32)
33	Department	Y	Agreement of Termination of Condominium dated August 1, 2016 (Department Exhibit 33)
34	Department	Y	Phasing Plan dated June 14, 2019 (Department Exhibit 34)
35	Applicant	Y	Kevin Wallace CV (Exhibit A-1)
36	Applicant	Y	Michael Read CV (Exhibit A-2)
37	Applicant	Y	Gareth Roe CV (Exhibit A-3)
38	Applicant	Y	John Altmann CV (Exhibit A-4)
39	Applicant	Y	October 4, 2021 TENW Response Memorandum (Exhibit A-5)
40	Applicant	Y	October 4, 2021 BCRA Response Memorandum (Exhibit A-6)
41	Public	Y	Notice of Appeal re CF-314442
42	Public	Y	Rowe Public Comment dated September 29, 2021
43	Public	Y	Hill Public Comment dated September 30, 2021
44	Public	Y	Kozarek Public Comment dated September 30, 2021
45	Public	Y	Taiwo Public Comment dated September 30, 2021
46	Public	Y	Second Hill Public Comment dated October 2, 2021
47	Public	Y	Jacobsen Public Comment dated October 3, 2021

<b>Examiner:</b>	Ryan Vancil
<b>Assistant:</b>	Galen Edlund-Cho
<b>Date:</b>	October 6, 2021
<b>HE Case #:</b>	CF-314441
<b>HE Case Name:</b>	Paroline Associates Rezone Application

48	Public	Y	Fanning Public Comment dated October 3, 2021
49	Public	Y	Birke Public Comment dated October 4, 2021
50	Public	Y	Dolan Public Comment dated October 4, 2021
51	Public	Y	Adams Public Comment dated October 5, 2021
52	Public	Y	Johnson Public Comment dated October 5, 2021
53	Public	Y	Joseph Public Comment dated October 5, 2021
54	Public	Y	Klinker Public Comment dated October 5, 2021
55	Public	Y	Lawty Public Comment dated October 5, 2021
56	Public	Y	TCA Public Comment dated October 5, 2021
57	Public	Y	TCLDF Public Comment dated October 5, 2021
58	Public	Y	Backus Public Comment dated October 6, 2021
59	Public	Y	Ellison Public Comment dated October 6, 2021
60	Public	Y	MCC Public Comment dated October 1, 2021
61	Public	Y	Keefe Public Comment dated October 8, 2021
62	Public	Y	Landolt Public Comment dated October 8, 2021
63	Public	Y	TOD Public Comment dated October 8, 2021
64	Public	Y	Way Public Comment dated October 8, 2021
65	Public	Y	Williams Public Comment dated October 8, 2021
66	Public	Y	Williams Public Comment re Design Guideline Link dated October 8, 2021
67	Public	Y	Landolt Public Comment dated October 9, 2021

<b>Examiner:</b>	Ryan Vancil
<b>Assistant:</b>	Galen Edlund-Cho
<b>Date:</b>	October 6, 2021
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<b>Examiner:</b>	Ryan Vancil
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<b>Date:</b>	October 6, 2021
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<b>HE Case Name:</b>	Paroline Associates Rezone Application

City of Seattle  
**Hearing Examiner Exhibit**  
Applicant   
Department  ADMITTED   
Public  DENIED   
FILE # CF-314441 1

# Exhibit 1

City of Seattle Analysis, Decision, and Recommendation of the Director of the Seattle  
Department of Construction and Inspections

September 9, 2021





**CITY OF SEATTLE**

**ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Record Number:** 3033517-LU  
**CF Number:** 314441  
**Applicant Name:** Andy Paroline of Paroline Associates for Wallace Properties –  
Park at Northgate LLC  
**Address of Proposal:** 10713 Roosevelt Way Northeast

**SUMMARY OF PROPOSAL**

Council Land Use Action to rezone a parcel of land from Lowrise 3 (M) (LR3 (M)) to Midrise (M1) (MR (M1)).

The following approvals are required:

**Contract Rezone (Seattle Municipal Code (SMC) 23.34):** From Lowrise 3 (M) (LR3 (M)) to Midrise (M1) (MR (M1)) – Recommendation to the Hearing Examiner

**SEPA - Environmental Determination (SMC 25.05)**

**SEPA DETERMINATION:**

**Determination of Non-significance**

- No mitigating conditions of approval are recommended.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, conditions are recommended to mitigate environmental impacts

**BACKGROUND**

**Proposal Description**

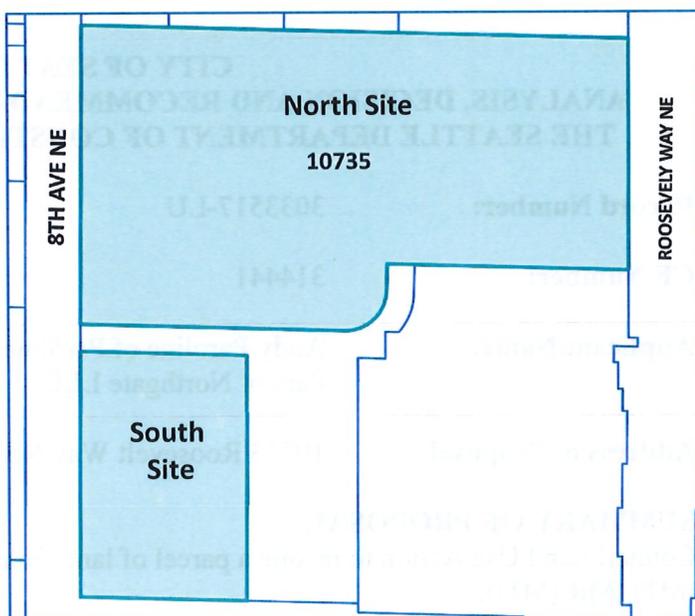
The applicant proposes a rezone to change the zoning designation of two properties from Lowrise 3 with a Mandatory Housing Affordability (MHA) suffix of M (LR3(M)) to Midrise with a MHA suffix of M1 (MR(M1)). No development on each site is proposed at this time; therefore, this rezone application will be based solely on its own merit as an independent proposal.

The applicant intends to develop the subject sites at a future date, in a phased approach. No demolition, new construction, change of use, or other site improvements are proposed at this time.

### Site and Vicinity Description

The 5.24-acres to be rezoned are located approximately 300-feet south of Northgate Way NE, between 8<sup>th</sup> Avenue NE, NE 106<sup>th</sup> Street and Roosevelt Way NE and are hereafter referred to as the North Site and South Site.

The North Site is approximately 177,346-square feet and contains four existing three-story apartment buildings with associated surface parking, landscaping, and a pool with cabana. Vehicular access is provided via one curb cut on Roosevelt Way NE and two curb cuts on 8<sup>th</sup> Avenue NE.



The South Site is approximately 48,955-square feet in size and contains two existing three-story apartment structures with associated surfacing parking and landscaping. Vehicular access is provided via two curb cuts on 8<sup>th</sup> Avenue NE to the west and a curb cut on NE 106<sup>th</sup> Street at the south.

Roosevelt Way NE is designated an arterial street as well as a Special Landscape Arterial defined in the Northgate Overlay District (SMC 23.71.012). Roosevelt Way NE has sidewalks and a bus stop along the North Site's frontage, while 8<sup>th</sup> Avenue NE and NE 106<sup>th</sup> Street are both non-arterial streets with minimal sidewalks, curbs, gutters, and on-street parking opportunities.

Surrounding zoning and development consists of Neighborhood Commercial, lowrise and single-family zoning and primarily residential and commercial development ranging in height from two-to-seven stories.

### Zoning

Site Zone: LR3(M)

Zoning Pattern: North: Neighborhood Commercial 2 with a 55-Foot Height Limit (NC2-55(M)) and LR3(M)  
 South: Single Family with a 7,200 Square Foot Minimum Lot Size (SF7200)  
 West: NC3-75(M), NC3-55(M), and LR3(M)  
 East: SF7200

Lot Area: 228,319-square feet

Environmentally Critical Areas: Riparian Management Area

### Public Comment

The public comment period ended on December 18, 2019. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to potential impacts to traffic and the nearby Thornton Creek. Comments were also received that are beyond the scope of this review and analysis.

## I. ANALYSIS – REZONE

Seattle Municipal Code (SMC) Chapter 23.34, Amendments to Official Land Use Map (Rezones), allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D., for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in SMC 23.34.004.

The applicable requirements for this rezone proposal are stated in:

- SMC 23.34.004, Contract rezones;
- 23.34.007, Rezone evaluation;
- 23.34.008, General rezone criteria;
- 23.34.023, Lowrise 3 (LR3) zone, function, and locational criteria;
- 23.34.024, Midrise (MR) zone, function, and locational criteria.

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

### SMC 23.34.004 Contract Rezones

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A PUDA will be executed and recorded as a recommended condition of the contract rezone.

The applicant proposes the following conditions be included in the PUDA in order to mitigate potential impacts that may occur from development permitted by after the rezone. Future development shall include:

- (1) Construction of 148, two-bedroom residential units (to replace the existing 148, two-bedroom residential units);
- (2) Designation of at least nine percent (9%) of all units on-site (97 units) to meet the mandatory housing affordability (MHA) standards of SMC 23.58C. (as opposed to paying the fee in lieu available per SMC 23.58C.);
- (3) Designation of at least 20% of all units on-site (214 units) to meet the affordability standards per the Multifamily Tax Exemption (MFTE) incentive program of SMC 5.73;
- (4) Phasing of redevelopment of the subject sites such that no more than two of the existing six structures be demolished within nine months of the others (per the applicant's phasing plan); and
- (5) Provide an east-west pedestrian connection on the North Site along the site's northern property line to provide pedestrian access from Roosevelt Way NE to 8<sup>th</sup> Ave NE.

The Director has reviewed the applicant's proposed conditions and recommends some of the applicant's self-imposed conditions as modified. Such a condition is included at the end of this document.

- (1) Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu);
- (2) Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the MFTE Program (SMC 5.73); and
- (3) Future development of the North Site shall provide a public east-west pedestrian connection from Roosevelt Way NE to 8<sup>th</sup> Avenue NE.

Finally, as described below in response to SMC 23.24.008.I., 23.24.020.D., and 23.24.024.B.2., below, the Director recommends additional conditioning related to an environmentally critical area on the South Site. Such a condition is included at the end of this document.

- B. Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

The subject sites are currently subject to the provisions of SMC 23.58C due to the existing zone of LR3(M). The proposed rezone to MR(M1) would also require compliance with the MHA provisions of SMC 23.58B and/or SMC 23.58C. In addition to the requirements of SMC 23.58B and 23.58C, the applicant proposes that the self-imposed, housing related conditions listed above (in response to SMC 23.24.004.A.) be included in the PUDA.

As noted above in response to SMC 23.24.004.A., the Director supports those applicant-proposed conditions related to on-site performance (MHA) and participation in the MFTE Program, as modified. Said conditions are included at the end of this report.

- C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

A PUDA will be executed and recorded as a recommended condition of the contract rezone that the development shall be in substantial conformance with the conditions of the Council Land Use Decision number 3033517-LU. The recorded conditions will facilitate the use of any associated development standards identified in the Code for MR(M1) zone designation.

- D. *Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

At the time of recommendation from the Seattle Department of Construction and Inspections (SDCI), no waivers to specific bulk or off-street parking and loading requirements were requested. Any future requests for departures from Code standards may be addressed through various administrative processes such the Design Review process or Type I administrative waivers available through future Master Use Permit processes.

**23.34.006 Application of MHA suffixes in Type IV rezones**

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C.*

This criterion is not applicable to this rezone. SMC 23.58B and 23.58C are applicable to the current zoning (LR3 (M)) of the site and will be applicable to the proposed zone of MR(M1).

- B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*
1. *If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
  2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
    - a. *Have a (M1) suffix if it currently has an (M) suffix; or*
    - b. *Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
  3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006; therefore, the new MHA suffix should be M1.

There are three tiers of MHA requirements, with contributions increasing with additional development capacity potential; the tiers are identified as M, M1 and M2 suffixes to be attached to the zoning designation. The proposed rezone from LR3 (with a height limit of 50-feet) to MR (with a height limit of 80-feet), is a change from Category 3 to Category 4 which requires an M1 suffix. Pursuant to Director's Rule 14-2016, the rezone proposal shall include the M1 suffix.

<b>Table A for 23.34.006, MHA Zone Categories</b>	
<b>Category Number</b>	<b>Zones</b>
Category 1	Single-family zones
Category 2	LR1, LR2
Category 3	LR3, C or NC zones with a height limit of 30, 40, or 55 feet
Category 4	Zones with height limits greater than 55 feet and equal to or less than 95 feet
Category 5	Zones with heights greater than 95 feet <sup>1</sup>
Footnote to Table A for 23.34.006	
<sup>1</sup> An increase in development capacity of more than 25 percent, but no more than 50 percent, within Category 5 should be treated as a change of a single category. An increase in development capacity of more than 50 percent within Category 5 should be treated as a change of two categories.	

**SMC 23.34.007 Rezone Evaluation.**

- A. *The provisions of this chapter shall 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 these 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.*

This rezone is not proposed to correct a mapping error; therefore, the provisions of this chapter apply. In evaluating the proposed rezone, the provisions of this chapter have been weighed and balanced together to determine which zone designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended, see analysis below.

- 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.*

No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate designation for the site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

This analysis evaluates the applicable criteria called for and outlined in SMC 23.34, Amendments to Official Land Use Map (Rezones), as they apply to the subject rezone (listed at the beginning of this “Analysis” section).

- 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 Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.*

The proposed rezone is not a shoreline environment redesignation; therefore, the Comprehensive Plan Shoreline Policies are not applicable and were not used in this analysis. The proposed rezone does not require an amendment to the Comprehensive Plan, is consistent with applicable provisions of SMC 23.34, and is thereby consistent with this criterion.

- 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 sites (North Site and South Site) are located within the Northgate Urban Center, immediately adjacent the Northgate Core Subarea. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside urban centers.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The project sites are not in the shoreline environment and the subject rezone is not a redesignation of a shoreline environment. Therefore, this criterion is not applicable.

- 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 subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

**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 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
  - 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

The subject sites are located within the Northgate Urban Center. The growth target for this urban center is 3,000 housing units between the years 2015 and 2035 (Growth Strategy Appendix, Comprehensive Plan/Seattle 2035) and the density sought is 11 housing units per acre (Land Use Appendix, Comprehensive Plan/Seattle 2035).

According to Director's Rule 13-2021 (Determination of State Environmental Policy Act (SEPA) Review Exemption Levels for Infill Residential and Mixed-Use Development in Urban Centers and Urban Villages, effective August 9, 2021), the growth target for the Northgate Urban Center has not been exceeded. According to the SDCI Urban

Center/Village Housing Unit Growth Report (dated May 6, 2021), the Northgate Urban Center has presently achieved only 7.9% of its residential growth target. The proposed rezone will not reduce the zoned capacity for the Northgate Urban Center. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units.

The proposed rezone is consistent with SMC 23.34.008.A.1. as the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposed rezone is consistent with SMC 23.34.008.A.2. as the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan.

- B. Match between Established Locational 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.*

This rezone does include a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required and is contained below. Based on the analysis in the responses below, the project site is suited for the proposed MR designation.

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

The zoning history of the subject sites included both residential and commercial zoning designations, with a strictly multifamily designation since 1968.

The zoning designation of the subject sites changed most recently in 2019, after adoption of provision for mandatory housing affordability (MHA). In 2015, the Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council that included mandatory housing affordability for residential and commercial development. Included were area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement MHA requirements for multifamily and commercial development in certain areas.

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

On November 9, 2017, the City issued the MHA SEPA Final Environmental Impact Statement (FEIS). The Preferred Alternative changed the subject site's zone from LR3 to

LR3 with a MHA suffix of M (LR3(M)). The applicant's materials document the submission of comments during that process, requesting the sites' zone be changed to (MR(M1)). Subsequently, the citywide rezone was adopted, effective April 19, 2019, changing the subject sites' zone from LR3 to LR3(M). The applicant now proposes the rezone from LR3(M) to MR(M1).

The table B below identifies the subject sites' zoning designation by year.

**TABLE B: SUBJECT SITES ZONING HISTORY**

<b>YEAR</b>	<b>ZONING DISTRICT</b>
1947	First Residence District, Area District A (R1-A)
1954	Single Family Residence 7200 (RS7200)/General Commercial (CG)
1962	CG
1968 (06/28/1968)	GC/Multiple Residence (RM)
1968 (08/24/1968)	RM/RS7200
1968	RM
1982	Lowrise 3 (L-3)
2011	Lowrise 3 (LR3) per Ordinance 123495
2019	LR3 with MHA suffix (LR3(M) per Ordinance 125791

Previous zoning changes in and around the area include the following: a city-initiated rezone of portions of the Northgate area in 1993 (Ordinance number 116794); four contract rezones between the years 1999 and 2016; designation of the Northgate area as an Urban Center in 2004 (Ordinance number 121701); and the city-initiated MHA rezone in 2019 described above (Ordinance number 125791).

The 1993 city-initiated rezone accompanied adoption of the Northgate Area Comprehensive Plan pursuant to ordinance number 116794. Portions of the Northgate Area were rezoned to help achieve the goals of the Northgate Area Comprehensive Plan and "protect and promote the health, safety, and welfare of the general public" (ordinance number 116794). The City published a FEIS studying the effects of the zone change, along with final rezone maps in 1992. The subject sites were not rezoned at this time; however, notable is that the property immediately abutting to the north was rezoned from NC2-40 to L-3.

The four contract rezones approved between 1999 and 2016 each increased the allowable height, and in two instances, the zoning designation changed from MR to NC. The below table (Table C: Previous Contract Rezones in Area) identifies each contract rezone with project number references and existing and approved zoning districts. The last column (Current Zone) reflects the impact of the city-wide MHA rezone of 2019 (described above). There are no contract rezones proposed in the vicinity as of the date of this document.

**TABLE C: PREVIOUS CONTRACT REZONES IN AREA**

YEAR	ADDRESS	MUP #	CF #	ORDINANCE	PREVIOUS ZONE	APPROVED ZONE	CURRENT ZONE
1999	300 NE Northgate Way	9802979	302803	119621	MR	NC3-65	NC3-75(M)
2012	11200 1 <sup>st</sup> Ave NE	3006101	311240	124025	MR	NC3-85	NC3-95(M)
2013	525 NE Northgate Way	3014776	312357	124272	NC3-65	NC3-85	NC3-75 (M) and NC3-95(M)
2016	10711 8 <sup>th</sup> Ave NE	3018442	314287	125035	NC3-40	NC3-65	NC3-75(M)

In 2004, the Northgate area, including the subject sites, was designated an Urban Center with adoption of an updated Comprehensive Plan. The area was found to be a unique area of concentrated employment and housing, with direct access to high-capacity transit, and a wide range of supportive land uses such as retail, recreation, public facilities, parks, and open space.

Lastly, the city-wide MHA rezone in 2019 rezoned portions of the Northgate area, including the contract rezones listed above and the subject sites. The MHA rezone changed the sites' zoning designation from LR3 to LR3(M). The applicant now proposes a change from LR3(M) to MR(M1).

This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

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

The subject sites (North Site and South Site) are within the Northgate Neighborhood Plan and are covered by the adopted portions of that plan which 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 (Ordinance number 123854).

The adopted portions of the Northgate Neighborhood Plan include goals and policies that relate to rezones and properties within the Northgate Neighborhood Plan area generally and the core subarea specifically. The subject sites are located within the

Northgate Neighborhood Plan but outside the core subarea which is located across the street to the west. The applicable plan goals and policies include:

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.

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 the Northgate map).

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

NG-P6: Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.

NG-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.

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.

NG-G7: Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.

The proposed rezone is in conformance with the applicable policies of the Northgate Neighborhood Plan in the following ways:

The rezone will further the vitality of the mixed-use center by increasing residential density and promoting livable high-density housing and reducing reliance of vehicle trips to access services and transit. The proposed rezone will not affect the surrounding single-family neighborhoods. Rather, it will provide a transition to the 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.

The proposed rezone would have minimal if any adverse impact to the transition between the existing Neighborhood Commercial zoning to the north and west and adjacent lowrise and single-family properties to the east and south. The proposed

MR zone will provide a gradual transition from neighborhood commercial to lowrise and single-family residential zoning. The proposed rezone does not include any single family-zoned properties.

Finally, the proposed rezone site is located adjacent the North Core Subarea of the Northgate District and support of this rezone would allow for increased residential density within proximity to the Northgate transit center which is approximately within a 10-minute walk from the site. The applicant proposed, and Director supported, condition to provide an east-west public pedestrian connection through the North Site would contribute to a network of pedestrian connections that encourages pedestrian activity . The increased demand for nearby goods and services by the increased density could also reduce the number and length of vehicle trips and make travel by foot and bicycle more attractive.

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.*

The proposed MR(M1) zone would create a transition from the more intensive zones, neighborhood commercial to the north and west, down to the residential zones of LR3 and single-family to the south and east. A transition in height limits will also be provided by the rezone, transitioning from the tallest of 95-feet to the northwest, fronting Northgate Way NE, down to the 30-foot allowable in the single-family zone. Properties abutting to the north and west are zoned neighborhood commercial and have height limits ranging from 55 to 95-feet. Abutting to the east and south are properties zoned LR3(M) and SF7200(M) with allowable heights of 50 and 30-feet. A property zoned LR3(M) abuts the subject sites (south of the North Site and east of the South Site) and separates the two with a 30-foot wide driveway. This LR3(M) zoned property provides a gradual transition from the proposed MR(M1) to SF700(M), including height limits.

In addition to a transition in height, the impact of more intensive zones on less intensive zones is minimized by the use of buffers such as setbacks, right-of-way widths, city owned natural areas, and topography. Existing setbacks on the subject sites include an 80-foot setback on the North Site and a 22.7-foot and 43-foot setback on the South Site. Further buffering is provided by right-of-way widths including Roosevelt Way NE (with an 80-foot width) and NE 106<sup>th</sup> Street (with a 60-foot width). Additionally, buffering is provided by a Riparian Management Area (RMA) on the South Site and the Beaver Pond Natural Area which is described in response to SMC 23.34.008.E.2. below. The LR3(M) zoned property abutting the subject sites provide a transition in the more intensive zones of neighborhood commercial and midrise to the single-family zoning to the southeast.

Future development of the subject sites will be subject to setback and other development standard requirements for the zone. Additionally, the Design Review process (SMC 23.41) will likely be required for future development which will consider response to context and height, bulk, and scale transitions to the less intensive adjacent zones. While

the proposed rezone does not propose development at this time, the applicant did submit a sun shadow analysis and viewshed analysis to demonstrate potential impacts from a structure built at a maximum height of 80-feet. As shown, shadow impacts are focused primarily to the north toward the more intensive zones.

The proposed zoning aligns with existing lot lines and street centerlines. The established boundaries between commercial and residentially zoned properties remains unchanged.

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;*

Natural features such as topography, streams, an arterial, and open space/greenspace are provided between the proposed MR(M1) zoning and the single-family zoning to the east and south.

The subject sites have a moderate slope from north to south of less than ten percent, with the southernmost portion of the South Site approximately 30-feet lower than the northern portion of the North Site. Due to the topography, existing developments north and west of the site are higher than the maximum height of 80-feet allowed by the proposed zoning of MR(M1). Additionally, the closest single-family development, located south of the subject sites, is at an elevation approximately 40-feet higher than the lowest portion of the site (at the site's southernmost end).

Immediately abutting the sites to the south is the Beaver Pond Natural Area and Thornton Creek, a City owned greenway and natural area. The natural area provides an additional 400-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the North Site and adjacent single-family development to the south and a 130-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the South Site and single-family development to the south.

As mentioned above in response to SMC 23.34.008.E.1., the Roosevelt Way NE right-of-way width of 80-feet provides a physical buffer between the proposed MR(M1) zoning and existing residential development to the east. Additionally, the LR3(M) zoned property abutting to the southeast will provide a buffer through existing conditions such as building setbacks, easements, and parking access. This property bisects the North and South Sites with an approximately 30-foot wide stretch of land and various access, encroachment, and driveway easements.

Furthermore, any future development of the site will likely be subject to the Design Review process (SMC 23.41) which will consider design strategies to minimize the appearance of height, bulk, and scale and consider transitions to adjacent properties to mitigate the impacts of the zone edge.

Physical buffers such as topography, Thornton Creek and the Beaver Pond Natural Area, and the right-of-way widths of Roosevelt Way NE and NE 106<sup>th</sup> Street provide an effective separation between the proposed rezone and existing, lower intensity zoning to the east and south.

3. *Zone Boundaries*

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

- (1) *Physical buffers as described in 23.34.008E.2; and*
- (2) *Platted lot lines.*

The proposed zone boundaries follow existing platted lot lines and those physical buffers as described in response to SMC 23.34.008.E.2. above.

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 would maintain the existing pattern of commercially-zoned properties facing residential properties on 8th Avenue NE and residentially-zoned properties facing residentially zoned properties on Roosevelt Way NE. The proposed rezone will not create a new boundary between commercial and residential areas.

4. *In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The subject sites are located in an urban center and the proposed rezone would allow a maximum building height of 80-feet. The proposed zone with 80-foot height limit is consistent with the Northgate Neighborhood Plan and existing built character of the area.

- 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;*

A total of 148 existing residential units are located on site within six, three-story apartment buildings: four buildings on the North Site and two on the South Site. The applicant notes that each unit rents at a rate in the 70-90% average monthly income (AMI) range. The proposed rezone would increase the floor area ratio from 2.3 to 4.5. The applicant notes that the rezone would allow a total of 1,100 residential units (ranging from studio to two-bedroom units) and proposes a condition requiring future residential development include 148 new market rate two-bedroom units be provided in order to replace the existing two-bedroom units and reduce potential displacement impacts. The applicant proposes this be a condition of the PUDA.

In addition to providing 148, two-bedroom units with future development, the applicant proposes to provide on-site MHA performance at a rate of nine percent and voluntary participation in the MFTE Program at a rate of 20% of all units.

Future development will be subject to the requirements of MHA (SMC 23.58B and/or SMC 23.58C); therefore, the Director recommends a modified condition that would require on-site performance at a rate required by the land use code and associated Director's Rules at the time of application of future development.

These applicant-proposed conditions appear consistent with the Northgate Neighborhood Plan policy NG-P6 which states, "Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas," and the Director recommends modified conditions as listed in response to SMC 23.24.004.A. above and at the end of this document. The modified conditions would require MHA performance on site and participation in the MFTE program.

*b. Public services;*

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. With future development, increased security provided by security lighting and the surveillance of eyes on the street is seen as having a positive impact and may be seen as mitigating the increased demand.

Any future development and increased demand for services such as fire protection, police protection, public transit, health care, and schools, will be typical to urban residential uses.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by residential activities, as is permitted with the current zoning. Future construction will be required to comply with the applicable requirements of codes such as the Noise Ordinance (SMC 25.08) and Street Use Ordinance (SMC Title 15).

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 30-foot height at this site. Future Air Quality measures shall comply with applicable Federal, State, and City emission control requirements.

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be infiltrated or conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be in conformance with City of Seattle standards.

Flora and fauna – No noticeable change in impacts will result from a change in zoning. Existing landscaping and trees may potentially be removed for future construction, but additional vegetation proposed shall comply with Land Use Code requirements and the Tree Ordinance, if applicable. The change in zoning would not reduce the vegetation requirements for future development.

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

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

Shadows – The increase in height from 50-feet to 80-feet will create additional shadows. The applicant submitted shadow studies, massing diagrams, and related materials demonstrating potential impacts from possible future development. Shadow impacts from the North Site to the east are mitigated by the 80-foot wide right-of-way width of Roosevelt Way NE. Shadow impacts from the South Site may impact the existing LR3(M) zoned property abutting to the east in the afternoon. While the additional height may create some additional shadow impacts, future development will be subject to the Design Review process (SMC 23.41) and SEPA analysis (SMC 25.05) which will include consideration and potential mitigation of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development will be required to comply with the City of Seattle energy codes and may perform better than the code requirements due to available programs that incentivize improved energy performance.

*d. Pedestrian safety*

No noticeable change in impacts will result from a change in zoning. Future development will likely be required to provide public right-of-way improvements for pedestrian safety, such as a new sidewalk and planting strip which is expected to increase pedestrian safety. Pedestrian safety related to specific development proposals will be regulated by requirements in SMC 23.53 (Requirements for Streets, Alleys, and Easements), SMC 23.71 (Northgate Overlay), and the Street Improvement Manual. Furthermore, the applicant proposes a condition be included in the PUDA requiring an east-west pedestrian accessway be provided along the north property line of the North Site at time of any future development to facilitate access to transit and improve pedestrian connectivity in the neighborhood. The Director supports this condition and recommends the Hearing Examiner condition the project as such. A recommended condition is included at the end of this report.

*e. Manufacturing activity;*

The existing and proposed zoning would both prohibit manufacturing activity at this site. No change will result from the change in zoning.

*f. Employment activity;*

The proposed zoning would permit some ground floor commercial uses at this site. Uses are limited in type and size. The sites' proximity to the Northgate Core Subarea makes

this an appropriate location for limited commercial uses and could increase employment activity in the area.

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

The site is not within or near a character area recognized for architectural or historic value.

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

The proposed sites are located approximately two-miles east of the shoreline of Puget Sound, 3.5-miles west of the shoreline of Lake Washington, one-mile north of the shoreline of Green Lake and therefore will not directly impact shoreline view, public access, or recreation. Due to existing development and vegetation, there are no views visible from Roosevelt Way NE or NE 8<sup>th</sup> Street. There are no nearby public parks with shoreline views across the subject property.

The Land Use Code does not include criteria for protection of views from private property. Most private property views of Puget Sound, Lake Washington, and Green Lake would be blocked by topography and development built to the current maximum zoning at the site. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

The applicant submitted view studies, massing diagrams and related materials demonstrating that there are no territorial views, and existing and proposed developments to the north, south, and west are at a higher elevation than the subject site. Viewshed impacts to the Northgate Manor Apartments immediately west of the site are no greater or different than those that would be associated with redevelopment of the site under the existing LR3(M) zoning as the north-south massing would be identical but with a lower height. Views would not be possible over an MR(M1) building or an LR3(M) building, so the additional height is negligible when it comes to views.

*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;*

The subject properties abut Roosevelt Way NE, 8th Avenue NE and NE 106<sup>th</sup> Street. The applicant submitted transportation analyses (Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1, TENW, March 17, 2020; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that analyzed access and capacity in the area. For the purpose of the traffic analysis, year 2025 was selected as the build-out year based upon anticipated completion of future redevelopment in a phased approach. Phase I (297 units) by 2023, Phase II (402 units) in 2024, and Phase III (401 units) in 2025.

Street access, street capacity, transit service, and parking capacity are discussed therein, and were reviewed by the SDCI Transportation Planner. Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. Baseline traffic volumes for the screenline were obtained from the Director's Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development's trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the level of service (LOS) standard. As shown in the studies, the v/c ratios with the anticipated future redevelopment were less than the LOS standard for all screenlines. Therefore, no system concurrency mitigation is required. Additional analysis is provided below in the SEPA analysis. The site is located within a five-minute walk of transit stops served by Metro Routes 41, 67, 75, 347, and 348: each meets the definition of frequent transit. An existing transit stop is located adjacent the North Site on Roosevelt Way NE. Furthermore, the site is within a half-mile of the future Northgate Light Rail Station.

The proposed rezone will not exceed the service capacities in the area. In December 2009, the City prepared and issued a programmatic FEIS in conjunction with reviewing and potentially modifying the zoning for some properties within the Northgate Urban Center, including the subject site. 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. The subject site is located within Subarea D of the Northgate Urban Center in the FEIS. The alternatives that were evaluated included rezoning of multiple properties to NC3-65 or higher. One alternative evaluated rezoning to 125-foot. No service deficiencies were anticipated by any of these alternatives which were all contemplating rezones much greater in area than the subject proposal.

Development which can reasonably be anticipated based on the proposed development potential is not anticipated to exceed the service capacities which can reasonably be anticipated in the area, including street access to the area, street capacity in the area, transit service, and parking capacity.

*e. Utility and sewer capacity;*

Existing public drainage infrastructure includes an eight-inch sanitary sewer main at 8th Avenue NE and an 18-inch storm drainage main at both 8th Avenue NE and Roosevelt Way NE. Future development will be subject to review and shall conform to applicable stormwater management, flow control, and/or water quality standards.

The King County Wastewater Treatment Division (WTD) indicated that any direct connections to a King County WTD sewer will require review and approval (December 13, 2019).

The applicant submitted a conceptual stormwater plan and Stormwater Improvements Assessment (BCRA, June 15, 2017). As noted, the parcel is required to provide flow control, water quality, and on-site Best Management Practices to the maximum extent feasible at time of future development. Due to the site's proximity to Thornton Creek,

future development will be subject to flow control wetland protection standards of the Seattle Stormwater Manual and shall prevent impacts to the wetlands (SMC 22).

No adverse impacts to utility and sewer capacity are anticipated.

*f. Shoreline navigation*

The area of the rezone is not located within a shoreline environment; therefore, shoreline navigation is not applicable to this rezone.

- 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 designation in Chapter 23.34.*

As mentioned above, in November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004. Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the subject site's zone from LR3 to LR3(M).

Approximately one-half mile to the west of the site is the location of the future Northgate Link Light Rail Station. The Northgate Link Extension light rail system was a component of the region's voter approved Sound Move and Sound Transit 2 plans, Sound Transit's program for regional high capacity transportation. City Council passed resolution 31465 approving the alignment and transit station location in September 2013. Construction is currently underway and opening of the station is anticipated for 2021.

In a 2019, a MUP (3031301-LU) was issued for the redevelopment of the Northgate Mall, an approximately 40-acre site one-half mile to the west. The redevelopment of that site included construction or renovation of up to 15 total buildings including an indoor participant sports facility (National Hockey League training center and community ice rinks), office, retail, restaurants, and hotel, along with 2,818 parking spaces. The development proposal looks to transform Northgate Mall into a walkable, mixed use, transit-oriented district, with a special focus on active and healthy lifestyles. A network of new streets and pedestrian corridors breaks down the superblock of the existing site, organizing the new development while providing access to new and existing buildings. Completion of Phase I will coincide with the opening of the Link Light Rail Northgate Station in 2021.

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

The site is not located in any of Overlay Districts defined in the Land Use Code, including:

- Airport Height Overlay District (SMC 23.64)
- Shoreline SMC (23.60A)
- Station Area Overlay SMC (23.61)
- Special Review Districts SMC (23.66)
- Southeast Seattle Reinvestment Area (SMC 23.67)
- Major Institution Overlay (SMC 23.71)
- Sand Point Overlay (SMC 23.72)
- Pike/Pine Conservation Overlay District (SMC 23.73)
- Stadium Transition Area Overlay District (SMC 23.74)

The site is located within the Northgate Overlay (SMC 23.71). This district was amended in April 2019 (Ordinance number 125792/Council Bill 119445). The amendment did not impact the site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District.

The Northgate District Overlay includes specific development standards as described in SMC 23.71. The purpose of the 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.

The proposed rezone request to allow for additional density and height will allow a greater density in near the core subarea 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. No significant impacts on surrounding residential neighborhoods are expected.

*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 is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. The North and South Sites are both currently developed with three-story apartment buildings, surface parking lots, and landscaping. Beaver Pond Natural Area is located to the south and southeast of the sites. Based on review of the various reports submitted by the applicant (Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE, Altmann Oliver Associates, LLC, April 14, 2020; Preliminary Site Research Report, BCRA, June 12, 2019; Utility and Environmental Critical Areas (ECA) Exhibits, BCRA, June 12, 2019; Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA, Altmann Oliver Associates, LLC, March 6, 2019; and Stormwater Improvements Assessment, BCRA,

June 15, 2017) future redevelopment of the properties will require compliance with the applicable regulations of the critical areas ordinance (SMC 25.09).

As demonstrated in these reports, the area mapped steep slope erosion hazard area on the North Site is located in an area currently developed with two, three-story apartment buildings and associated surface parking and lawn areas and appear to be created by human activity. The mapped riparian corridor is more specifically described as a riparian management area and covers a small area at the southern portion of the South Site, an area currently paved and serving as driveway and surface parking and maneuvering area. The riparian management area is required due to the existence of a nearby watercourse located to the south.

Specifically, a Category III wetland is located off-site to the south and is associated with Maple Leaf Creek, a Type F watercourse. This category of wetland requires a 110-foot buffer (SMC 25.09.160), and this type of watercourse requires a 100-foot riparian management area (SMC 25.09.200). Given the sites' proximity to these features, and according to the Wetland and Stream Reconnaissance Report (Altmann Oliver Associates, LLC, March 6, 2019), the following buffers would be required: a wetland buffer along the southeast portion of the North Site and a wetland buffer and riparian management area along the south portion of the South Site.

SDCI reviewed the reports and development that future development will require compliance with the standards of SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conversation areas).

The applicant notes that no development is proposed now, or in the future, for this portion of the site, and recommends a condition be included in the PUDA to prohibit future development in this area. Alternatively, if necessary, the applicant would be amenable to removing that portion of the site encumbered by the riparian management area from the proposed rezone such that it remains zoned LR3(M).

The prohibition of development within this riparian management area, along with future development's compliance with applicable codes such as the critical areas ordinance (SMC 25.09) and stormwater code (SMC 22) are anticipated to mitigate potential impacts to the nearby critical area. The Director recommends that a condition be included in the PUDA prohibiting future development within that area of the South Site encumbered by the riparian management area and that a restoration plan be submitted with future development, consistent with the requirements of the critical areas ordinance (SMC 25.09).

Furthermore, the additional density allowable from the rezone to MR is anticipated to potentially impact the nearby ECA. It is the City's policy to protect the ecological functions and values of fish and wildlife conservation areas and prevent erosion on steep slopes, protect public health, safety, and welfare, and avoid development that causes physical harm to people, property, public resources, or the environment (Comprehensive Plan, Land Use page 68).

Land Use Policy 17.5 states, "Review rezones in or adjacent to an environmentally critical area or a hazard-prone area by considering the effects on the ecological functions

and values of the critical area and on public health, safety, and welfare, and recognize that lower-intensity zones and uses are generally more appropriate than higher-intensity zones in these areas. Review subdivisions and lot-boundary adjustments in or adjacent to wetlands, fish and wildlife habitat conservation areas, steep slope–erosion areas, and other environmentally critical areas by considering the effects on the ecological functions and values of those critical areas.”

As noted above, future development would require compliance with the standards of the critical areas ordinance, such as SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conservation areas) which are intended to mitigate impacts to the critical areas and mitigate effects on the ecological functions and values of the critical areas and on public health, safety, and welfare.

The proposed rezone to MR is a lower intensity zone than the adjacent existing Neighborhood Commercial zones to the north and east, allowing for multifamily development with limited commercial uses at the ground floor. The Director finds the MR zone an appropriate designation for the subject sites and recommends a condition to prohibit development within the riparian management area to further mitigate potential impacts to the ecological functions and values of the nearby critical areas and on public health, safety, and welfare.

**23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria**

- A. *Functions. The dual functions of the LR3 zone are to:*
1. *provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
  2. *accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

The subject sites are located in the Northgate Urban Center, adjacent the Northgate Core Subarea, an area characterized as containing a variety of multifamily and commercial development of moderate greater scale. Existing structures range in height from two to eight-stories. The North Site fronts Roosevelt Way NE, an arterial street with a mix of commercial and residential structures. The South Site fronts 8<sup>th</sup> Ave NE, a non-arterial street characterized as a predominantly multifamily neighborhood of moderate scale and density.

- B. *Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*
1. *The area is either:*
    - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City*

*Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or*

- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*

The subject sites are located in the Northgate Urban Center, immediately adjacent to the Northgate Core Subarea, with moderate to greater height, scale, and density. Uses include multifamily and commercial.

- 2. The area is near neighborhood commercial zones with comparable height and scale;*

The subject sites abut neighborhood commercial zones to the north and west at heights of 55 to 95-feet. The height and scale permitted within these commercial zones is greater than that permitted in an LR3 zone.

- 3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*

The subject sites do not abut LR1 or LR2 zones, but are located such that a transition could be provided between existing LR3 and SF700 zones and neighborhood commercial zones. The parcel bisecting the North Site and South Site, as well as abutting to the south and east, is zoned LR3(M) and provides a transition to the SF7200 zoning further to the south and east.

- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

The North Site has frontage on Roosevelt Way NE and NE 8<sup>th</sup> Avenue. Two-way traffic and parking along at least one curb are available on both streets along the site's frontages. The South Site has frontage on 8<sup>th</sup> Avenue NE and NE 106<sup>th</sup> Street. Two-way traffic and parking along at least one curb is provided on 8<sup>th</sup> Avenue NE, but NE 106<sup>th</sup> Street lacks an improved width to accommodate two-way traffic or parking.

- 5. The area is well served by public transit;*

The subject sites are within an area designated as a frequent transit area. An existing bus stop is located on the frontage of the North Site along Roosevelt Way NE. The Site is within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard. The Northgate Light Rail Station is located within a half-mile radius of the sites and is anticipated to open in 2021.

- 6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*

The subject sites are located on or near arterial streets: NE Northgate Way and Roosevelt Way NE. NE Northgate Way is located approximately 300-feet north, while Roosevelt Way NE abuts the North Site to the east.

7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The area is well supported by existing and projected facilities and services used by residents, such as a variety of retail sales and services, the Beaver Pond Natural Area, Homestead Park, the Northgate Community Center, Seattle Public Library, and pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The subject sites are not located in the Delridge High Point Neighborhood Revitalization Area.

- D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*
1. *was created by human activity, or*
  2. *is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

As described in greater detail in response to SMC 23.34.024 below, the subject sites contain small areas mapped ECAs due to their proximity to off-site wetlands and Thornton Creek. SDCI Geocortex mapping indicates the North Site has a mapped steep slope erosion hazard area in an area currently developed with apartment buildings and predominately flat. The technical reports submitted by the applicant (and referenced in response to SMC 23.34.024.A. below) explain that the off-site watercourse would necessitate a riparian management area on the southern portion of the South Site. The sites are not designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.

The area is predominately developed to an intensity greater than LR3. The applicant notes that, if necessary, they would be amenable to removing the riparian management area from the proposed rezone such that it remains zoned LR3(M). The Director does not support this approach as it would create a zoning boundary within a parcel and not follow physical buffers as described in 23.34.008E.2. or and platted lot lines.

**SMC 23.34.024 Midrise (MR) zone, function, and locational criteria**

- A. *Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.*

The subject site is located in the Northgate Overlay District, an area that provides concentrations of housing, pedestrian oriented urban development with convenient access to regional transit stations, a full range of residential services and amenities, and opportunities to live within walking distance of employment. The Sound Transit light rail station is located within one half mile from the site, and many commercial and office employment opportunities are located nearby. The immediate area includes a concentration of housing including densities of 15 units per acre.

*B. Locational criteria*

1. *Threshold conditions. Subject to subsection 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:*
  - a. *Properties already zoned Midrise;*
  - b. *Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*
  - c. *Properties within an urban center or urban village.*

The subject site is located within the Northgate Urban Center in an area already developed predominately to the intensity permitted by the Midrise zone. The proposed zoning designation would allow for a floor area ratio (FAR) of 4.5 (SMC 23.45.510) which is identical to the FAR permitted in the NC-65 zone (SMC 23.47A.013) which abuts the North Site to the north and west.

2. *Environmentally critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:*
  - a. *Was created by human activity, or*
  - b. *Is a designated peat settlement; liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.*

The South Site contains properties designated as environmentally critical. Approximately 1,350-square feet, three percent, of the South Site is designated as Riparian Management Area (RMA). The applicant submitted the following reports and materials further describing this area:

- *Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE (Altmann Oliver Associates, LLC, April 14, 2020);*
- *Preliminary Site Research Report (BCRA, June 12, 2019);*
- *Utility and Environmental Critical Areas (ECA) Exhibits (BCRA, June 12, 2019);*
- *Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA (Altmann Oliver Associates, LLC, March 6, 2019); and*
- *Stormwater Improvements Assessment (BCRA, June 15, 2017).*

As demonstrated in these reports, this RMA, located at the southeast portion of the South Site, is associated with the nearby watercourse located off-site to the south and east. This portion of the site is currently developed with existing paved parking lot. Any future development within the RMA will require compliance with the standards of the Environmentally Critical Areas (ECA) Ordinance (SMC 25.09), namely SMC 25.09.200 (Development standards for fish and wildlife habitat conversation areas).

As stated above in response to SMC 23.34.007 (Rezone Evaluation), the provisions of chapter 23.34 have been weighed and balanced together to determine which zone designation best meets the provisions of the chapter, this includes the zone function statements to assess the likelihood that the proposed rezone will function as intended. As described in response to the MR zone function statement above (SMC 23.34.024.A.), the Director finds the proposed MR zone will function as intended.

Furthermore, no provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval; thus, the various provisions have been weighed and balanced together to determine the appropriate designation for the site (as described in response to SMC 23.34.007.B. above). The Director has weighed and balanced the various provisions of Chapter 23.24, including this criterion, and finds that the appropriate designation for this site is MR.

As noted in response to the locational criteria of SMC 23.24.024.B.1., the North and South Sites may be considered for the MR designation; therefore, the Director recommends that the entirety of the North and South Sites be rezoned to MR(M1). Then, in response to this criterion (SMC 23.24.024.B.2.) and given the existence of the environmental critical designation on the southeast corner of the South Site, the Director recommends future development within this portion of the South Site be restricted and the area restored consistent with the provisions of the ECA Ordinance (SMC 25.09). The restriction of development in this area is intended to mitigate potential impacts to the ECA resulting from the rezone and increase in anticipated density as explained in response to SMC 23.34.008.I. above. The Director recommends the following conditions be included in the PUDA (these conditions are also included at the end of this report):

- Prior to Issuance of Council Action 3033517-LU, the applicant shall submit a signed and recorded Environmentally Critical Areas Ordinance covenant restricting future development within the Riparian Management Area located on the South Site. The covenant shall be consistent with the provisions of the ECA Ordinance (SMC 25.09.335).
- Prior to Issuance of a Master Use Permit for future development of the South Site, the applicant shall submit a restoration plan for the area of the South Site encumbered by the Riparian Management Area. The restoration plan shall be consistent with the applicable requirements of the Environmentally Critical Areas Ordinance (SMC 25.09).

In addition to the RMA located on the southeastern portion of the South Site, the North and South Sites contain properties mapped as steep slope erosion hazard area and wetland buffer. These areas are also currently developed with existing structures and associated parking areas and are relatively flat in grade. After review of the technical documentation submitted by the applicant (listed above) it was determined that the steep slope erosion hazard area was created by human activity and the wetland buffer is not a designated environmentally critical area; therefore, these portions of the North and South Sites may be rezoned to the MR designation and no conditioning is recommended.

3. *Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*
  - a. *Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The subject sites are located adjacent to business and commercial areas with comparable height and bulk. Properties abutting to the north and west are zoned Neighborhood Commercial, range in height from 55-feet to 95-feet and are in the Northgate Core Subarea of the Northgate Urban Center. Commercial uses predominately face NE Northgate Way.

- b. Properties in areas that are served by major arterials and where frequent transit service and street capacity could absorb the traffic generated by midrise development;*

The subject sites are located in an area designated as a frequent transit area and are served by major arterials, including NE Northgate Way to the north and Roosevelt Way NE to the east. The applicant submitted transportation impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that demonstrate the street capacity could absorb the potential traffic generated by midrise development. Additional analysis is included in the SEPA section below.

- c. Properties in areas that are in close proximity to major employment centers;*

The subject sites are located in close proximity to major employment centers including the Core Subarea of the Northgate Urban Center, Northgate Mall, Seattle Kraken practice facility (projected to open in 2021) and a number of other commercial uses. The John Lewis Bridge is scheduled to open late in 2021, connecting the subject site to the walkshed of North Seattle College.

- d. Properties in areas that are in close proximity to open space and recreational facilities;*

The subject sites are located in close proximity to the following open space and recreational facilities: Beaver Pond Natural Area (abutting to the south and east); Hubbard Homestead Park; Northgate Park; Northgate Community Center; Seattle Public Library, and the future Kraken Community Iceplex.

- e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*

As described in response to SMC 23.24.008.E. above, the sites are located along Roosevelt Way NE, an arterial street, and in an area where topographic changes provide a transition in scale to the single-family development to the south.

- f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*

The subject sites are in an area where the prevailing structure height is greater than 37-feet and include heights ranging from 50 to 95-feet. Properties abutting to the north are

generally higher in elevation and allow for greater structure heights. Existing development consists of both heights at the maximum allowable building height, and older development below maximum allowable height for the zone.

- g. *Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*

The topography of the subject sites results in a moderate slope from north to south of less than 10%. Relative to abutting properties, the sites lie lower, resulting in the perception of a lower maximum building height. The height and bulk of existing structures have already limited or blocked views from within the multifamily area to upland areas. The applicant submitted a viewshed analysis demonstrating views from around the site of potential development at the LR3(M) heights and MR(M1) heights.

- h. *Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and*

The subject sites have a modest slope from north to south and there are no east-west views perpendicular to the site's slope. The single-family developments to the south are on a steep slope and site approximately 40-feet higher than the site. The mature vegetation within the Beaver Pond Natural area (between the sites and the single-family development to the south) obscure any views of the site.

- i. *Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

The subject sites have a modest slope from north to south. The bulk of any future development would be obscured from the south by the mature vegetation of the Beaver Pond Natural Area. Properties west of the site sit higher and have no views across the site to the east.

Based on the analysis above, the project site is suited for the proposed MR designation.

### **RECOMMENDATION – REZONE**

Based on the analysis undertaken in this report, the SEPA analysis of the rezone (below), and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from LR3(M) to MR(M1) be approved with conditions.

The Director recommends conditions be included in the PUDA; these are listed at the end of this document.

## II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 18, 2018. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the project file submitted by the applicant or agents, and pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### SHORT TERM IMPACTS

As a non-project action, the proposed rezone would not have any short-term impacts on the environment. Future development affected by this legislation maybe subject to SEPA which would analyze anticipated short-term impacts on the environment.

### LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions, parking, and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, historic resources, height bulk and scale, parking, and transportation warrant further analysis.

#### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with future project construction and the future project energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Future development may be reviewed under SEPA. No mitigation is warranted pursuant to SMC 25.05.675.A.

### Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the Land Use Element of the Seattle Comprehensive Plan. Subject to the Overview Policy set forth in SMC 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (Height, Bulk and Scale), M (Parking), R (Traffic) and O (Public Services and Facilities) and are not addressed under this policy.

As analyzed in the rezone criteria, the department concludes that no adverse land use impacts are anticipated as a result of the rezone proposal. No mitigation is warranted pursuant to SMC 25.05.675.J.

### Height, Bulk, and Scale

The proposed rezone does not include a development proposal. Future development will be subject to the Design Review process (SMC 23.41). Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c. of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

Despite no specific development proposed, the applicant submitted various massing analyses demonstrating potential impacts from a massing at maximum zoning potential (80-foot in height). The height, bulk and scale of future proposed development and relationship to nearby context will be addressed during the Design Review process for any new project proposed on the sites. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

### Historic Preservation

The existing structures, cabana, and pool on the sites are more than 50 years old. These features were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the features on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board, LPB 725/19, December 5,2019). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H. No structures are proposed for demolition at this time.

### Parking

The proposed contract rezone does not include a specific development proposal. Instead, the applicant submitted traffic and parking analysis (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020 ) that analyze what the rezone could generate in terms of parking impacts. As indicated in the studies, the rezone could allow a net increase in 954 new housing units which would result in a peak demand for approximately 630 vehicles from the proposed rezone. Peak residential demand typically occurs overnight. The traffic consultant estimated the project's residential parking demand using the King County Right Size Parking model, an empirically based regression model that provides estimates of peak parking demand for multifamily projects in King County. After the study for this project was completed, the County updated the Right Size Parking model, incorporating additional parking data. Using the updated model, the project is forecast to have a peak parking demand of approximately 630 vehicles. The studies note that all spaces will be provided on-site; therefore, no additional mitigation is warranted per SMC 25.05.675.M.

### Transportation

The traffic impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) indicate that the rezone could allow a net increase of 954 new housing units which is expected to generate a net total of 3,410 daily vehicle trips, with 239 net new PM Peak Hour trips.

The additional trips are expected to distribute on various roadways near the project site, including (Roosevelt Way NE and 8<sup>th</sup> Avenue NE) and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R. Future review of proposed development may be required to submit a project specific transportation analysis.

### DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030(2)(c).

Page 32 of 33  
Project No. 3033517-LU

The lead agency for this proposal finds that it does not have a probable significant adverse impact on the environment. An EIS is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS uses the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **RECOMMENDED CONDITIONS – REZONE**

The Director recommends approval of the contract rezone from LR3(M) to MR(M1) subject to the following conditions, which shall be contained in the PUDA:

#### *Prior to Issuance of the Council Action No. 3033517-LU*

1. Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.

#### *Prior to Issuance of a Master Use Permit for Future Development*

2. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
3. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
4. Future development of the North Site and South Site shall designate at least 20% of all residential units on-site to meet the standards of the Multifamily Tax Exemption Program (SMC 5.73).
5. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8<sup>th</sup> Avenue NE that is publicly accessible.

### **RECOMMENDED CONDITIONS – SEPA**

None.

Senior Land Use Planner Carly Guillory  
Seattle Department of Construction and Inspections

Date: September 9, 2021

CG:adc

3033517-LU Decision.docx

## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met, and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.



City of Seattle  
**Hearing Examiner Exhibit**  
Applicant \_\_\_\_\_  
Department  ADMITTED   
Public \_\_\_\_\_ DENIED  
FILE # CF-34441

10
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# Exhibit 10

Rezone Request, 2<sup>nd</sup> Amended Rezone Request Analysis

February 3, 2021



Memorandum

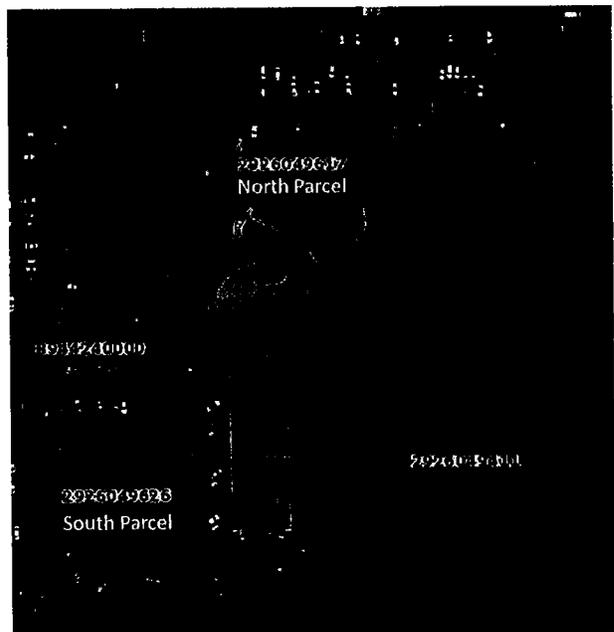
**To:** Nathan Torgelson, SDCI Director  
**From:** Aaron M. Laing  
**Date:** February 3, 2021  
**Subject:** SDCI Record No. 013750-18PA/3033516-EG - Park at Northgate Site-Specific Rezone Request – 2<sup>ND</sup> AMENDED Rezone Criteria Analysis

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**CAM 228 REZONE APPLICATION SUBMITTAL INFORMATION**

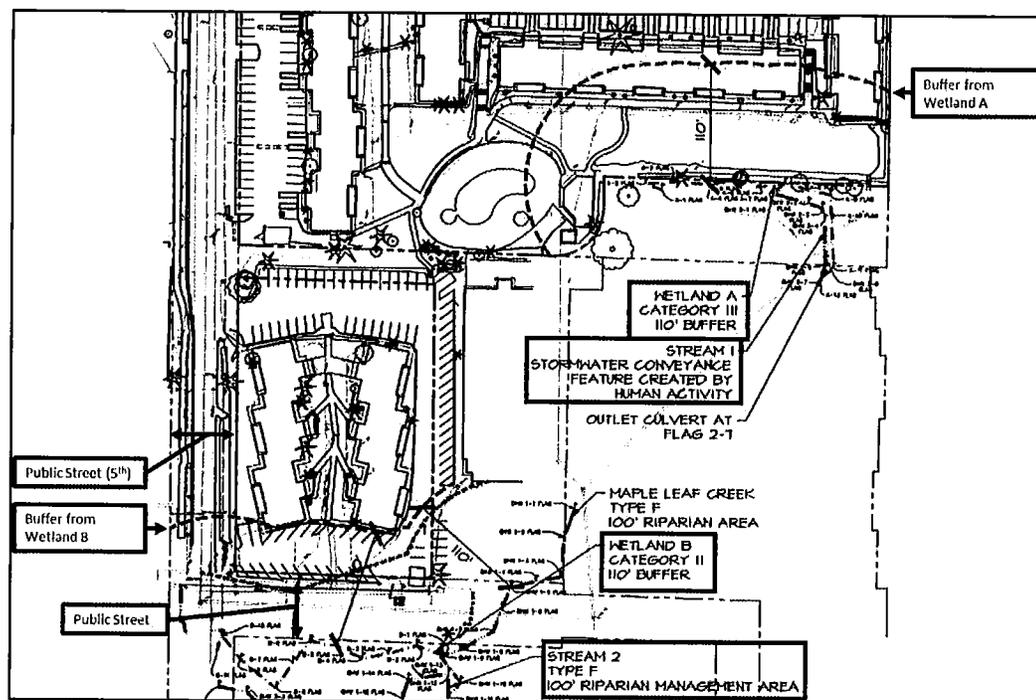
In response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, Applicant provides the following amended responses to item 8 on page 3 and item 12 on page five below. Newly-added text is in red font, stricken text is shown in red strike-through font. Previously submitted Attachments A – L are also re-submitted and references to new height, massing and shadow studies prepared in response to Items 3 and 4 of Correction Notice # 2 have been added.

- 1. Project number:** SDCI Record No. 013750-18PA/3033516-EG. A pre-application meeting was held on January 3, 2019. There is no associated Master Use Permit.
- 2. Subject property address(es):** The Site is comprised of two tax parcels located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617 (“North Parcel”) and King County tax parcel no. 292604-9626 (“South Parcel”) per King County’s July 2020 parcel segregation approval as shown in **Figure 1**.
- 3. Existing zoning classification(s) and proposed change(s):** Per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Site’s existing zoning designation is Lowrise 3 with a fifty foot (50’) height limit and a Mandatory Housing Affordability (MHA) suffix of (M) or LR3(M). The proposed zoning designation for the Site is Midrise with an eighty foot (80’) height limit and MHA suffix of (M1) or MR(M1), per newly-revised SMC Chapter 23.45.



**Figure 1 – Site’s North Parcel and South Parcel**

4. **Approximate size of property/area to be rezoned:** The Site is approximately 5.24 acres/ 228,319 square feet.
5. **If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and CAM 103B, Environmentally Critical Area Site Plan Requirements.** Please refer to the April 14, 2020 “Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU” prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled “Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue” prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a *riparian management area* (“RMA”) from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA.



Map from Altmann Oliver report indicating location of Wetlands, Streams, Buffers and Riparian Management Areas. Blue boxes were added by the author of the April 29 memo to highlight the areas discussed therein.

**6. Applicant information:**

**a. Property owner or owner's representative or – Property Owner:** The property owner/Applicant is Wallace Properties – Park at Northgate LLC, and the property owner's representative is Kevin Wallace.

**b. Other? (Explain) – N/A**

**7. Legal description of property(s) to be rezoned:** The Site's full legal description and depiction are attached hereto as Attachment A, Bush, Roed & Hitchings, Inc.'s July 25, 2019 January 14, 2021 revised ALTA Survey of the Site. The Site's short form legal description is as follows:

South 1/2 of NE 1/4 of SW 1/4 of SE 1/4, Section 29, Township 26 N, Range 4 E, W. M., situated in King County, WA

**8. Present use(s) of property:** The Site is developed with a series of two-story wood-framed garden-style apartments, surface parking and a swimming pool, comprising a 148-unit apartment complex in six separate structures built in 1967. All units are two-bedroom, one bathroom, market-rate apartments that currently lease at rates affordable between 70% and 90%+ of Area Median Income (AMI). The Site is comprised of two tax parcels, the North Parcel and the South Parcel as shown in **Figure 1** above. Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, the tables below provide the existing and proposed development condition:



Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
BUILDING	Building 1	Building 2	Building 3	Building 4	Building 2+3	North+South	Total Parcels
MHA Units	27	32	38	70	70	97	9%
MFTE Units	59	71	84	155	155	214	20%
MRKT Units	209	252	301	559	559	762	71%
<b>TOTAL Units (620 Avg. SF)</b>	<b>295</b>	<b>355</b>	<b>423</b>	<b>770</b>	<b>770</b>	<b>1073</b>	<b>100%</b>
<b>TOTAL Stalls</b>	<b>217</b>	<b>291</b>	<b>262</b>	<b>550</b>	<b>550</b>	<b>770</b>	

Existing	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2			5	7
Existing Units (950 Avg. SF)	36			110	146
Existing Stalls	44			157	201

**PROPOSED MR(M1) TOTALS**

	Unit Count	Avg Size (sf)	FAR	Density	Parking Provided	Percent Increase In # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

9. **What structures, if any, will be demolished or removed?** For the rezone, none of the structures identified in item #8 will be removed. Upon redevelopment of the Site, all of the structures and improvements on the Site identified in item #8 will be removed and replaced with new multifamily residential structures and associated parking and amenities. In Section 13 below, Applicant proposes to phase the demolition in order to reduce potential displacement impacts on existing Park at Northgate residents. No site-disturbing activities are proposed as part of or will result from the rezone.
10. **What are the planned uses for the property if a rezone is approved?** Applicant seeks both to rezone the Site to MR(M1) and to enter into a Property Use and Development Agreement (PUDA) with a 20-year term to allow development of multifamily housing, including affordable housing units, and associated parking and amenities. Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2. Based on our current analysis, if the Site is rezoned to MR(M1), Applicant may develop up to 1,100 multifamily dwelling units, of which:
- i. 9% (~97 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
  - ii. 20% (~214 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
  - iii. 71% (~778 units) would be at market-rate.

Through the PUDA, Applicant proposes to: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. Applicant will also provide an east-west pedestrian connection along the Site's northern property line in conjunction with redevelopment of that portion of the Site / phase to facilitate access to transit and improve pedestrian connectivity in the neighborhood. Redevelopment will also allow for enhanced water quality for storm water leaving the Site and discharging to Thornton Creek and its associated wetland complex.

11. **Does a specific development proposal accompany the rezone application? If yes, please provide plans.** No. A general phasing plan along with two massing diagrams prepared by BCRA for the PUDA are included as Attachment B. Please also refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1. No development is proposed for any portion of the Site's South Parcel encumbered by the offsite stream's RMA, and Applicant proposes to include that as a requirement in the PUDA. Alternatively, if necessary to comply with SMC 23.34.024.B.2, Applicant is amenable to having the portion of the South Parcel that contains the RMA excluded from the rezone and remain LR3(M), consistent with the approach the City has taken in similar circumstances (*i.e.*, offsite stream but onsite RMA). *See, e.g., In the Matter of the Application of TODD CURRY* for approval of a rezone of property located at

3012 NE 140th Street, Hearing Examiner File: CF 307580, SDCI # 3002989 (August 15, 2006). Applicant is amenable to exploring other options to address this condition, as well.

- 12. Reason for the requested change in zoning classification and/or new use.** While well-maintained, the Site's existing wood-framed units are over 50 years old and nearing the end of their useful life. The City and region have made significant transportation investments in the Northgate Urban Center, and the City has ongoing planning initiatives to leverage such investments and provide more affordable housing and a wider range of housing opportunities in the neighborhood.

On November 9, 2017, the City issued the Mandatory Housing Affordability SEPA Final Environment Impact Statement (MHA FEIS) with a LR3(M) as the Preferred Alternative for the Site. During the MHA SEPA process, Applicant requested that the Site be rezoned to MR(M1) due to the infeasibility of redeveloping the Site under the LR3(M) designation and the opportunity that the MR(M1) designation would provide for the development of a significant number of family-sized affordable units. Please see June 30, 2017 and August 7, 2018 correspondence, Attachment C.

Due to displacement concerns, the Site was rezoned to LR3(M) effective April 19, 2019, per Ordinance No. 125791 / Council Bill 119444. The rezone from LR3 to LR3(M) did not convey enough additional density to offset the cost of the MHA requirements, increasing the FAR from 2.0 to 2.3, a value of \$12.90/land square foot, but imposing an MHA requirement at a cost of \$30.48/land square foot; as such, redevelopment of the Site is infeasible without this requested rezone to MR(M1). Please see May 17, 2018 correspondence, Attachment C.

Applicant now requests that the Site be rezoned through this process to MR(M1), which will enable Applicant to provide the benefits outlined in Section 13 below. As explained in response to item #10 above, if granted, Applicant's request will allow for an increased density on the Site from 148 market-rate units to approximately 1,100 units, of which 29% will be affordable units per SMC Chapter 23.58C (MHA – 9%) and SMC Chapter 5.73 (MFTE – 20%). If granted, the proposed rezone also provides the opportunity to create an east-west pedestrian connection from Roosevelt Way NE across the Site and allow for enhanced water quality for storm water leaving the Site and discharging to Thornton Creek and its wetland complex.

Per BCRA's response to Item 5 of SDCI's January 5, 2021 Correction Notice #2, there are two buildings, 778 units and 553 parking stalls proposed for future development on the North Parcel, of which 70 will be MHA units and 155 will be MFTE units (225 total affordable units). For the South Parcel, one building, 295 units and 217 parking stalls are proposed for future development, of which 27 will be MHA units and 59 will be MFTE units (86 total affordable units). For reference, below please find the same chart prepared by BCRA and referenced in response to Item 8 above.

Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
<b>BUILDING</b>	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Building 2+3</b>	<b>North+South</b>	<b>Total Parcels</b>
MHA Units	27	32	38	70	97	9%
MFTE Units	59	71	84	155	214	20%
MRKT Units	209	252	301	553	762	71%
<b>TOTAL Units (620 Avg. SF)</b>	<b>295</b>	<b>355</b>	<b>423</b>	<b>773</b>	<b>1073</b>	<b>100%</b>
<b>TOTAL Stalls</b>	<b>217</b>	<b>291</b>	<b>262</b>	<b>550</b>	<b>770</b>	

Existing	South Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2		5	7
Existing Units (950 Avg. SF)	36		110	146
Existing Stalls	44		157	201

**PROPOSED MR(M1) TOTALS**

	Unit Count	Avg. Size (sf)	FAR	Density	Parking Provided	Percent Increase in # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

**13. Anticipated benefits the proposal will provide: Anticipated benefits include:**

- a. The timely replacement of an aging, low-density apartment complex with a modern, energy efficient, transit-oriented development that will provide up to 1,100 homes, of which 29% will be rent-restricted affordable units in the heart of the Northgate Urban Center. The ~319 rent-restricted units alone will more than double the current rent-restricted unit count on Site under LR(3)(M) zoning.
- b. Support and leverage the City’s planning, affordability, and pedestrian goals through additional density and the opportunity for a pedestrian connection from Roosevelt Way NE to 5<sup>th</sup> Avenue NE.
- c. Allow for enhanced storm water treatment of water leaving the Site and discharging into Thornton Creek and the associated wetland complex south of the Site through compliance with current storm water regulations.
- d. Meet the City’s transportation, land use and housing objectives, including providing transit-oriented affordable housing per the goals established in the City’s Seattle 2035 Comprehensive Plan and the goals of the HALA / MHA process.
- e. Under the current LR3(M) zoning, it is not feasible to redevelop the Site as the cost of compliance far exceeds the value of the nominal increase in FAR provided by the rezone from LR3 to LR3(M). See May 17, 2018 correspondence, Attachment C. Even if redevelopment were feasible, the (M) zoning designation means only 5-7% of new homes would be reserved at 60% AMI affordable rents, as opposed to 9% with the requested (M1) zoning suffix. Redevelopment under the LR3(M) zoning would not require any phasing, retention of the family-sized two-bedroom units or other mitigation to reduce displacement impacts. By contrast, the proposed rezone, coupled with the proposed PUDA, will result in development of a significantly greater number of affordable, rent-restricted, family-sized units and mitigate displacement impacts.

- f. Applicant proposes to provide the 9% MHA units on-site, as opposed to paying the fee in lieu available under SMC Chapter 23.58C.
- g. Applicant proposes to provide 20% of the units at affordable rates pursuant to the (MFTE) incentive, as it currently exists in SMC Chapter 5.73.
- h. Applicant proposes to provide at least 148 two-bedroom family-sized units in the redevelopment, which is would replace the existing units at a minimum ratio of 1:1.
- i. To minimize impacts on existing residents of the Site, Applicant will agree to phase the redevelopment such that no more than two of the existing six buildings will be demolished within nine months of the others. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1.

Applicant is willing to commit to provide the benefits listed in (f), (g), (h) and (i) above through execution of a PUDA with a 20-year term.

- 14. Summary of potential negative impacts of the proposal on the surrounding area:** None. See analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below, for additional detail. Please also refer to the July 26, 2019 SEPA checklist submitted with this application and the studies referenced therein.
- 15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).** Property Use and Development Agreement (PUDA) to allow conditional phased redevelopment of Site over a period of twenty (20) years. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI's May 22, 2020 Correction Notice #1.
- 16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.** See detailed analysis of SMC 23.34.008, SMC 23.76.009 and SMC 23.76.024 below and supporting attachments. The rezone criteria analysis below has been updated in response to Items 6, 7, 11, 12, 13, 14 and 15 of SDCI's May 22, 2020 Correction Notice #1 and Items 3, 4 and 5 of SDCI's January 5, 2021 Correction Notice #2.
- 17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans coversheet. See Attachment A.** Please also refer to the materials by BCRA and submitted with this amended analysis in response to Item 5 of SDCI's May 22, 2020 Correction Notice #1 and Item 2 of SDCI's January 5, 2021 Correction Notice #2.

## BACKGROUND INFORMATION

### Summary of Request

The Land Use Code, Section SMC 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. This proposal includes a rezoning of the Site from LR3(M) with a fifty-foot (50’) height limit and MHA suffix (M) or LR3(M)<sup>1</sup> to MR with an eighty-foot (80’) height limit and MHA suffix (M1) or MR(M1) along with a Property Use and Development Agreement with a 20-year term that will require phased redevelopment, onsite performance / provision of affordable units, 1:1 replacement of the Site’s existing 148 two-bedroom units, provision of an east-west pedestrian connection along the Site’s northern property line and enhanced storm water treatment to Thornton Creek and its associated wetland complex. Please refer to the updated phasing plan materials prepared by BCRA and submitted with this amended analysis in response to Item 16 of SDCI’s May 22, 2020 Correction Notice #1.

The Seattle 2035 Comprehensive Plan seeks to add 3,000 housing units to the Northgate Urban Center by 2035. Although the 2035 Comprehensive Plan was updated in April 2019, the updates do not change the analysis below. Consistent with the applicable goals and policies of the Seattle 2035 Comprehensive Plan Land Use, Housing and Transportation elements and the Seattle 2035 Northgate Neighborhood Plan, the zoning designation change (*i.e.*, LR3(M) to MR(M1)) will allow for a significant increase in density on the Site, which is within both the City’s adopted Frequent Transit Service Area and within the 10-minute walkshed for the Northgate Transit Center and soon-to-open (2021) light rail station. The increased density will allow phased replacement of market-rate units affordable at the 70%-90%+ AMI level with a wide-range of affordable housing options on the Site, and the significant increase in residential density will support the growing mix of businesses and services in the Northgate Urban Center. Through the PUDA, redevelopment will allow for the provision of an east-west pedestrian connection from Roosevelt Way NE to 5<sup>th</sup> Avenue NE.

### Site and Vicinity Description

The Site is located at 10713 Roosevelt Way NE, on the east edge of the Northgate Urban Center. Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site’s west and north boundaries.<sup>2</sup>

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<sup>1</sup> As shown in Tables A and B for newly-revised SMC 23.45.514, Structure height, the base height for, respectively, LR3-zoned properties in Urban Centers is 50’, and the base height for MR-zoned properties is 80’, provided that the property has an MHA suffix.

<sup>2</sup> Item 10 of SDCI’s May 22, 2020 Correction Notice states: “There are several instances in the rezoning criteria analysis that describe the rezoning site as being in the Northgate Core. However, the Northgate map of the North Core Area within the Northgate Urban Center and Overlay District in the Seattle 2035 Comprehensive Plan (pg. 356) shows that the project site is not within the ‘Core.’ In consideration of this fact, please amend your responses to rezoning criterion SMC 23.34.008.D and elsewhere in the written analysis that references the project site as being located in the

The Site fronts on the east side of 8th Avenue NE midblock between NE Northgate Way and NE 106th Street NE, and it also fronts upon and has access to Roosevelt Way NE. Presently, it is zoned LR3(M). The Site is located within the ½-mile ten-minute walkshed of the Northgate Transit Center and soon-to-open Northgate Link Light Rail station and Seattle Kraken NHL practice facility and associated development. See Park at Northgate Transit Radius, Attachment E. The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City's adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and <http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>.

As shown in Attachment H, Site Elevation Cross Section, the Site is essentially flat, sits in a bowl and slopes from west to east and north to south. From north to south, there is an approximately 30' change in elevation across the Site, and the northernmost part of the Site sits 20' to 30' lower than NE Northgate Way. The southernmost portion of the Site along NE 106<sup>th</sup> Street sits at essentially the same elevation as the Thornton Creek wetland complex, and the topography rises steeply south of the creek moving up a hill toward the Maple Leaf neighborhood. The closest single-family neighborhoods to the south are along NE 105<sup>th</sup> Street, which is at an elevation approximately 40' higher than the lowest portion of the Site and in the same elevation as the northernmost portion of the Site. In sum, due to the topography, the Site sits significantly lower than the properties to the north along NE Northgate Way as well as properties to the south. The Site is not located within the shoreline environment. Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The Site's North Parcel does not contain any ECAs; a small portion of the parking lot on the South Parcel is encumbered by riparian management area (buffer) associated with an offsite stream segment. A public street lies between the South Parcel and the offsite stream segment.

Open space in the area includes a City Park (Hubbard Homestead Park) located between 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE a few blocks northeast of the Site. Other open space includes Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. The soon-to-open (summer 2021) Seattle Kraken NHL practice facility and associated development on the Northgate Mall site will provide a significant park ringed by an amphitheater and commercial development. Open space also includes Thornton Creek Beaver Pond Natural

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Northgate Core." All such references have been amended with similar language as provided here and the associated analysis amended accordingly.

Area adjacent to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools are located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. In addition to transit service, the Site is also well-served by the City's growing network of bicycle pathways. *See Attachment E*.

NE Northgate Way is a principal arterial, 5th Avenue NE is a minor arterial, Roosevelt Way NE is a minor arterial and 8th Avenue NE is a non-arterial access street. (*See* SDOT Street Classification Map). Parking in the area is a combination of structured parking, surface parking, and limited on-street parking.

Other uses and developments in the area include Northgate Mall, one- to seven-story commercial development and parking garages, one- to eight-story residential and mixed-use structures, and offices. The soon-to-open (summer 2021) Seattle Kraken NHL practice facility and associated development on the Northgate Mall site will provide a significant park ringed by an amphitheater and commercial development. Existing development represents a wide range of ages and styles of construction. Two blocks north of the Site along 8th Avenue NE, there is an eight-story senior housing apartment complex (Northhaven Apartments), which was built in the early 1970s. To the east and south there are several three-to-four story apartment complexes with surface parking lots. Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography.

As shown in **Figure 3** below and Attachment G, the adjacent, abutting properties to the north are zoned NC2-55(M) and NC3-55(M); properties to the west along 8<sup>th</sup> Avenue NE are zoned NC3-95(M), NC3(75(M) and NC3-55(M), and abutting properties to the south are zoned LR3(M). The closest single-family zoning (SF 7200) is located to the southeast along Roosevelt Way NE. The single-family neighborhoods directly south of the Site along NE 8<sup>th</sup> Avenue are more than a block away and are physically separated by both public rights-of-way and the Thornton Creek Beaver Pond wetland complex.

As shown in the Figure 2 to the right, MR(M) zoning is located adjacent to and abutting LR(3)(M) zoning throughout the Northgate Urban Center. The proposed rezone of the Site to MR(M1) would result in this same common zoning condition as the adjacent property to the east of the South Parcel and south of the North Parcel (Northgate Manor Apartments) will remain LR3(M).

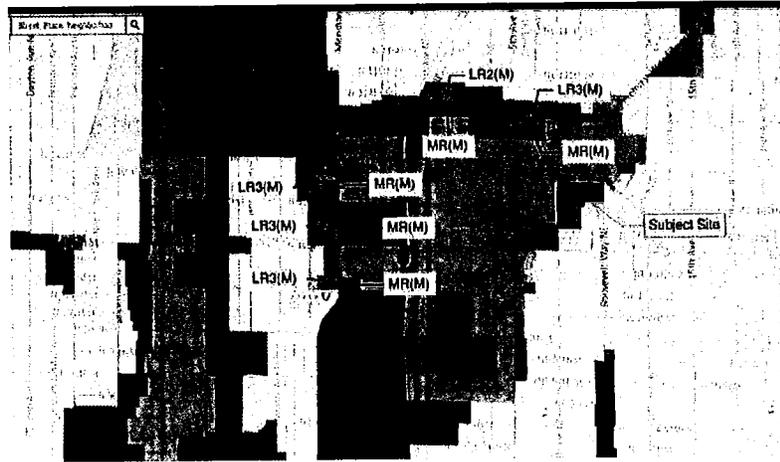


Figure 2 – Northgate Urban Center Zoning Map

MHA Adopted Zoning Changes <https://www.seattle.gov/development/land-use/affordable-housing/mha-adopted-zoning-changes>

Search an address or click on the map to see information

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**10713 ROOSEVELT WAY NE**  
 This is parcel 2928049017. It's 228,319 square feet in area. [Learn more about this parcel from the King County Department of Assessments.](#)

The new MHA zoning here is **LR3 (M)**.

In March 2019, the City Council voted 9-0 to adopt citywide MHA legislation, implementing affordable housing requirements in 27 urban villages throughout Seattle. The new MHA zoning took effect April 19, 2019.

**LR3 (M)** a Lowrise Multifamily zone. [Learn more about the size and type of development allowed in LR3 \(M\) zones with our Director's Report.](#)

The **(M)** suffix indicates that affordable housing requirements apply for development in this zone. MHA requirements vary both according to the suffix in the zone name, i.e., (M), (M1), or (M2), and geographically. This location is in a medium MHA area.

**Interested in the specific MHA requirements for your property?** Read our summary of how MHA works, and consult Tip 257 from the Seattle Department of Construction and Inspections.

**MHA Zoning Categories**

- Residential Small Lot (RSL)

Figure 3- MHA Zoning (Effective April 19, 2019)

As shown in Figure 3 to the left and Attachment G, the height limits established by current zoning within the Northgate Urban Center in the area closest to and surrounding the Site are typically between fifty-five feet (NC2- or NC3-55(M)) and ninety-five feet (NC3-95(M)). Most of those areas sit higher than the Site due to topography. See Site Elevation Cross Section, Attachment H. The allowed heights on the parcels directly west of the Site's North Parcel range between 85' and 95' (NC3-85 / NC3-95(M)), and allowed heights west of the Site's South Parcel range between 55' and 75' (NC3-55(M) and NC3-75(M)). Per Table A of SMC 23.45.510 and Table A of

SMC 23.47A.013 of the newly-adopted MHA Ordinance, the allowable FAR for MR-zoned sites with an MHA suffix is 4.5, and the allowable FAR for NC-zoned sites with heights from 55' to 95' ranges from 3.75 to 6.25. The allowable density on the Site under MR zoning would be consistent with the density allowed on other adjacent and nearby parcels.

Also, along 8<sup>th</sup> Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the MR zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the MR zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to similar heights and densities as the Prism.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. By comparison, NC3-55(M) zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level as the heights and allowable FAR are comparable both as-zoned and as-developed.

### **Permitted Use and Zoning History**

Please refer to the Detailed Zoning History of the Subject Property, **Exhibit E** to the materials prepared by BCRA and submitted with this amended rezone analysis. Currently, the Site is developed with a 148 unit garden-style apartment complex. The units are market-rate and rent at the 70%-90%+ AMI affordability level. This low-density complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. The floor-area ratio (FAR) of the existing buildings is 0.66 (about 28 units per acre); current zoning allows an FAR of 2.3, per Table A of SMC 23.45.510. To say the least, the Site is underutilized from a housing standpoint. Much of the Site is covered with impervious parking lots and storm water runoff to Thornton Creek and its associated wetland is untreated.

In December, 2009 the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative, the Site was recommended for one increase in zoning height/intensity—that is, from LR3 to LR4. In 2010, the City eliminated the LR4 zoning designation. Under the City's current zoning designations, the next increment from LR3 is MR.

During the ten-year period between completion of the 2009 FEIS and adoption of the MHA Ordinance in March 2019, the City only increased density in the Northgate Urban Center via three

contract rezones. The Mullaly family received a contract rezone for their site on NE 1<sup>st</sup> Street/NE Northgate Way along I-5, going from MR to NC3-85. Two Wallace Properties affiliates obtained contract rezones, nominally increasing the height and density on land a block northwest (525 NE Northgate Way) and directly west of the Site (10711 8<sup>th</sup> Avenue NE). With the adoption of the MHA Ordinance, both of those sites have now been rezoned to higher heights and densities.

### **Consistency with Seattle 2035 Comprehensive Plan**

Under the recently adopted MHA Ordinance, the Site was rezoned from LR3 with a 40' height limit to LR3(M) with a 50' height limit. This would allow one more level of residential units with 5-7% of homes reserved at affordable rents for low-income people. By contrast, this request to rezone the Site to MR(M1) combined with a PUDA would allow for the phased redevelopment of the Site over a period of twenty years to provide significantly more affordable units and ensure one-for-one replacement of the existing market-rate 148 two bedroom family-sized units. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request.

In November 2016, the City adopted its new Seattle 2035 Comprehensive Plan. Although the 2035 Comprehensive Plan was updated in April 2019, the updates do not change the analysis below.<sup>3</sup> Please see newly-added Attachment L, which provides the applicable excerpts from the 2019 updates to the Northgate Subarea. As detailed in the Citywide Planning element, the heart of the City's growth strategy are the City's urban villages. Simply put, "The urban village strategy is Seattle's growth strategy." See Seattle 2035 Urban Village discussion at 22-26. The goal of the Seattle 2035 growth strategy is succinct:

***GS G1***      *Keep Seattle as a city of unique, vibrant, and livable urban neighborhoods, with concentrations of development where all residents can have access to employment, transit, and retail services that can meet their daily needs.*

From a zoning standpoint, Goal GS G1 is to be achieved through the following policies:

#### ***POLICIES***

***GS 1.1***      *Designate places as urban centers, urban villages, or manufacturing/industrial centers based on the functions they can perform and the densities they can support.*

---

<sup>3</sup> Item 7 of SDCI's May 22, 2020 Correction Notice states: "When applicable, please update all responses in the written analysis referencing the information in the amended 2035 Seattle Comprehensive Plan (2019)." The only applicable updates were an amendment to the Northgate Neighborhood map (which did not impact the Site) and revisions to Northgate Land Use Housing Policy NG-P8, which is addressed below.

***GS 1.2*** *Encourage investments and activities in urban centers and urban villages that will enable those areas to flourish as compact mixed-use neighborhoods designed to accommodate the majority of the city's new jobs and housing.*

...

***GS 1.5*** *Encourage infill development in underused sites, particularly in urban centers and villages.*

***GS 1.6*** *Plan for development in urban centers and urban villages in ways that will provide all Seattle households, particularly marginalized populations, with better access to services, transit, and educational and employment opportunities.*

***GS 1.7*** *Promote levels of density, mixed-uses, and transit improvements in urban centers and villages that will support walking, biking, and use of public transportation.*

***GS 1.8*** *Use zoning and other planning tools to shape the amount and pace of growth in ways that will limit displacement of marginalized populations, and that will accommodate and preserve community services, and culturally relevant institutions and businesses.*

....

***GS 1.13*** *Provide opportunities for marginalized populations to live and work in urban centers and urban villages throughout the city by allowing a variety of housing types and affordable rent levels in these places.*

(Bold text in original; underlining added.) By rezoning the Site to MR(M1) and entering into the proposed PUDA, each of these strategies is brought to fruition: more and a broader range of affordable housing will be provided in the Northgate Urban Center near jobs, businesses and transit, and displacement impacts will be minimized through phasing and retention of family-sized units on Site.

The second and related goal of the Seattle 2035 growth strategy is also succinct:

***GS G2*** *Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers.*

To accomplish this goal, the Seattle 2035 plan sets forth the following policies relevant to this proposed rezone:

**GS 2.1** *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

**GS 2.2** *Base twenty-year growth estimates for each urban center and manufacturing/ industrial center on the following criteria:*

- *Citywide targets for housing and job growth adopted in the Countywide Planning Policies*
- *The role of the center in regional growth management planning*
- *The most recently adopted subarea plan for the center*
- *Level of transit service*
- *Existing zoning capacity for additional commercial and residential development existing densities*
- *Current development conditions, recent development trends, and plans for private or public development, such as by major institutions*
- *Plans for infrastructure, public amenities, and services that could attract or support additional growth*
- *Access to employment for, and potential displacement of, marginalized populations*

....

**GS 2.6** *Work with communities where growth is slower than anticipated to identify barriers to growth and strategies to overcome those barriers.*

(Bold text in original; underlining added.)

With specific regard to the City's Multifamily Residential Areas, the Seattle 2035 Land Use Element provides the following self-evident goals and policies that support this request to rezone the Site from LR(3)(M) to MR(M1):

**GOAL**

**LU G8** *Allow a variety of housing types and densities that is suitable for a broad array of households and income levels, and that promotes walking and transit use near employment concentrations, residential services, and amenities.*

***POLICIES***

***LU 8.1***      *Designate as multifamily residential areas those places that either are predominantly occupied by multifamily development or are within urban centers or urban villages.*

...

***LU 8.3***      *Provide housing for Seattleites at all income levels in development that is compatible with the desired neighborhood character and that contributes to high quality, livable urban neighborhoods.*

***LU 8.4***      *Establish evaluation criteria for rezoning land to multifamily designations that support the urban village strategy, create desirable multifamily residential neighborhoods, maintain compatible scale, respect views, enhance the streetscape and pedestrian environment, and achieve an efficient use of the land without major impact on the natural environment.*

...

***LU 8.6***      *Establish multifamily residential use as the predominant use in multifamily areas and limit the number and type of nonresidential uses to preserve the residential character of these areas, protect these areas from negative impacts of incompatible uses, and maintain development opportunities for residential use.*

...

***LU 8.11***      *Use midrise multifamily zones to provide greater concentrations of housing in urban villages and urban centers.*

(Bold text in original; underlining added.) The Site is already designated and zoned for multifamily use, but the allowed density under LR3(M) zoning is not consistent with the City's vision for placing the highest levels of density in Urban Villages and Urban Centers, particularly in areas like the Site that are well-served by transit and have significant employment and service opportunities nearby.

The Seattle 2035 Comprehensive Plan's Housing element is focused, in part, on growth and equity. The Housing element was developed and adopted, following a process that began in 2013 with the review of the City's affordable housing incentive programs. In 2014, the City Council and Mayor jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee. In 2015, the Mayor and Council approved the Seattle Housing Affordability and Livability Agenda (HALA). The HALA contains sixty-five recommendations for how Seattle can create more affordable housing, including steps for-profit and nonprofit housing developers to build and preserve affordable housing. Seattle 2035's overarching housing goals provide:

**H G2** *Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.*

**H G3** *Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.*

(Underlining added.) To achieve this goal, the City adopted several dozen policies, of which several speak to rezoning underutilized properties like the Site to encourage redevelopment:

**H 2.4** *Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.*

...

**H 3.3** *Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.*

...

**H 5.16** *Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.*

(Bold text in original; underlining added.)

With regard to the emphasis on housing affordability, the Housing Element provides the following relevant goals and policies that support rezoning the Site from LR3(M) to MR(M1):

#### **GOAL**

**H G5** *Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.*

#### **POLICIES**

**H 5.3** *Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.*

...

**H 5.6** *Increase housing choice and opportunity for extremely low- and very low-income households in part by funding rent/income-restricted housing throughout Seattle, especially in areas where there is a high risk of displacement. Also increase housing choice in areas where lower-cost housing is less available but where there is high frequency transit service and other amenities, even if greater subsidies may be needed.*

**H 5.7** *Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.*

(Underlining added.) Again, the Site is on the City's adopted Frequent Transit Service Area map, is adjacent to a transit stop on Roosevelt Way NE and within the ten-minute walkshed of the Northgate Transit Center and future light rail station. See Attachment E. By significantly increasing the density while requiring on-site performance of MHA affordability requirements, the Site will provide more than twice as many rent-restricted affordable units (over 300 such units) than the existing 148 market-rate units, which are affordable at the 70%-90%+ AMI level.

Finally, with regard to the Seattle 2035 Plan's Natural Environment and Urban Design – Built Environment goals and policies, the following policies are relevant for the proposed conditions of the PUDA requested as part of this rezone:

**GS 3.3** *Encourage design that recognizes natural systems and integrates ecological functions such as storm water filtration or retention with other infrastructure and development projects.*

**GS 3.4** *Respect topography, water, and natural systems when siting tall buildings.*

....

**GS 3.11** *Use zoning tools and natural features to ease the transitions from the building intensities of urban villages and commercial arterials to lower-density developments of surrounding areas.*

...

**GS 3.14** *Design urban villages to be walkable, using approaches such as clear street grids, pedestrian connections between major activity centers, incorporation of public open spaces, and commercial buildings with retail and active uses that flank the sidewalk.*

(Bold text in original; underlining added.) By requiring the east-west pedestrian connection across the Site, the rezone and PUDA will better meet the goals and policies above that development under the existing LR3(M) zoning. By allowing for redevelopment under the City’s current storm water code, the quality of storm water discharged to Thornton Creek and its wetland complex will be significantly improved. Also, the Site’s topography lends itself to higher buildings as it sits in a bowl, relative to surrounding properties.

**Consistency with Seattle 2035 Northgate Neighborhood Plan**

The Site is adjacent to and abuts the Core of the Northgate Urban Center, per the Seattle 2035 Future Land Use Map as amended in April 2019. See **Figure 4**, excerpt of amended Map of the Northgate North Core Area within the Northgate Urban Center and Overlay District. Please also refer to newly-added Attachment L, which contains the April 2019 amendments to the Northgate Neighborhood Plan Element of the Seattle 2035 Comprehensive Plan.

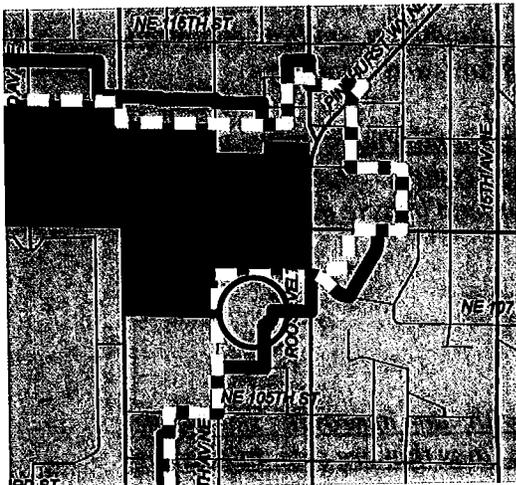


Figure 4 - Northgate Urban Center (Site in Red Circle / Core Boundary in White Dashes)

As described in the Seattle 2035 Land Use Element, the Northgate Urban Center is planned for increased intensity of development, including increased residential density. The Seattle 2035 Northgate Neighborhood Plan provides the following goals and policies that speak to and support increased density on the Site through the proposed rezone to MR(M1).

**LAND USE & HOUSING POLICIES**

**NG-P2** Use land use regulation to cause new development to locate close to transit stops and provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.

...

**NG-P6** Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.

...

**NG-P8** Maintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as rowhouses, townhouses, and low-rise apartments. Encourage primarily residential uses in these

areas while allowing for commercial and retail services for the village and surrounding area.<sup>4</sup>

***NG-P8.5*** *Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

### **TRANSPORTATION GOALS**

***NG-G6*** *An economically viable commercial core with improved alternative means of access, good vehicular and pedestrian circulation, and an enhanced, interesting environment that attracts customers, visitors, and employers.*

***NG-G7*** *Medium- to high-density residential and employment uses are concentrated within a ten-minute walk of the transit center, reducing the number and length of vehicle trips and making travel by foot and bicycle more attractive.*

....

### **TRANSPORTATION POLICIES**

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

....

### **DRAINAGE POLICY**

***NG-P16*** *Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.*

(Bold text in original; underlining added.)

Of further note, the Transportation Element of the Seattle 2035 Plan identifies high priority pedestrian investments in the Northgate Urban Center as part of the strategy to implement the following policies:

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<sup>4</sup> This policy was amended in April 2019 and replaced a policy that focused on single-family as opposed to “lower-intensity” areas in the Northgate Urban Village. This changed policy does not impact the analysis as the Site and the areas immediately surrounding and abutting it are not “lower-intensity” areas; the “lower-intensity” areas nearby are a block south along NE 105<sup>th</sup> Street or on the east side of Roosevelt Way and separated from the Site by natural features and public rights-of-way.

*T 3.10 Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.*

*T 3.11 Develop and maintain bicycle and pedestrian facilities, including public stairways, that enhance the predictability and safety of all users of the street and that connect to a wide range of key destinations throughout the city.*

(Bold text in original; underlining added.) By providing the east-west pedestrian connection across the Site as a condition of the PUDA in conjunction with redevelopment of the North Parcel, the rezone will further these policies.

#### **SMC CHAPTER 23.76 CRITERIA & ANALYSIS OF REZONE FROM LR3(M) TO MR(M1).**

Pursuant to SMC 23.76.036.A.1. and SMC 23.76.058.C., this is a request for a quasi-judicial Type IV City Council land use decision to for a site-specific rezone from LR3(M) to MR(M1) and a related request to enter into a Property Use & Development Agreement. As required by SMC 23.76.040, Applicant is the holder of record of fee title to the subject property and authorizes the undersigned and BCRA to pursue this application on its behalf. Applicant submits this amended memorandum to address the substantive criteria set forth in those provisions and SDCI's May 22, 2020 Correction Notice #1 and SDCI's January 5, 2021 Correction Notice #2 and respectfully requests that the City Council approve this request.

Per SMC 23.34.004, Contract rezones, the City Council may approve of rezone subject to the execution, delivery and recording of a PUDA with "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone" and "self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property." Applicant's proposed PUDA will further mitigate any potential housing displacement impacts by ensuring phased development and 1:1 replacement of the Site's existing 148 two-bedroom, one bathroom family-sized units.

Per SMC 23.34.007, and as detailed below, Applicant's request is not a request to correct a mapping error; it is a request for a site-specific rezone and to enter into a PUDA. The request is consistent with the MR zone function statement and the Comprehensive Plan. The Site is not within the shoreline jurisdiction and does not contain any critical areas.

SMC 23.34.007.A. provides in part that "In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended." SMC 23.34.007.B. further states that "No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a

zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.” Applicant’s request meets all of the substantive criteria for approving the requested rezone, subject to the proposed PUDA.

With regard to the substantive criteria applicable to this request, Applicant provides the following analysis of the criteria in SMC 23.76.008, SMC 23.76.009, SMC 23.76.024. For clarity, the provisions of the code appear in bold italicized text, and the responses appear in regular text below.

***SMC 23.34.008 - General rezone criteria<sup>5</sup>***

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

***1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than 125 percent of the growth estimates adopted in the Comprehensive Plan for that center or village.***

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map. Per Urban Village Figure 8 of the Urban Village Element of the Comprehensive Plan (amended in 2015). The proposed rezone to MR(M1) will allow for an increase in density (not a reduction) and will not result in the zoned capacity of the Northgate Urban Center falling below 125% of growth estimates. To the contrary, it will better help ensure the City meet its growth targets. This criterion is met.

***2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.***

The Site is within the Northgate Urban Center on the Seattle 2035 Future Land Use Map, and the proposed rezone from LR(3)(M) to MR(M1) will significantly increase allowable density on the Site and will not result in a decrease of zoned capacity, taken as a whole. Please see response to section SMC 23.34.008.A.1. above. This criterion is met.

***B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.***

Presently the site is zoned LR3(M). As detailed below, the proposed rezone to MR(M1) meets both the function and locational criteria of the MR zone. Please refer to the discussion below under SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria. This criterion is met.

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

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<sup>5</sup> Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Please refer to the materials prepared by BCRA and submitted with this amended analysis in response to Item 9 of SDCI's May 22, 2020 Correction Notice #1, which includes the August 16, 2020 Zoning History for 10713 Roosevelt Way NE prepared by SDCI Land Use Permit Specialist Supervisor Johnny Harris. Although the City commenced and studied a comprehensive upzone for all of the Northgate Urban Center in the mid-2000s (culminating in the publication of a Final Environmental Impact Statement in 2009), the Council never acted on the proposed rezone. The zoning on the Site and in many nearby areas remained unchanged until March 19, 2019, when the Council enacted Ordinance No. 125791 / Council Bill 119444, the Mandatory Housing Affordability Ordinance, which became effective on April 19, 2019. During the roughly decade from the publication of the 2009 Northgate rezone FEIS and the adoption of the MHA ordinance, two properties within two blocks of the Site (the 525 Northgate and Prism properties) were rezoned in accordance with the 2009 FEIS to allow increased height and density. These two site-specific rezones were accompanied by PUDAs, and each of these rezones increased height and density on the subject properties. With the adoption of the MHA Ordinance, all nearby properties have seen an increase in height and allowable density.

***D. Neighborhood Plans.***

***1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.***

There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan. Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

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

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

As detailed above in the section titled "Consistency with Northgate Neighborhood Plan," the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

***3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.***

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. There are no height or zoning recommendations for the Site set forth in the Seattle 2035 Northgate Neighborhood Plan; however, Land Use & Housing Goal NG-G4 of the Northgate Neighborhood Plan calls for "the most intense and dense development activity [to be] concentrated within the core." Given the Site's proximity to the Northgate Core (literally abutting it on two sides), rezoning the Site to MR(M1) with adjacent properties within the Core zoned NC3 meets the spirit and intent of this criterion.

As detailed above in the section titled "Consistency with Northgate Neighborhood Plan," the proposed rezone from LR3(M) to MR(M1) is consistent with and implements several key goals and policies of the adopted neighborhood plan. This criterion is met.

***4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.***

See response to subsections 1-3 above. To the extent this criterion is applicable, this criterion is met.

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

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

The Site is located in an increasingly dense area adjacent to and abutting ~~within~~ the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. See Attachment E. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. There are significant and growing employment opportunities within a few blocks of the Site both west and north, including the Seattle Kraken's practice facility that will open in 2021.

Along 8<sup>th</sup> Avenue NE and within a two-block area of the Site, many parcels have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

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February 3, 2021  
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Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3-55(M) zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)).

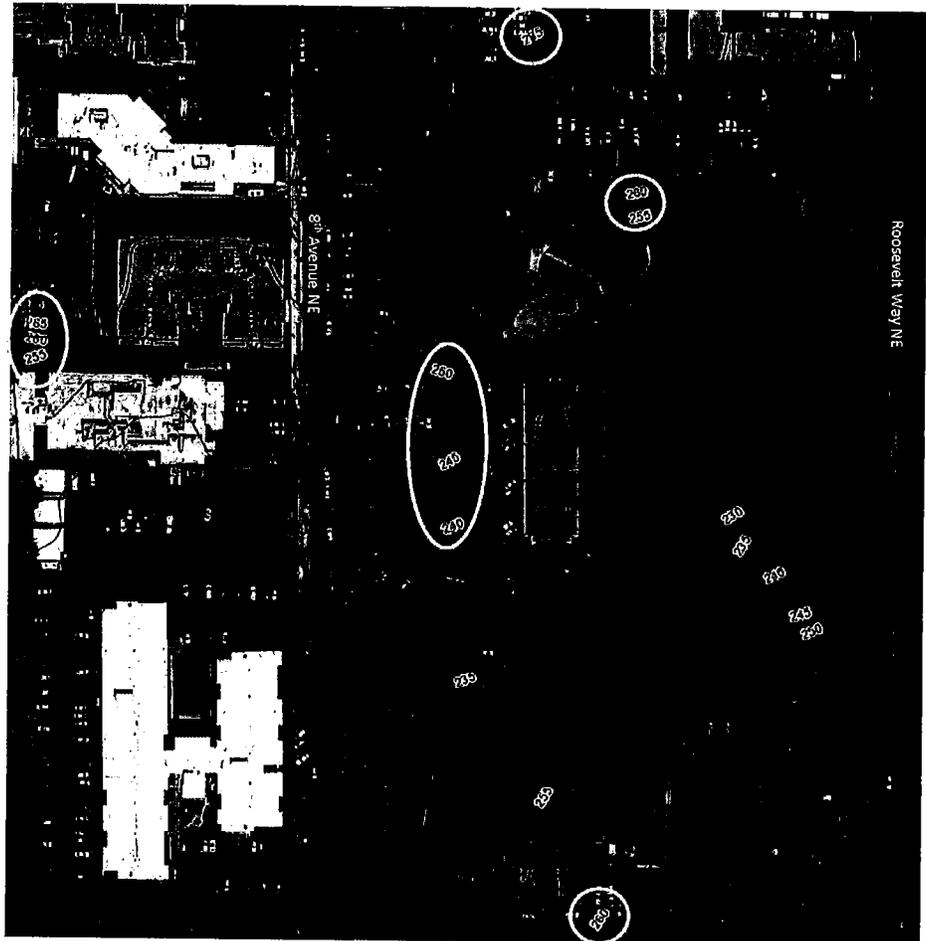
The neighborhoods a few blocks south of the Site (south of NE 105<sup>th</sup> Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. In addition, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. See Attachment K, July 21, 2019 photographs of tree canopy from south of Site along 105<sup>th</sup> Street NE.

The Site itself has a moderate slope from north to south of about 5%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106<sup>th</sup> Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. This criterion is met.

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

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

Topographically, the Site sits in a depression, below the private properties to the north, south and west. As shown in the map to the right, the Site slopes from north to south and from west to east, with elevations ranging from 240'-260'; surrounding properties to the north, south and west of the Site sit higher, at 260-265'. Please refer to Attachments A and H. To the south of the Site just south of NE 106<sup>th</sup> Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous



trees, which largely obscure the Site from views from the south. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. See Attachment K.

The Thornton Creek ravine continues on the east side of Roosevelt Way NE to the southeast of the Site and provides an additional natural buffer. This criterion is met.

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

As shown above, the Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion is met.

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

The Site is bounded to the east by principal arterial Roosevelt Way NE, which serves as an edge and provides transition from properties east of the arterial. This criterion may not be applicable, but to the extent that it is applicable it is met.

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

As noted and shown above, to the south of the Site just south of NE 106<sup>th</sup> Street is the 200'-to-380'-wide Thornton Creek Beaver Pond Natural Area, which includes the creek itself and an associated wetland complex, provides a significant natural buffer. The Thornton Creek wetland complex has a dense growth of mature coniferous and deciduous trees, which largely obscure the Site from views from the south. See above and Attachment K. Neighborhoods to the south are two or more blocks away and sit much higher than the Site, too. This criterion is met.

***3. Zone Boundaries.***

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

***(1) Physical buffers as described in subsection 23.34.008.E.2; and***

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

***b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.***

The proposed rezone to MR(M1) will ensure that residential development, as now exists on the Site, will continue and will be adjacent to and facing other existing residential uses. As shown in **Figure 1** and Attachments E and G, the Site is located in an increasingly dense area adjacent to and abutting the core of the Northgate Urban Center and the Northgate Transit Station's ten-minute walkshed.

Within a two-block area of the Site, many parcels have been recently developed to heights and residential densities similar to those permitted by the Midrise zone. For example, the Prism multifamily project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights exceeding 70' and sits higher than the Site due to the topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3

zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). This criterion is met.

***4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.***

Per both the prior and updated (April 2019) maps for the Northgate Neighborhood, the Site is within the Urban Center and abuts the Northgate Core along the Site's west and north boundaries. This criterion is met.

***F. Impact evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.***

***1. Factors to be examined include, but are not limited to, the following:***

***a. Housing, particularly low-income housing;***

The proposed rezone to MR(M1) and PUDA will allow Applicant to develop approximately 1,100 multifamily dwelling units, of which:

- i. 9% (~99 units) would be rent-restricted at 60% of area median income (AMI) rents per the Mandatory Housing Affordability (MHA) requirement;
- ii. 20% (~220 units) would be rent-restricted per the Multifamily Tax Exemption program (MFTE) 20% at 65-85% AMI requirements in 2019; and
- iii. 71% (approximately 781 units) would be at market-rate.

Through the PUDA, Applicant will: provide the MHA units on-site as opposed to paying the fee-in-lieu that is available under SMC Chapter 23.58C.; include at least 148 two-bedroom units to replace the existing 148 two-bedroom, one bathroom units; and phase development to reduce potential displacement impacts during construction. The phasing plan would prohibit the demolition of more than two existing buildings during any nine-month period during the PUDA's term. By contrast, redevelopment of the Site under the LR3(M) zoning would result in far fewer affordable units, no phasing and potentially little or no onsite performance. Please refer to the materials prepared by BCRA and submitted with this amended analysis in response to Item 12 of SDCI's May 22, 2020 Correction Notice #1 and Item 5 of SDCI's January 5, 2021 Correction Notice #2. This criterion is met.

***b. Public services;***

The Site is well-served by public services, and the rezone will not result in an unplanned or unanticipated burden on or impact to public services. See Attachments E, F and J. Fire Station 31 is located at 1319 N Northgate Way a little over a mile west of the site, and the City's North Precinct station is about a mile west of the Site near North Seattle Community College. The Northgate library branch is located just south and east of the Site, and there are athletic fields, trails, schools and playgrounds within a few blocks of the Site in all directions. The Site is well-served by transit, and the street network is sufficient current and planned growth in the neighborhood. This criterion is met.

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

With specific regard to environmental factors, please refer both the June 28, 2019 SEPA checklist and associated reports submitted with this application as well as the following analysis, which that the proposed rezone from LR3(M) to MR(M1) will not result in any significant adverse environmental impacts:

*Noise* – No significant impacts are anticipated from the proposed increase in density and height that would result from the rezone. The resulting height increase will simply allow for more planned and desired residential density, including affordable units, in the Northgate Urban Center. As with any site in the Northgate Urban Center, noise from the anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Development as the result of a proposed rezone is unlikely to create significant additional noise in this area.

*Air quality* – No noticeable change in impacts will result from a change in zoning to allow additional building height at this site. Future Air Quality measures will comply with applicable Federal, State, and City emission control requirements. Sustainable measures related to air quality include CFC reduction in HVAC equipment, ozone depletion prevention, and Indoor Environmental Quality measures. Increasing residential density in the Northgate Urban Center, which is well-served by transit center and amenities, should decrease the number and length of vehicle trips and thereby reduce impacts on air quality associated with motorized trips.

*Water quality* – No noticeable change in impacts will result from a change in zoning. When future redevelopment occurs, storm water runoff from the associated project will be conveyed to a City drainage system via a storm water detention system designed in compliance with the City storm water code. Presently, such water is discharged from the Site untreated to Thornton Creek and its associated wetland complex south of the Site. Sustainable design related to water quality will also be attained through compliance with the City green factor requirements and through compliance with other elements of the City codes. The proposed rezone will allow for redevelopment to occur that, in turn, will allow for significant improvements in water quality.

*Flora and fauna* – Redevelopment of the Site under the proposed rezone will not impact existing landscaping and trees in any manner different than redevelopment under the existing zoning designation. Any redevelopment will require a landscaping plan and compliance with the City’s regulations. No noticeable change in impacts will result from the proposed height change. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC Chapter 23.45 and any exceptional trees proposed for removal would need to go through the process described in SMC Chapter 25.11.

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

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

*Shadows* – Please refer to the attached solar (shadow) studies. See Attachment I. Please also refer to the shadow studies, massing diagrams and related materials prepared by BCRA and submitted with this amended analysis in response to Items 11, 14 and 15 of SDCI’s May 22, 2020 Correction Notice #1 and Items 3 and 4 of SDCI’s January 5, 2021 Correction Notice #2. While the additional height may create some additional shadows on existing sites to the north, depending on season, weather and time of day, the additional shadow impacts will be imperceptible and essentially the same as those associated with the existing LR3(M). Also, future redevelopment of the Site would be subject to design review, which would include consideration of shadow impacts.

*Energy* – No noticeable change in impacts will result from a change in zoning. Future development in any case will comply with the City of Seattle energy codes. The energy codes are currently in the process of being updated to increase energy efficiency of proposed development.

*Views* – Please also refer to the shadow studies, massing diagrams and related materials prepared by BCRA and submitted with this amended analysis in response to Items 11, 14 and 15 of SDCI’s May 22, 2020 Correction Notice #1 and Items 3 and 4 of SDCI’s January 5, 2021 Correction Notice #2. There are no territorial views, and existing and proposed developments to the north and west sit higher than the Site, as do the neighborhoods to the south of the Site south of Thornton Creek. Viewshed impacts to the Northgate Manor Apartments immediately west of the Site’s South Parcel are no greater or different than those that would be associated with redevelopment of the Site under LR3(M) zoning as the north-south massing would be identical but with a lower height. One could not see over an MR(M1) building or an LR3(M) building, so the additional height makes no difference.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no significant adverse environmental impacts. This criterion is met.

***d. Pedestrian safety;***

Future development of the Site will be required to complete any required street improvements such as sidewalks and sight lines for driveways subject to Design Review, which includes review of the

pedestrian environment. Future development may also require submittal of specific traffic impact information, including consideration of how driveway placement may impact pedestrian traffic on sidewalks and at crosswalks. Pedestrian safety is also regulated by requirements in SMC Chapter 23.53 (Streets and Alleys) and the Street Improvement Manual.

Also, future redevelopment will be conditioned per the proposed PUDA to provide an east-west pedestrian connection across the Site's northern boundary, which will improve pedestrian access in the area and improve pedestrian safety.

In sum, the proposed increased density and height will allow for increased residential density, including additional affordable units, with no demonstrable adverse impacts to pedestrian safety. This criterion is met.

***e. Manufacturing activity;***

The Site is not zoned or proposed to be rezoned to allow for manufacturing activity. This criterion is met.

***f. Employment activity;***

The Site is not zoned or proposed to be rezoned for commercial (employment) activity. The increased density will, however, support commercial uses and employment in the Northgate Urban Center. This criterion is met.

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

The proposed rezone will not adversely impact any recognized architectural or historical character. This criterion is met.

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

The Site is not located within any shoreline view, public access or recreation area. This criterion is met.

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

***a. Street access to the area;***

The Site has adequate street access, and the proposed rezone for additional density and height will not impact local street access. Please see the attached updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. This criterion is met.

***b. Street capacity in the area;***

The area surrounding the Site has adequate street capacity, and the proposed rezone for additional density and height will not exceed the service capacity of the local street network. Please see the attached updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. This criterion is met.

***c. Transit service;***

The Site is well-served by transit (*i.e.*, is within the 1/2-mile walkshed from the Northgate Transit Center and is within the City's adopted Frequent Transit Service area), and the proposed rezone for additional density and height will not exceed the transit service capacity for the area. Please see Attachment E and the updated transportation analysis dated March 19, 2020 prepared by TENW. See Attachment F. The proposed rezone will leverage the City's existing and planned transit investments in the Northgate Urban Center. This criterion is met.

***d. Parking capacity;***

The proposed rezone to MR(M1) will allow for additional density and height and will not create a parking deficiency. Any redevelopment of the Site will require compliance with the City's adopted parking standards. This criterion is met.

***e. Utility and sewer capacity;***

The Site has adequate utility and sewer capacity, and the proposed rezone for additional density and height will not exceed the utility and sewer service capacity of the area. See Attachment J. This criterion is met.

***f. Shoreline navigation.***

The Site is not located within or near any shoreline navigation areas. This criterion is met.

***G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.***

Housing affordability is now a key, if not *the* key, issue facing the City. The City adopted the Seattle 2035 Comprehensive Plan (detailed above) and the Mandatory Housing Affordability Ordinance, effective April 19, 2019, to address this issue through a variety of tools, including rezoning properties throughout the Northgate Urban Center to higher heights to allow for additional density and affordable housing.

Since the adoption of the city-wide MHA rezone, the area has seen significant increase in density and height with the completion of the Prism and Lane projects adjacent to and west of the Site. The ongoing Northgate Mall redevelopment and NHL hockey training facility are other significant changes of circumstances. And prior to the redevelopment of the Site, light rail will open in 2021 and provide a 15-minute ride to Westlake Center station, with trains running every 4-6 minutes (<https://www.soundtransit.org/system-expansion/northgate-link-extension>).

Implementation of the Seattle 2035 Plan will require additional residential density and affordable housing. The proposed rezone from LR3(M) to MR(M1) coupled with the conditions in the

proposed PUDA will allow for the provision of increased density, affordable housing and a broader range of viable affordable residential development on the Site consistent with and in furtherance of the City's vision for 2035. The current LR(3)(M) zoning is inadequate to even allow for redevelopment, and even were it feasible to develop under such zoning, such redevelopment would result in far fewer affordable units, no phasing and potentially little or no onsite performance. See Attachment C. This criterion is met.

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

The Site is within the Northgate Overlay district, which was recently amended through the adoption of Ordinance No. 125792 / Council Bill 119445 effective April 19, 2019. The amendment did not impact the Site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District. To the extent it is applicable, this criterion is met.

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

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs; a small portion of the parking lot on the South Parcel is encumbered by riparian management area (buffer) from an offsite stream segment. See Attachment D. A public street lies between the South Parcel and the offsite stream. No development is proposed with this rezone application, and no future development is proposed within the area on the South Parcel encumbered by the RMA, and Applicant proposes to include that as a requirement in the PUDA. Alternatively, if necessary to comply with SMC 23.34.024.B.2, Applicant is amenable to having the portion of the South Parcel that contains the RMA excluded from the rezone and remain LR3(M), consistent with the approach the City has taken in similar circumstances (i.e., offsite stream but onsite RMA). See, e.g., *In the Matter of the Application of TODD CURRY for approval of a rezone of property located at 3012 NE 140th Street*, Hearing Examiner File: CF 307580, SDCI # 3002989 (August 15, 2006). Applicant is amenable to exploring other options to address this condition, as well. This criterion is met.

***SMC 23.34.013 - Designation of multifamily zones<sup>6</sup>***

***An area zoned single-family that meets the criteria of Section 23.34.011 for single-family designation may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.***

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<sup>6</sup> Item 6 of SDCI's May 22, 2020 Correction Notice states: "Please update the rezone criteria analysis document to include written responses to criteria found in SMC 23.34.013 (Designation of multifamily zones) and 23.34.020 (LR3 zone, function and locational criteria). Please remove written responses to the criteria per SMC 23.34.009 because these criteria are not applicable for this rezone request." This section, which addresses SMC 23.34.013, is added in response to Item 6.

The Site is zoned LR(3) and is not an area zoned single-family. This criterion is met.

***SMC 23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria<sup>7</sup>***

***A. Functions. The dual functions of the LR3 zone are to:***

- 1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and***
- 2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.***

The Site is located in an area predominantly zoned Neighborhood Commercial and developed (or planned for development) with buildings up to 75'. The first functional criterion is not met as the surrounding neighborhood is predominantly characterized by moderate to large scale mixed-use and multifamily residential structures. The Site is located in the Northgate Urban Center, so the second functional criterion is met.

***B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:***

***1. The area is either:***

- a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or***
- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;***

The Site is located in the Northgate Urban Center, so this criterion is met.

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<sup>7</sup> Item 6 of SDCI's May 22, 2020 Correction Notice states: "Please update the rezone criteria analysis document to include written responses to criteria found in SMC 23.34.013 (Designation of multifamily zones) and 23.34.020 (LR3 zone, function and locational criteria). Please remove written responses to the criteria per SMC 23.34.009 because these criteria are not applicable for this rezone request." This section, which addresses SMC 23.34.020, is added in response to Item 6.

***2. The area is near neighborhood commercial zones with comparable height and scale;***

The Site is near multiple properties zoned NC3 in a commercial area within the Northgate Urban Center, so this criterion is met.

***3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;***

There are no LR1 or LR2 zones adjacent to or near that Site to which the Site would provide transition. The Site is surrounded by NC3-zoned properties to the west and north and another LR3(M) property to the east. To the south, the Site is bounded by NE 106<sup>th</sup> Street and the Thornton Creek Natural Area, which both buffer and provide transition to neighborhoods to the south.

***4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;***

The area surrounding the Site, including 8<sup>th</sup> Avenue NE, allows for two-way traffic with parking along at least one side of the street. This criterion is met.

***5. The area is well served by public transit;***

The Site is also within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard, and the Site is adjacent to an existing transit stop on Roosevelt Way NE served by several such routes. As such the Site is within the City's adopted Frequent Transit Service Area, SMC 23.54.015.B.4. See Park at Northgate Transit Radius and Frequent Transit Service Map, Attachment E, and <http://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/NeighborhoodParking/FrequentTransitMap.pdf>. This criterion is met.

***6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;***

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 and March 19, 2020 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

***7. The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.***

The Site is located in an increasingly dense area adjacent to and abutting within the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. The Northgate Mall is undergoing significant redevelopment as the Seattle Kraken's practice facility (opening in summary 2021) and will include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

***C. The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.***

This criterion is inapplicable as the Site is not within the Delridge High Point Neighborhood Revitalization Area.

***D. Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:***

- 1. was created by human activity, or***
- 2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.***

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a riparian management area ("RMA") from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA. It is worth noting that this criterion is applicable to both LR3 and the Site's

proposed MR zoning, so rezoning the Site to MR meets this criterion to the same extent as retaining the Site's existing LR 3 zoning.

***SMC 23.34.024 - Midrise (MR) zone, function, and locational criteria<sup>8</sup>***

***A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.***

The Site is located in an increasingly dense area adjacent to and abutting the core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad and growing range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. There are significant employment opportunities within a few blocks of the Site both west and north, and the soon-to-open NHL practice facility and significant addition of office and retail space at Northgate Mall will bring more job, services and amenities to the neighborhood. The Site better meets the function criteria of the MR zone than the LR3 zone.

***B. Locational criteria.***

***1. Threshold conditions. Subject to subsection SMC 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:***

***a. Properties already zoned Midrise;***

***b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or***

***c. Properties within an urban center or urban village.***

The Site is located in an increasingly dense area within the core of the Northgate Urban Center adjacent to parcels along 8<sup>th</sup> Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup> Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone.

Directly across from the Site's South Parcel along 8th Avenue NE, a five-story 400-unit apartment project, SDCI Project # 3035319-EG, has just completed the Early Design Guidance portion of Design Review. This project will have building heights that exceed 70' and will sit higher than the

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<sup>8</sup> Updated per Ordinance No. 125791 / Council Bill 119444 effective April 19, 2019, the Mandatory Housing Affordability ordinance.

Site due to topography. The height and density of this project is commensurate with the MR zone as well, which has a base height of 60' (the project is 55' tall) for areas with no MHA suffix and an FAR of 3.2 for areas with no MHA suffix, per SMC 23.45.510&.514. By comparison, NC3 zones have a base FAR of 3.75 for zones with a 55' height limit like the property being redeveloped opposite the Site's South Parcel.

There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site meets the criteria in both subsection b. and c. of the Locational criteria for the MR zone.

***2. Environmentally critical areas. Except as stated in this subsection SMC 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either***

***a. Was created by human activity, or***

Please refer to the April 14, 2020 "Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE Parcel 292604-9617, Seattle, WA City File # 3033517-LU" prepared by Altmann Oliver Associates LLC and the April 29, 2020 Memorandum titled "Project #3033517-LU - Park at Northgate Site-Specific Rezone: Response to December 3, 2019 Correction Notice #1 ECA Issue" prepared by Schwabe, Williamson & Wyatt PC. The North Parcel does not contain any ECAs. A small portion of the parking lot on the South Parcel is encumbered by a riparian management area ("RMA") from an offsite stream segment (the area south of the yellow line in the map below). The South Parcel is separated from the stream segment by a public street, and the RMA (*i.e.*, the stream buffer) is the ECA. This criterion is met.

***b. Is a designated peat settlement; liquefaction, seismic or volcanic hazard; flood prone area; or abandoned landfill.***

The Site is not designated a peat settlement, liquefaction, seismic or volcanic hazard; it is not a flood prone area, nor is it abandoned landfill.

***3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:***

***a. Properties that are adjacent to business and commercial areas with comparable height and bulk;***

As detailed above, the Site is located in an increasingly dense area adjacent to and abutting the Core of the Northgate Urban Center adjacent to parcels along 8<sup>th</sup> Avenue NE and within a two-block area of parcels that have been recently developed to heights and densities permitted by the Midrise zone. For example, the Prism project directly opposite the Site on the west side of 8<sup>th</sup>

Avenue NE, which opened in the spring of 2019, has a height of 70' (due to wood frame construction limits) and a density per its NC3 zoning comparable to the height and density allowed in the Midrise zone. There are three other relatively new buildings (507 Northgate, 525 Northgate and Lane apartments) within two blocks northwest of the Site developed to the same heights and densities as the Prism. The allowed heights on the parcels directly west of the Site range between 85' and 95' (NC3-85 / NC3-95(M)). The Site is within and adjacent to a significant and growing business and commercial area in the Northgate Urban Center. The Site meets this criterion.

***b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;***

As shown in Attachments E, F and J, the Site is well-served by transit and bicycle pathways, is located within a block of NE Northgate Way, a major (principal) arterial and abuts Roosevelt Way NE, a major (principal) arterial, per the Seattle Department of Transportation (SDOT) maps. Both NE Northgate Way and Roosevelt Way NE are also identified as Urban Village Main in the area of the Site, and Roosevelt Way is further identified as an Urban Center Connector near the Site. Per Attachments E, F and J, both the June 28, 2019 analysis prepared by TENW and the June 12, 2019 BCRA site assessment confirm that the street capacity is sufficient to absorb the traffic generated by midrise development, should the rezone be granted. The Site meets this criterion.

***c. Properties in areas that are in close proximity to major employment centers;***

The Site is located in an increasingly dense area adjacent to and abutting ~~within~~ the Core of the Northgate Urban Center on a parcel that is both in the City's Frequent Transit Service Area (see map adopted pursuant to SMC 23.54.015.B.) and within the Northgate Transit Center's ten-minute walkshed. The Site is within two blocks of the Northgate Mall and a short walk to a broad range of businesses and services along NE Northgate Way and 5<sup>th</sup> Avenue NE. The Northgate Mall is undergoing significant redevelopment as the Seattle Kraken's practice facility (opening in summary 2021) and will include 935 apartments, one million square feet of office, an additional 188,000 square feet of retail and 330 hotel rooms, plus the NHL's practice facility. There are significant and growing employment opportunities within a few blocks of the Site both west and north. There is also a large commercial area immediately south of the Northgate Transit Center that serves as an employment center in the Northgate neighborhood. The Site meets this criterion.

***d. Properties in areas that are in close proximity to open space and recreational facilities;***

The Site is in close proximity to open space and recreational facilities, including Hubbard Homestead Park located between 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE a few blocks northeast of the Site, Northgate Park and the Northgate Community Center approximately two blocks to the southwest, and the play area associated with Olympic View Elementary School about five blocks south of the Site. Open space also includes Thornton Creek Beaver Pond Natural Area adjacent

to the Site. There are several other parks within approximately ten blocks of the site to the north, east, southeast and southwest.

Several schools with recreational facilities are also located nearby, including North Seattle Community College located approximately one mile southwest, across I-5. Nearby elementary schools include Olympic View Elementary School about five blocks south of the Site, Northgate Elementary approximately one-mile northwest of the Site across I-5 and Pinehurst Elementary School approximately nine blocks to the northeast. The Site meets this criterion.

***e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;***

The east side of the Site is adjacent to Roosevelt Way NE, a principal arterial, and just south of NE Northgate Way, another principal arterial. The Site slopes from north to south along Roosevelt Way NE, which both provides an edge and allows for transition in scale from properties on the opposite side of the street and areas to the south of the Site. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to neighborhoods to the south. The mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south, as well. The Site meets this criterion.

***f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;***

As detailed in the preceding section, the Site is not in a flat area; however, the Site is in an area where the prevailing structure height is both greater than 37' and there is such a mix of heights that there is no established height pattern. More recent development west and northwest of the Site along 8<sup>th</sup> Avenue NE and NE Northgate Way have heights in the 40' to 75' range, and the trend over the past decade is for taller buildings in the area of the site. The Site meets this criterion.

***g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;***

The Site has a moderate slope from north to south of less than 10%, and the southern portion of the Site is approximately 30 feet lower than the northern portion. (The elevation of the northern property line is ~268' NAVD 88, and the southern property line abutting NE 106<sup>th</sup> Street is at ~238' NAVD 88.) Please refer to Attachments A and H. The Site sits in a bowl of sorts, and there are no existing views from the Site or views across or through the Site from areas surrounding the Site. Due to area topography, existing developments west and northwest of the Site are higher than allowed structures would be, should the Site be redeveloped under the MR(M1) zoning. The southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, a minor arterial, each of which provides a further edge and transition from the Site to

neighborhoods to the south. As noted above, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south, and the trees are of sufficient height to obscure future redevelopment of the Site from the south. The Site meets this criterion.

***h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and***

As detailed in the preceding section, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. The neighborhoods a few blocks south of the Site (south of NE 105<sup>th</sup> Street) are on a steep slope and eventually sit much higher than the Site. Please refer to Attachments A and H. However, because the southern portion of the Site is bounded by the Thornton Creek wetland complex and NE 106<sup>th</sup> Street, the mature tree canopy in the Thornton Creek wetland complex largely obscures the Site from properties to the south. The trees are also of sufficient height to obscure future redevelopment of the Site from the south. To the extent there are any views over the Site, those views are also over the tree canopy and will be retained. The Site meets this criterion.

***i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.***

Again, the Site has only modest slopes from north to south (and west to east), and there are no east-west views perpendicular to the Site's slope. Please refer to Attachments A and H. Because the Site sits in somewhat of a bowl vis-à-vis surrounding properties and Roosevelt Way NE, the bulk of any future development under the MR(M1) zoning would be obscured from the south by the height of the mature tree canopy in the Thornton Creek wetland complex. Properties west of the Site sit higher and have no views across the Site to the east, and the Site is bounded by Roosevelt Way NE to the east. The Site meets this criterion.

**Summary and Request for Approval**

In sum, Applicant requests the following:

- rezone the Site from LR3(M) to MR(M1);
- require on-site performance instead of paying a fee in lie by providing affordable units on Site, as a condition of the PUDA;
- require a one-for-one replacement of the existing 148 two-bedroom, one bathroom units to retain family-sized units on the Site, as a condition of the PUDA;
- limit demolition of existing buildings to two buildings within any nine month period, as a condition of the PUDA;
- require an east-west pedestrian access along the Site's northern property line to provide connectivity from Roosevelt Way NE across the Site, as a condition of the PUDA; and
- provide a twenty year term to allow for phased redevelopment of the Site, as a condition of the PUDA.

As detailed above, the proposed rezone from LR3(M) to MR(M1) combined with the PUDA is consistent with and implements the applicable goals and policies of the Seattle 2035 Comprehensive Plan and Northgate Neighborhood Plan and meets every one of the substantive criteria applicable to the Site under SMC 23.76.008, .013, .020 and .024. If granted, the rezone and PUDA will allow for a better development than would otherwise be permitted under the existing zoning, which itself would prohibit redevelopment. The proposed rezone will also allow for the creation of additional market-rate and a significant number of rent-restricted units affordable to a broad range of incomes, consistent with the City's vision for the neighborhood and City.

The Site is well-served by transit, and dense redevelopment will further the City's transit-oriented growth strategy. For the past decade, the surrounding neighborhood has been undergoing redevelopment to larger scale and higher density buildings, including the recent projects immediately adjacent to the Site along 8<sup>th</sup> Avenue NE. There are no adverse impacts associated with the proposal. The impacts associated with the proposed rezone are well within the range of impacts studied in the MHA FEIS, and the SEPA checklist and studies submitted with this request demonstrate that there are no significant adverse environmental impacts associated with this request. Applicant respectfully requests that the City Council rezone the Site from LR3(M) to MR(M1) and enter into a PUDA.

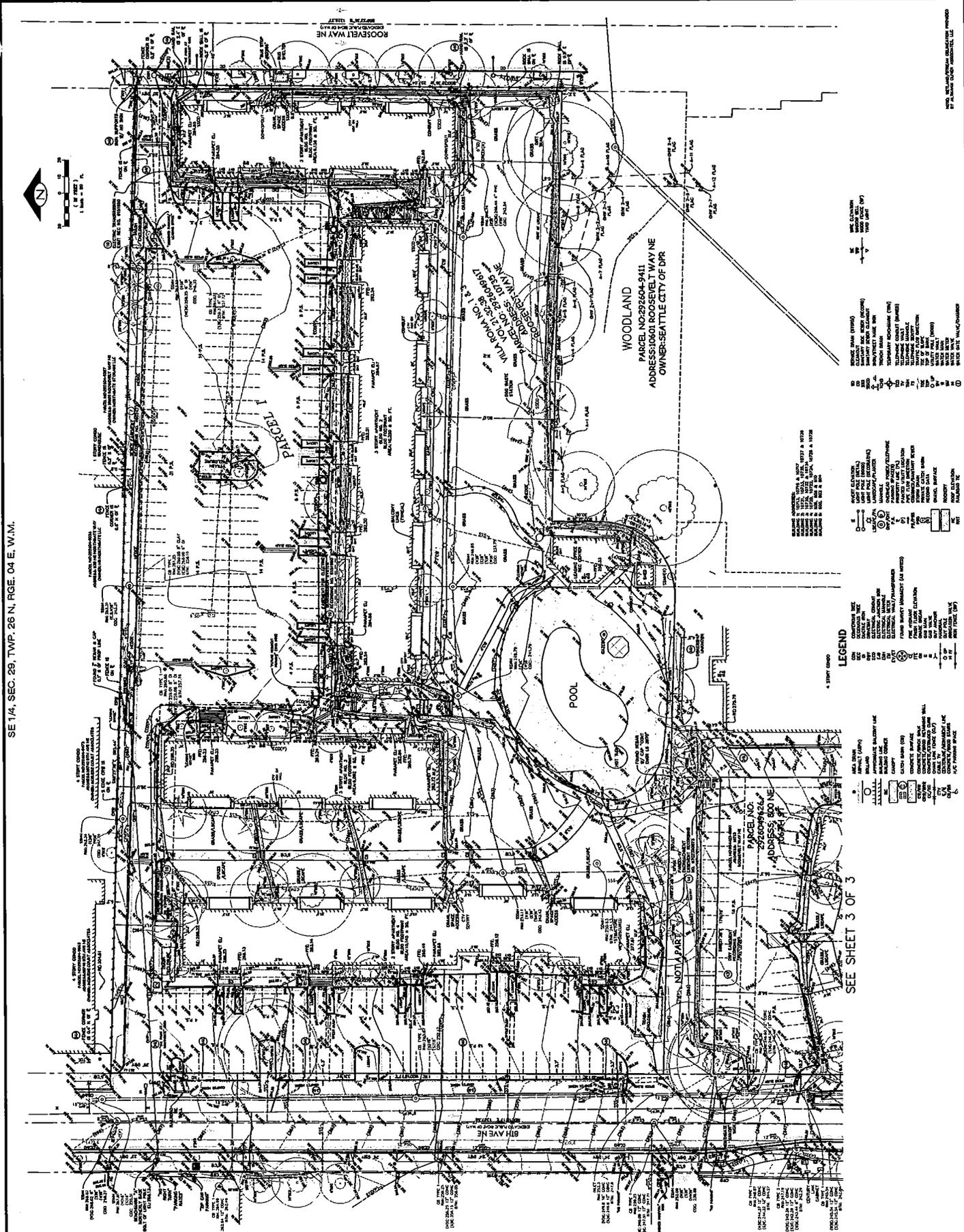
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Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 43

**ATTACHMENT A**

**Bush, Roed & Hitchings, Inc.'s ~~July 25, 2019~~ January 14, 2021 ALTA Survey**





SE 1/4, SEC. 29, TWP. 26 N, RGE. 04 E, W.M.M.



- LEGEND**
- CONCRETE SLAB ON GRADE
  - PIERS AND BEAMS
  - FOUNDATION
  - ELECTRICAL CONDUIT
  - GAS LINE
  - OTHER UTILITY
  - SPOT ELEVATION
  - FINISH ELEVATION
  - ROOF ELEVATION
  - WALL
  - WINDOW
  - DOOR
  - DOOR SWING
  - DOOR FRAME
  - DOOR THRESHOLD
  - DOOR SILL
  - DOOR JAMB
  - DOOR STOP
  - DOOR HANDLE
  - DOOR LOCK
  - DOOR KNOB
  - DOOR PULL
  - DOOR PUSH
  - DOOR LATCH
  - DOOR STRIKE
  - DOOR BOLT
  - DOOR PIN
  - DOOR WEDGE
  - DOOR SHIM
  - DOOR SPACER
  - DOOR STOPPER
  - DOOR BUMPER
  - DOOR ROLLER
  - DOOR GUIDE
  - DOOR TRACK
  - DOOR CHANNEL
  - DOOR FIN
  - DOOR CAP
  - DOOR TRIM
  - DOOR CASING
  - DOOR SURROUND
  - DOOR FRAME ASSEMBLY
  - DOOR HARDWARE
  - DOOR ACCESSORIES
  - DOOR DETAILS

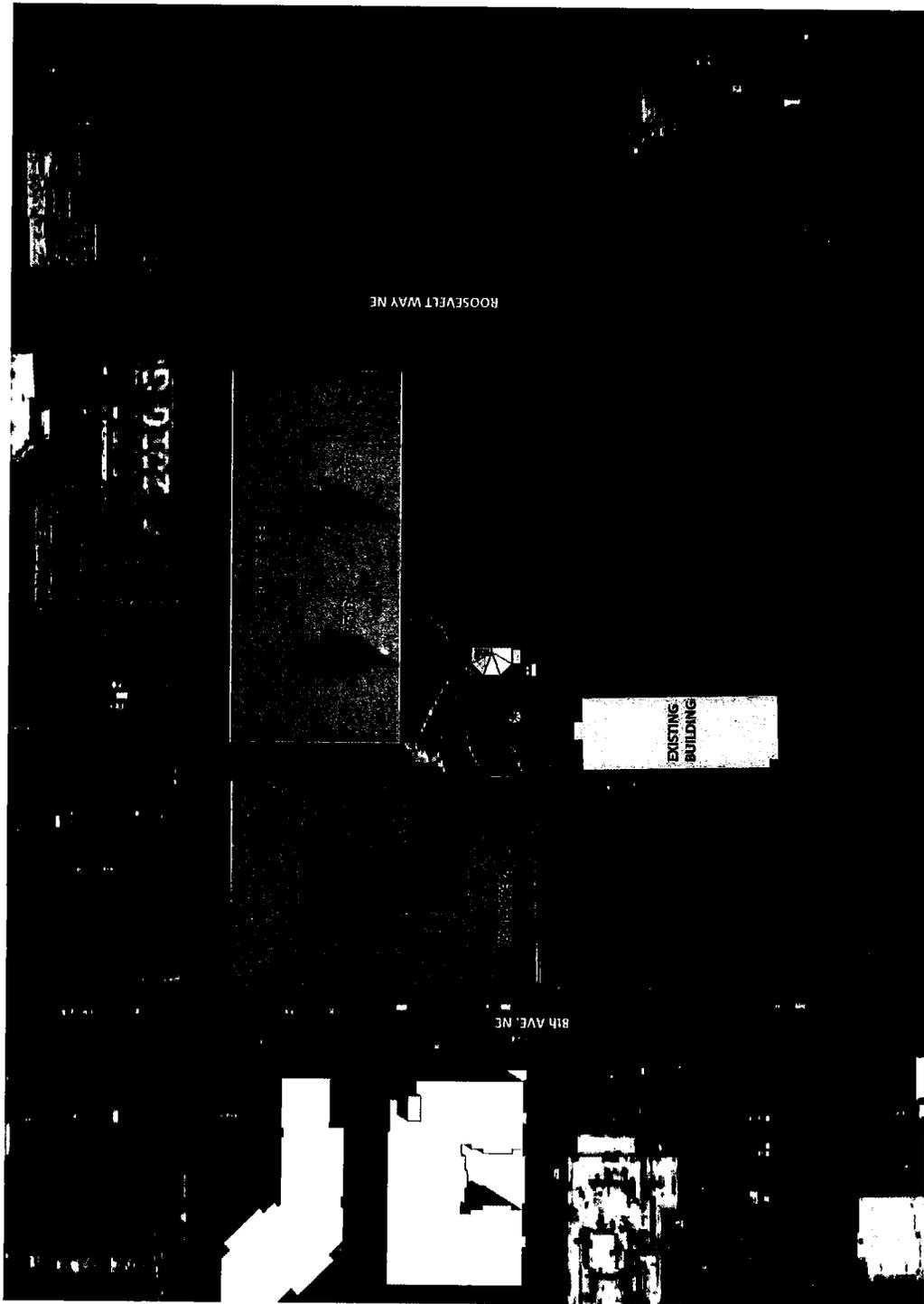
SEE SHEET 3 OF 3



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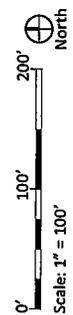
**ATTACHMENT B**

**Phasing Plan prepared by BCRA**



LEGEND

- Phase One
- Phase Two
- Phase Three



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February 3, 2021  
Page 45

**ATTACHMENT C**

**June 30, 2017 Comment Letter on MHA DEIS**

**May 17, 2018 Comment Letter on OPCD MHA Citywide Ordinance**

**August 7, 2018 Comment Letter on OPCD MHA Citywide Ordinance**



June 30, 2017

Department of Neighborhoods, City of Seattle  
[jesseca.brand@seattle.gov](mailto:jesseca.brand@seattle.gov)  
[halainfo@seattle.gov](mailto:halainfo@seattle.gov)

Office of Planning and Community Development  
Attn: MHA EIS  
[MHA.EIS@seattle.gov](mailto:MHA.EIS@seattle.gov)

Tom Hauger  
[tom.hauger@seattle.gov](mailto:tom.hauger@seattle.gov)

**Re: Request for Modification to Northgate Urban Villages Draft Mandatory Housing Affordability (MHA) Map Zoning Designation from LR3 to MR(M1)**

Dear All:

On behalf of Wallace Properties – Park at Northgate LLC<sup>1</sup>, the owner of the Park at Northgate apartments (the “Site”), we request that the Mandatory Housing Affordability (MHA) Map zoning designation for our property be changed from LR3 to MR(M1) with an 80’ height limit.<sup>2</sup> In the coming months, we will be applying for a contract rezone from LR3 to MR-60. Through that process we will provide a detailed analysis to support additional density on the Site. Our request here is to modify the MHA Alternatives for the Site to the MR(M1) designation, because MR(M1) is the most consistent with our contract rezone and best meets the City’s housing and affordability goals for the neighborhood. The remainder of this letter describes the Site and provides support for the MR(M1) zoning designation.

The Site is located at 10735 Roosevelt Way NE, on the east edge of the Northgate Urban Center.<sup>3</sup> The map to the right is an excerpt from the MHA draft Environmental Impact Statement (DEIS) Exhibit H-41 Proposed Zoning, Alternative 2: Northgate Urban Village, with the Site circled in blue. The land area of the Site is 5.24 acres, it is located within ½ mile

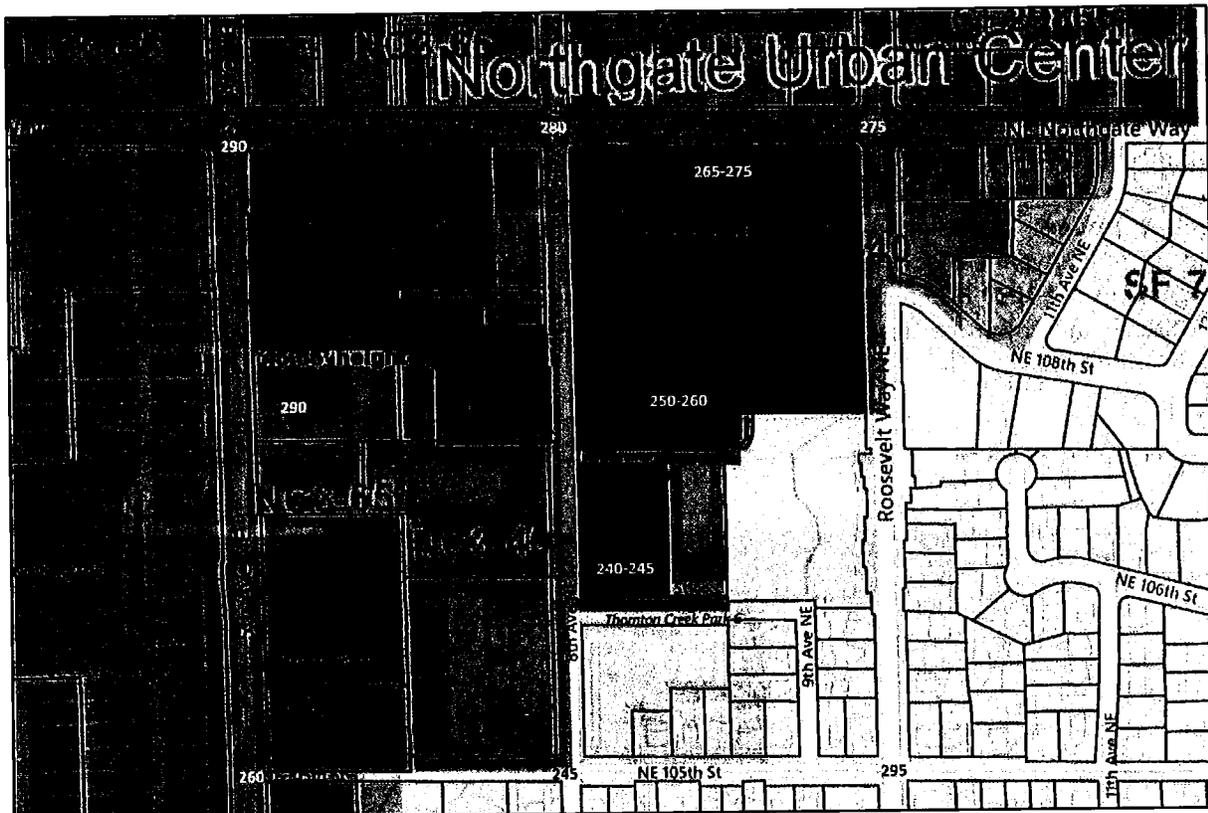


<sup>1</sup> This entity is an affiliate of Wallace Properties. The MHA draft environmental impact statement (DEIS) indicates 1,137 residential units have been built in Northgate since 1996. Wallace Properties built 430 of them, and over 100 of those are rent restricted under the Multi-family Tax Exemption (MFTE) program. This fall we will break ground on another 138 apartments across the street from the Site.

<sup>2</sup> We are amenable to a 60’ height limit, but there is no proposed zoning category at that height.

<sup>3</sup> Parcel # 894423-0005.

of the Northgate Transit Center and light rail station (see map on page 5), and it is adjacent to an existing transit stop on Roosevelt Way NE. The Site is presently developed with the Park at Northgate garden-style apartment complex, with 148 residential units. This low-density complex is well-kept but over forty years old. As such, there is a viable opportunity for a phased redevelopment of the Site with new transit-oriented workforce housing, if sufficient density is provided.

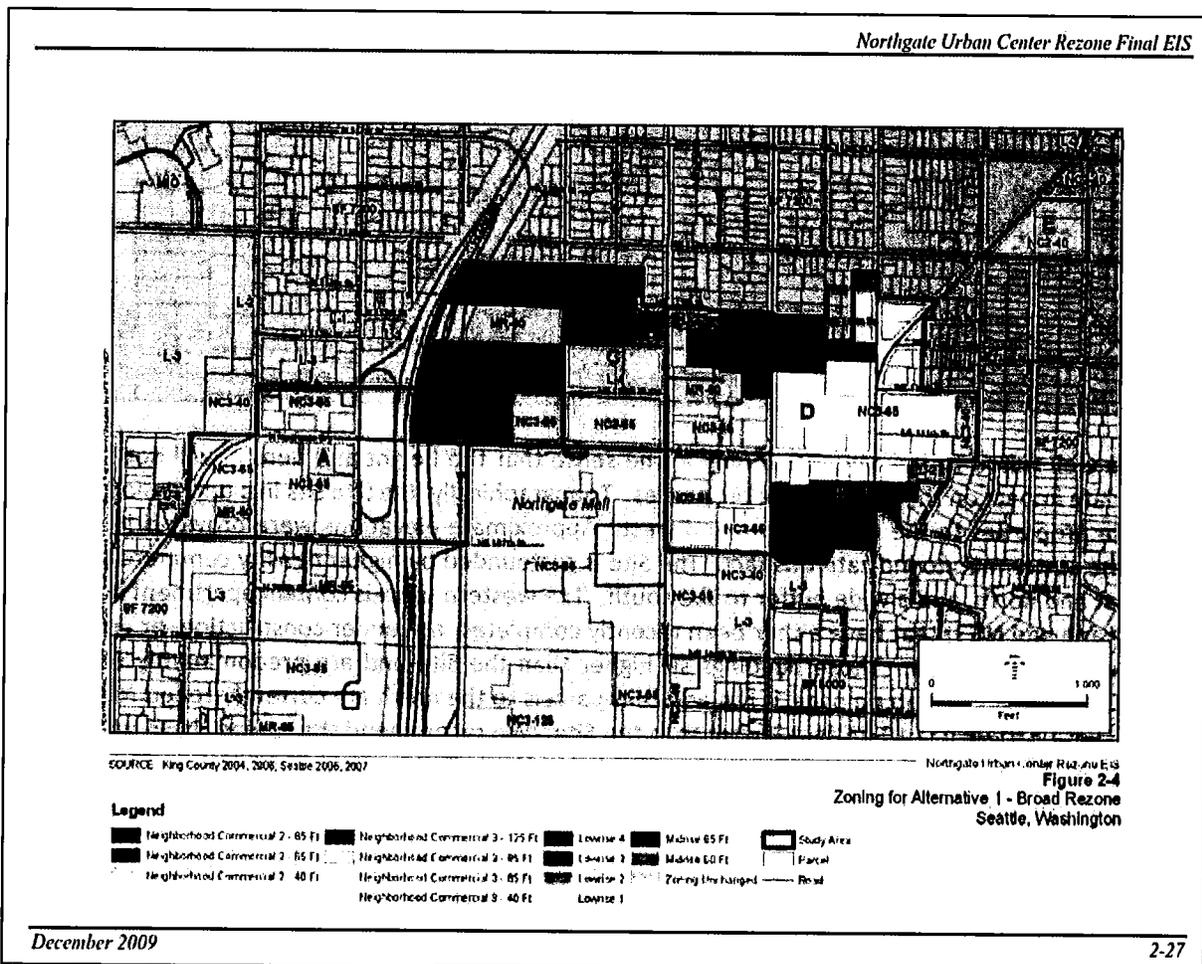


The Site is well suited to the MR(M1) zoning in the sense that the height and density will not have an inappropriate impact on the surrounding properties. Topographically, the Site sits in a depression, below the private properties to the north, south and west. Approximate elevations were provided in several areas of the above map to indicate this fact. The Site is surrounded by higher density commercial zones to the west and north, and a wide buffer to the south. The western parcels contain apartment buildings (Enclave, Lane and NG3) that have either been recently completed, are under construction, or are about to commence construction. Those buildings sit higher than the Site and are predominantly 65-70' in height. As shown in the map on page 1, the adjacent parcels to the north are currently zoned NC2-40 or NC3-40. These parcels are 10-15 feet higher than the Site. We recommend the zoning these parcels be designated NC3-75(M) due to their adjacency to Northgate Way. To the south the Site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area.

**Historical Land Use Context Supports the MR(M) Designation.** In 2009, the City completed the Northgate Urban Center Rezone Final Environmental Impact Statement (2009 FEIS). Under the Broad alternative in the 2009 FEIS, the Site was recommended for one increase in zoning height / intensity—that is, from LR3

to LR4<sup>4</sup>. If implemented, the 2009 Rezone would have resulted in an additional story of height (from three- to four-stories) and a 25% increase in density. The 2009 Rezone examined the impacts, including traffic impacts, of up-zoning essentially all properties with the Urban Village, including significant up-zones for most “core” area properties. At the same time the City completed the Northgate Coordinated Transportation Improvement Plan (CTIP) that laid out the path for growth to occur in Northgate’s Urban Center at the densities called for in the 2009 FEIS. Since that time the City has been methodically implementing the CTIP projects. Unfortunately, the 2009 Rezone was never brought to a vote of the Council.

Instead, since the completion of the 2009 FEIS, the City has increased density in Northgate via three contract rezones. The Mullaly family received a contract rezone for their site on NE 1<sup>st</sup> Street / NE Northgate Way along I-5, going from MR to NC3-85. Wallace Properties affiliates have obtained two contract rezones, increasing the density on land directly to the west of the Site (525 NE Northgate Way and 10711 8<sup>th</sup> Avenue NE). The adjacent parcels to the north of the Site have not yet sought a contract rezone, but the 2009 FEIS recommended they be increased to NC2/3-65. These increased heights and densities on nearby properties provide additional support for increasing the height and density at the Site to the MR(M1) level.



<sup>4</sup> The LR4 zoning designation was eliminated in 2010. Currently, the next increment from LR3 is MR-60.

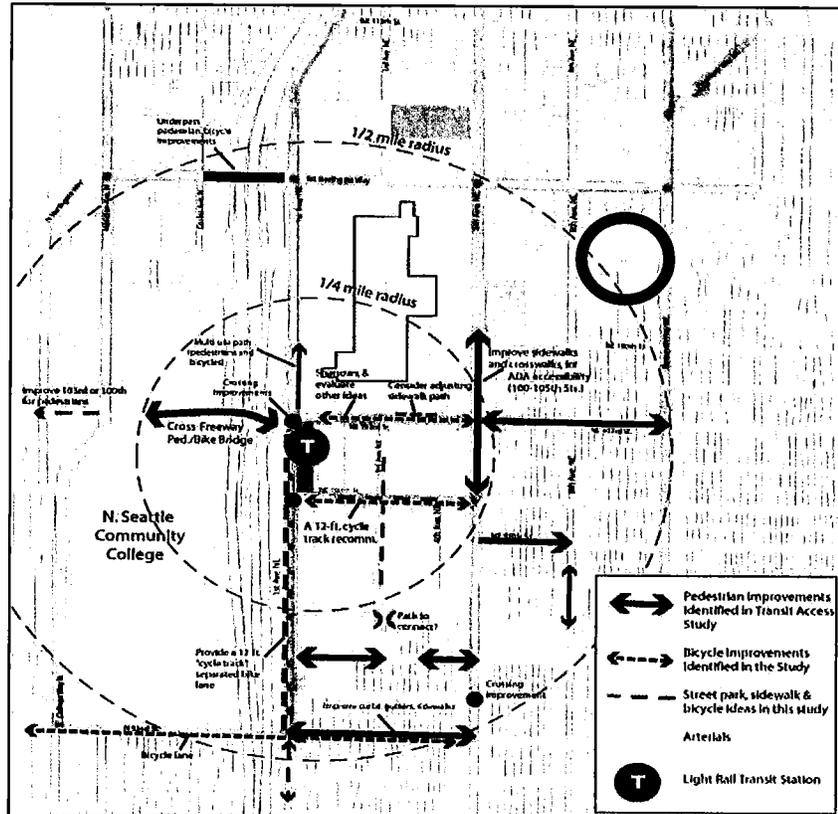


In October 2015, the City released its Urban Center / Village Growth Report, which found that Northgate had only achieved 41% of its targeted residential growth under the City's adopted growth targets for 2024—only 1,029 of a desired 2,500 units. In late 2016, the City adopted the new Seattle 2035 Comprehensive Plan, which proposes significant additional residential growth targets for the Northgate Urban Village by 2035. As explained in Chapter 3.2, Land Use, of the MHA DEIS, the MHA rezone alternatives are intended to facilitate the planned growth in the Seattle 2035 Comprehensive Plan while ensuring there is a mix of affordable units. According to MHA Exhibit 2-8, the two proposed rezone alternatives for the Northgate Urban Village are expected to increase residential units by approximately 50% over the 'no action' alternative.

Based on our understanding of Northgate, we think this projected increase is unlikely to occur under the currently proposed zoning designations. Working with the planning/design firm BCRA, we analyzed properties within the Northgate Urban Village to determine the likelihood that, based on their current use (including type, size and age of structures) and the proposed MHA rezone alternatives, a property was likely to redevelop by 2035. As shown in the map above, nearly half of the land (236 acres) within the

Northgate Urban Village is unlikely to redevelop by 2035, despite the proposed rezones. This is especially true for properties in the “core” of the Urban Village, including the Northgate Mall, Northgate North (Target), Thornton Place, Enclave, Lane and several other properties that have redeveloped within the last 15 years. Accordingly, providing additional density at the sites with development potential is essential to achieving the City’s growth target for the Northgate Urban Center, and should be done so long as the impacts of development can continue to be mitigated.

Per the map to the right (Site in blue circle), the Site is within the ½-mile walkshed for the Northgate Transit Center and soon-to-open (2021) Link Light Rail station. The City, along with Sound Transit, has made significant transit investments to serve the Northgate Urban Center and support the planned land uses. It is essential to leverage the value of the investment in light rail by providing adequate density within ½ mile of the stations.



**Site-Specific Impacts can be Mitigated with the MR(M) Designation.** Consistent with the principles in the Northgate Revitalization process, the 2009 FEIS Alternative 1-Broad Rezone

and the MHA DEIS alternatives, we are presently pursuing a contract rezone for the Site to increase the development intensity and height one level, to MR-60. The MR-60 zoning designation has a higher height than the former LR4 zoning designation (about 15’, based on application of the City’s height measurement rules), but the Site is surrounded by higher-density properties to the north and west, a significant natural buffer to the south (Thornton Creek and its associated wetland complex) and Roosevelt Avenue NE and commercially zones property to the east. The Site is also lower than the private property north and south.

As noted in MHA Exhibit 3.2-4, a rezone from LR3 to MR(M1) would be associated with a “moderate increase in height limit and FAR . . . and [therefore] density.” The MHA proposal would allow heights up to 50’ on the Site. Due to the topography, our proposed height increase to 60’ per the contract rezone will not impact views or shadow adjacent properties. This is also true should the MHA Map zoning designation for the Site be increased to MR (M1) with an 80’ height limit.<sup>5</sup> Our rezone application will include shadow studies to support this.

<sup>5</sup> We would also be willing to condition our Site to a 60’ height limit, if the 80’ height is a concern.

We generally concur with the impact assessment in the DEIS; however, we note that traffic impacts for the proposed Northgate Village rezone alternatives are likely overstated, because (as noted above) many of the properties proposed for rezoning are unlikely to redevelop for several decades or more.<sup>6</sup> So mitigation of the Site's visual and traffic impacts is possible, and remaining impacts will be mitigated via the contract rezone or entitlement process.

The Site presents a significant and viable opportunity to provide dozens of additional transit-served affordable homes in the Northgate neighborhood, if it is rezoned to either to MR-60 or MR (M1). Like the 2009 FEIS proposal to rezone the Site to LR4, the MHA proposal to rezone the Site from LR3 with a 40' height limit to LR3 with a 50' height limit will not provide sufficient density to justify redevelopment of the existing buildings.

In closing, we ask that the City change the MHA Map's designations for the Site to MR(M1). We will continue to pursue a contract rezone for the Site to MR-60, but we are hopeful that through the MHA process additional height and density may be approved for the Site.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have questions or comments.

Sincerely yours,



Kevin Wallace, President  
Wallace Properties

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<sup>6</sup> These same impacts were studied in detail in the 2009 FEIS—including rezone alternatives with much higher intensities on many sites than those proposed in the MHA DEIS—and the City concluded that planned capacity improvements along with project-specific mitigation would address them.



May 17, 2018

Seattle City Council

Attn: Councilmember Rob Johnson, Chair, Select Committee on Citywide MHA  
Councilmember Debora Juarez, District 5

Via email: [council@seattle.gov](mailto:council@seattle.gov)  
[citywideMHA@seattle.gov](mailto:citywideMHA@seattle.gov)

**Re: Comments on OPCD MHA Citywide Ordinance as it Pertains to Northgate & Specific Requests with Respect to Park at Northgate**

Dear Councilmembers:

On behalf of Wallace Properties – Park at Northgate LLC,<sup>1</sup> the owner of the Park at Northgate apartments, we offer these comments in regard to the above-referenced Citywide Ordinance<sup>2</sup> (“Ordinance”) as it pertains to our property and the Northgate Urban Center (“NUC”).

Park at Northgate apartments are located at 10735 Roosevelt Way NE, on the east edge of the NUC between Roosevelt Way NE on the east and 8<sup>th</sup> Avenue NE on the west. The 5.24 acre site is presently developed with the a 148 unit garden-style apartment complex. This low-density<sup>3</sup> complex is well-kept, but was built in 1967 and is now more than fifty years old. The



buildings are nearing the end of their useful lives. However, the project is also performing well – the average monthly rent is currently \$1,800, and renters pay utilities separately. This means the average unit is affordable to families earning 90% of Area Median Income (AMI).<sup>4</sup>

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<sup>1</sup> This entity is an affiliate of Wallace Properties. The MHA final environmental impact statement (FEIS) indicates 1,137 residential units have been built in Northgate since 1996 (see Exhibit 3-1.14). Wallace Properties built 430 of them, and over 100 of those are rent restricted under the Multi-Family Tax Exemption (MFTE) program. In fall 2017, we broke ground on another 138 apartments across the street from Park at Northgate.

<sup>2</sup> [http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD\\_MHA\\_Citywide\\_ORD.pdf](http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD_MHA_Citywide_ORD.pdf).

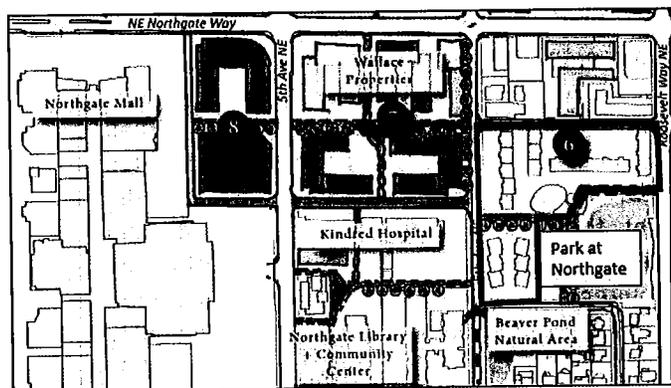
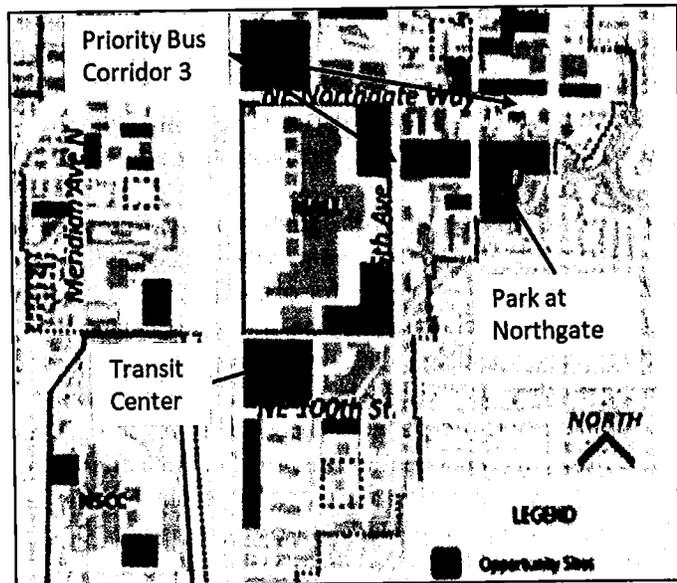
<sup>3</sup> The FAR of the existing buildings is 0.66. Much of the site is covered with impervious parking lots and stormwater runoff to Thornton Creek is untreated.

<sup>4</sup> See Seattle Office of Housing 2017 Income and Rent Limits. A 2-bedroom unit at 90% AMI is \$1,944 less the \$155 utility deduction equals \$1,789 base rent. Current average rent at Park at Northgate is \$1,800 plus utilities. [https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits\\_MFTE.pdf](https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits_MFTE.pdf).

The Northgate Urban Design Framework (“NUDF”)<sup>5</sup> identifies Park at Northgate as an “Opportunity Site” for future development (see maps to the right). Park at Northgate comprises roughly two-thirds of “Superblock NGN #6” in the NUDF, which calls out the potential of the site for future infill multifamily development and identifies significant community benefits that will be achieved if the site is redeveloped.<sup>6</sup>

The redevelopment of the Park at Northgate property provides the opportunity to increase the number of homes on the site from 148 to between 700 and 1,000, with 175-280 *rent restricted* units (35-80 MHA and 140-200 MFTE), if the zoning and MHA fees provide an incentive to redevelopment. The new homes would be transit-oriented workforce housing, and the redevelopment would provide a number of community benefits, including the provision of pedestrian and bike connections and significant improvement to the quality of the stormwater entering into Thornton Creek.

**The Ordinance in its current form effectively precludes redevelopment of Park at Northgate.** The problem with the Ordinance is the benefit granted to the property in the form of additional FAR is not sufficient to offset the cost of the MHA fee, and is therefore a disincentive, not an incentive, and effectively downzones the site. The State enabling legislation for MHA requires it to be an incentive,<sup>7</sup> and creating a disincentive will stifle growth and run counter to the City’s own MHA goals.<sup>8</sup> In order to make it an incentive, the MHA fee needs to be reduced, the maximum FAR needs to be increased, or some combination thereof needs to occur so that the cost of the MHA fee is substantially lower than the value of the additional FAR.



<sup>5</sup><http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/NorthgateStationAreaPlanning/CopyofNorthgateUDFFinal.pdf>.

<sup>6</sup> *Id.* at pages 29-34.

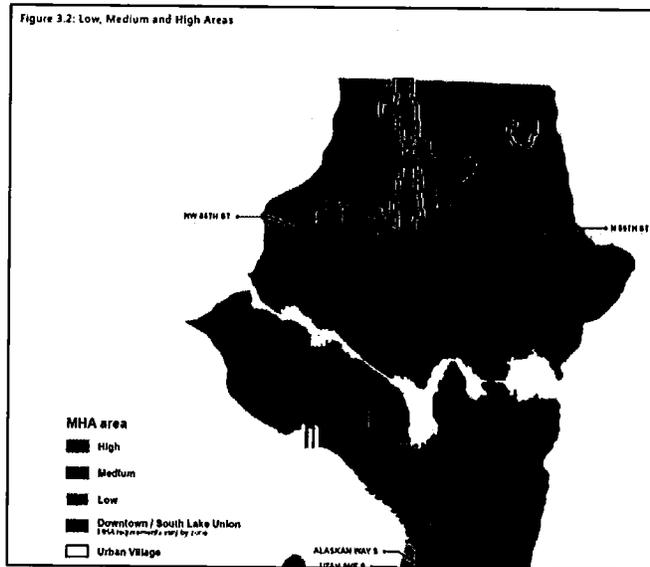
<sup>7</sup> See RCW 36.70A.540, the enabling legislation, which authorizes the City to enact an affordable housing *incentive* program (See .540.1(a) “May enact or expand affordable housing *incentive* programs providing for the development of low-income housing units...” and .540.2 “Affordable housing *incentive* enacted or expanded under this section...” (emphasis supplied)). Also relevant is .540(1)(c), which states, “If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, the city may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.” So not only is it required to be an incentive, it also must be voluntary.

<sup>8</sup> See, e.g., MHA FEIS, Appendix D, Environmental Scoping Report, page 5 “The proposal is not intended to limit or slow growth.”

The 0.3 FAR increase in the LR3(M) zone is worth approximately \$12.90 per square foot of land. The Ordinance proposes to change the zoning for Park at Northgate from LR3 to LR3(M). Currently the maximum FAR for LR3 is 2.0.<sup>9</sup> LR3(M) limits the maximum FAR to 2.3,<sup>10</sup> resulting in a net 0.3 FAR of additional density. According to McKee Appraisal, the value of an additional square foot of FAR for NUC properties is \$43.<sup>11</sup> So the extra value the Ordinance proposes to grant is  $\$43 \times 0.3 = \$12.90$  per square foot of land.

The MHA Fee in LR3(M) costs \$30.48 per square foot of land. The Ordinance places increasing MHA fees on market areas by designating them as Low Area, Medium Area and High Area.<sup>12</sup> Because the NUC is designated a Medium Area, the MHA fee for residential is \$13.25 on all floor area.<sup>13</sup> Thus the MHA fee (per square foot of land) for redevelopment of the site to its maximum FAR is  $\$13.25 \times 2.3 = \$30.48$ .<sup>14</sup> In other words, the Ordinance is providing \$12.90 worth of benefit and extracting \$30.48 worth of cost. Applied to the Park at Northgate site, which has 228,319 square feet of land, the proposed MHA fees would total approximately \$7.0 million, but the benefits received from the 0.3 FAR increase are worth only \$2.9 million. This is a disincentive, not an incentive, and the \$4.1 million reduction in development land value means it would not be feasible to redevelop the site. As such the Ordinance as applied to Park at Northgate is not consistent with the State enabling legislation, effectively downzones the property, and most importantly makes redevelopment unviable and contrary to the City’s MHA goals.

**Solution 1:** Designate the Northgate Urban Center as a “Low Area”, and reduce the MHA fee from \$13.25 to \$7.00. As shown in the map to the right, the NUC has been designated a “Medium Area,” which means that the MHA fee requirement for residential is \$13.25 per foot, instead of the \$7.00 per foot for the surrounding area (see the table to the right). This is an 89% increase over the Bitter Lake and Aurora-Licton Urban Villages, located only a few blocks west. And the fees are the same as in the University District, Ballard and Green Lake, where the prevailing rents and land values are significantly higher. The lower prevailing rents in Northgate mean that a fee of \$13.25 is too high.



		low area		medium area	
		%	\$	%	\$
scale of zoning change	(M)	5%	\$7.00	6%	\$13.25
	(M1)	8%	\$11.25	9%	\$20.00
	(M2)	9%	\$12.50	10%	\$22.50

<sup>9</sup> SMC 23.45.510.B & C. The maximum 2.0 FAR is achieved by complying with the Green Building Standard in SMC Ch. 23.58D and Director’s Rule 20-2017. In the Ordinance, the Green Building Standard is mandatory for all buildings above 1.1 FAR, so in comparing the current code to the Ordinance, using the 2.0 FAR maximum is correct.

<sup>10</sup> Ordinance, Section 43, page 160.

<sup>11</sup> See McKee Appraisal Memorandum attached hereto as Attachment 3.

<sup>12</sup> MHA FEIS, page 2.19, Ordinance, Section 98, page 308, Table B and Section 99, page 314, Map A.

<sup>13</sup> Ordinance, Section 97, page 305 and Section 98, page 308.

<sup>14</sup> If Park at Northgate were on one square foot of land, the fee would be \$30.48. Park at Northgate contains 228,319 square feet of land, so the proposed maximum MHA fee is \$6,958,022.

The City's own 2016 MHA economic analysis (the "CAI Memo") identifies Northgate as a Low Area,<sup>15</sup> and states:

In low market areas, nearly all development prototypes appear challenged. Smaller projects, particularly in RSL and LR zones, appear to yield enough development value to bear the cost of land acquisition in many cases. *Larger projects, however, will need to attain above-market rents in these areas to be feasible.*<sup>16</sup>

Exhibit 6 of the CAI memo shows that in an LR3 zone in a Low Area, Multifamily Neighborhood, projects are not feasible.<sup>17</sup>

The MHA FEIS, Section 2.19 states:

MHA geographic areas are categorized as low, medium, or high based on information about rental housing sub-markets in the Seattle area from Dupre+Scott Apartment Advisors reports. . . . As shown in Exhibit 2–6, higher MHA requirements would apply in the strong (high) market areas, and lower MHA requirements in weaker (low) market areas. Scaling requirements in this manner is a way to avoid burdening local housing markets and suppressing housing production.

Dupre+Scott is no longer in business, but the table to the right provides the most recent data for 2010 and newer buildings in each Seattle area that Dupre+Scott tracked. Northgate is in the North Seattle area, and it has the second lowest rents of any neighborhood in the City. It is important to stress that this data is not mixing in the older stock of rental units – it is limited to 2010 and newer buildings.<sup>18</sup>

Neighborhood/Area	2010 & Newer Actual Rent	2010 & Newer Rent/SF	Area
Belltown/Downtown/SLU	2,316	\$ 3.25	High
First Hill	2,354	\$ 3.21	High
Capitol Hill/Eastlake	1,951	\$ 3.07	High
University	1,754	\$ 3.06	Medium
Central	1,684	\$ 3.04	High
Greenlake/Wallingford	1,898	\$ 2.98	Medium
Queen Anne	1,972	\$ 2.92	Medium
Ballard	1,920	\$ 2.76	Medium
West Seattle	1,780	\$ 2.69	Medium
Magnolia	1,607	\$ 2.46	Medium
Rainier Valley	1,688	\$ 2.37	Low
<b>North Seattle</b>	<b>1,570</b>	<b>\$ 2.24</b>	<b>Medium</b>
White Center	1,273	\$ 1.67	Low

In summary, designating the NUC as a "Low Area" is justified by the City's MHA economic analysis and the Dupre + Scott data cited in the MHA

FEIS, is consistent with the goals of the MHA FEIS, and is necessary in order for redevelopment under the MHA rezones to be feasible. We ask that you designate NUC as a "Low Area."

<sup>15</sup> Community Attributes Inc. Technical Memorandum to Geoff Wentlandt, dated November 29, 2016. See Exhibit 5, which indicates the Enclave at Northgate is a Low Market Area property. Enclave is located one block west of the Park at Northgate property, and is currently zoned NC3-85. So the land value and achievable rents are higher for Enclave than Park at Northgate. Despite that, CAI concluded Enclave was in a Low Market Area.

<sup>16</sup> CAI Technical Memo, page 3 (emphasis supplied).

<sup>17</sup> In addition, the CAI Memo did not analyze the additional burden created by requiring the Green Building Standard compliance but removing the 0.5 FAR bonus that incentivizes it, as discussed below.

<sup>18</sup> This data is confirmed by paragraph 3 of the McKee Appraisal memo in Attachment 3 hereto.

**Solution 2: Increase Density.** Reducing the NUC to “Low Area” gets the paradigm closer to an incentive, but the MHA Fee cost of \$16.10 per square foot<sup>19</sup> still exceeds the \$12.90 benefit conveyed, and therefore remains a disincentive. To achieve the incentive, additional density is required. Below we discuss three alternatives that we believe are viable from a land use, neighborhood and political standpoint:

1. Preserving the LR3(M) zoning but restoring the 0.5 FAR bonus for achieving the Green Building Standard.
2. Rezoning to NC2-55(M).
3. Rezoning to MR(M1).

**Alternative 1. Amend the LR3(M) Zoning to Preserve the 0.5 FAR Green Building Standard Bonus.**

Currently, LR3 zoning is defined under SMC Chapter 23.45. Inside an urban center, apartment projects are allowed an FAR of 1.5, or 2.0 if the applicant makes a commitment that the proposed development will meet the green building standard in accordance with SMC Chapter 23.58D.<sup>20</sup> The Green Building Standard is defined under Director’s Rule 20-2017 and can be summarized as requiring a LEED Gold certified building and energy use at least 15% lower than required by the 2015 Seattle Energy Code. This is not an insignificant requirement -- meeting this standard in redevelopment of Park at Northgate would add well over a million dollars in additional costs.

Zone	Location	Apartment <sup>2</sup>
LR3	Outside of inside urban centers, urban villages, and the Station Area Overlay District	1.3 or 1.5 <sup>4</sup>
	Inside	1.5 or 2.0

Existing SMC 23.45.510

Under the proposed Ordinance, an apartment project in an urban center on land zoned LR3(M) is afforded a maximum FAR of 2.3<sup>21</sup> and a maximum structure height of 54 feet.<sup>22</sup> The MHA provisions of SMC Chapters 23.58B and 23.58C are made applicable, imposing a multi-million dollar cost on the redevelopment of Park at Northgate.<sup>23</sup>

ZONING		FAR LIMIT <sup>a</sup>		HEIGHT LIMIT		
Existing	Proposed	Housing Type	Existing	Proposed	Existing	Proposed
Lowrise 3 (LR3)	Lowrise 3 (LR3)	Cottage Housing	1.1	1.3	22'	22'
Inside of urban village, center, or station areas	Inside of urban village, center, or station areas	Townhouse	1.4	4-6 2.3	40'	50'
		Rowhouse	1.4	2-2 2.3	+ 5' roof pitch	+ 5' roof pitch
		Apartment	2.0	2.3		

<sup>a</sup> To achieve the maximum FAR limit under existing regulations, a builder must meet standards for the location and configuration of parking and achieve green building performance. In the proposed builders must achieve green building performance standards.  
Source: City of Seattle, 2017.

MHA FEIS, Appendix F

And on top of that, new section SMC 23.45.530 makes the Green Building Standard mandatory for redevelopments in excess of 1.1 FAR.<sup>24</sup> The 0.5 FAR bonus afforded under the current code for complying with the Green Building Standard has been eliminated. This is acknowledged in Exhibit F-2 of Appendix F of the MHA FEIS, which states as follows: “To achieve the maximum FAR limit under existing regulations, a builder must meet standards for the location and configuration of parking and achieve green building performance. In the proposed [zoning] builders must achieve the green building standard” (underlining

<sup>19</sup> Max FAR of 2.3 x \$7.00 = \$16.10 per square foot of land.

<sup>20</sup> SMC 23.45.510.C.1 (emphasis supplied). There are additional requirements for lots abutting alleys, and parking is required to be totally enclosed within the same structure as the residential use, but these would not impose additional burdens on a redevelopment of Park at Northgate because it does not abut an alley and we will provide structured parking regardless of the requirement.

<sup>21</sup> Section 34, page 99.

<sup>22</sup> Section 36, page 109 (50 feet) and 113 (additional 4 feet).

<sup>23</sup> Section 38, page 132.

<sup>24</sup> Section 45, page 160.

added). Consequently, a seven-figure burden is imposed, and the benefit it previously conferred in the form of a 0.5 FAR bonus was eliminated.

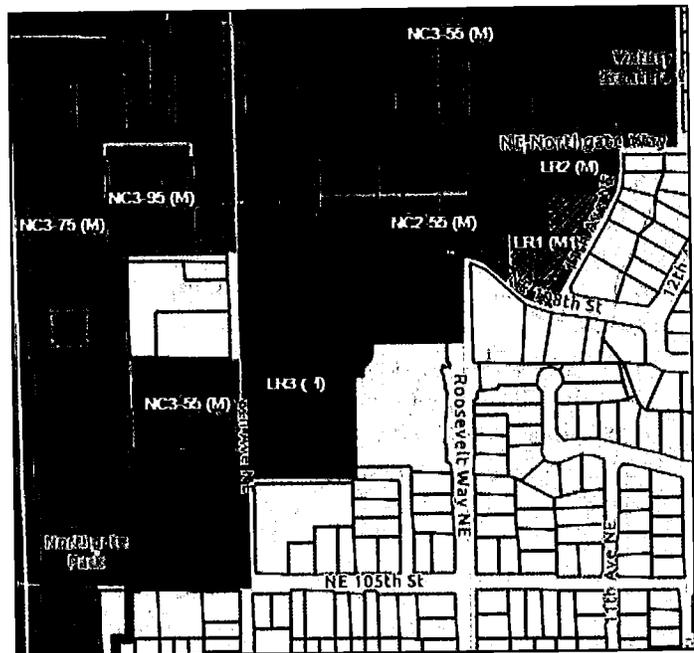
If the LR3(M) zone maintains the 0.5 FAR bonus for complying with the Green Building Standard, properties in the LR3(M) zone could be redeveloped to a reasonable level of density (a 2.8 FAR). The City would also receive benefits in the form of more energy efficient and otherwise environmentally friendly buildings, as well as additional MHA fees or MHA units.

With these changes, the benefit conveyed by the ordinance would be a 0.8 FAR increase x \$43.00 FAR value = \$34.40 per square foot, which would be greater than the MHA fee of \$7.00 x 2.8 = \$19.60 per square foot. The benefits exceed the costs, and the paradigm is an incentive.

Due to site constraints, Park at Northgate can only be developed to a 2.5 FAR if the height limit is 54 feet, but even at that level the MHA paradigm creates a small incentive. Redevelopment to the maximum 2.5 FAR would require payment of approximately \$4 million in MHA fees. We would also be able to construct roughly 700 new apartment homes on the property, a quarter of which would be rent restricted if we provided the MHA units on-site and pursued the MFTE. That would mean 175 rent restricted units (35 MHA and 140 MFTE).<sup>25</sup> The number of new affordable units would exceed the 148 market-rate units currently on the site.

**Alternative 2. Rezone Park at Northgate NC2-55(M).** Changing the zoning of the property from LR3(M) to NC2-55(M) would produce a somewhat greater incentive than Alternative 1, making it more likely for redevelopment to occur. Under NC2-55(M), the maximum FAR is 4.25. However, due to site constraints and fire code limitations, and the 55-foot height limit under the NC2-55(M) zoning (only one foot higher than LR3(M)),<sup>26</sup> we are unable to viably develop any more than we can under LR3(M). As a result, rezoning to this level does not merit an increase from (M) to (M1).<sup>27</sup> From a land use perspective, NC2-55(M) produces the same scale of buildings, and is consistent with the proposed zoning for the properties to the north of the site (see the map to the right). What makes this an improvement over Alternative 1 is the Green Building Standard is not a requirement for Commercial-zoned buildings.

Alternative 2 would produce the same results from a neighborhood impact and housing affordability standpoint, but it would make development more likely by eliminating the seven-figure cost of complying with the Green Building Standard. Attachment 2 includes an analysis of how the site meets the City's criteria for rezone to NC2 or NC3. The site complies with all of the criteria, and it is actually a little better-suited to NC3 than NC2.



<sup>25</sup> Assumes 5% MHA on-site performance and 20% compliance with MFTE.

<sup>26</sup> SMC 23.45.517.D.1 (50 feet) and SMC 23.45.514.F (additional 4 feet).

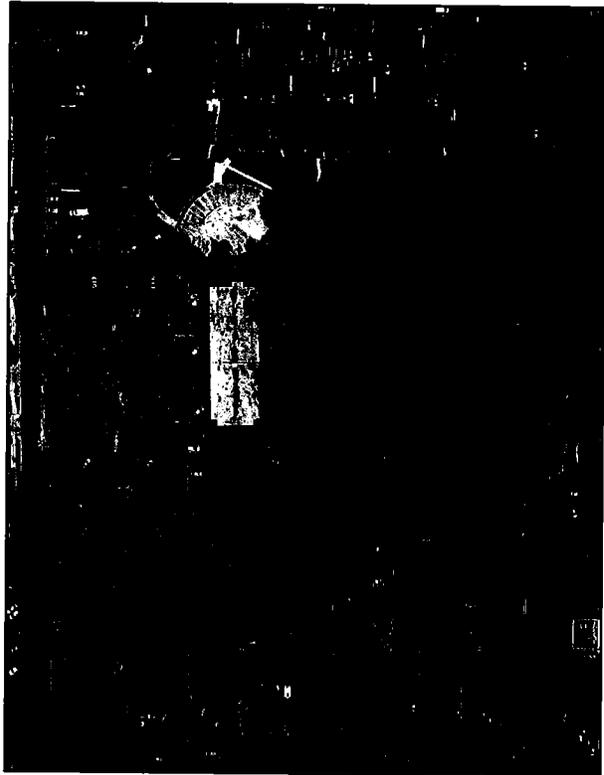
<sup>27</sup> Under Section 3 of the Ordinance, LR3, NC2-55 or NC3-55 are all "Category 3," so (M) is the correct designation for a change from LR3 to NC2-55.

**Alternative 3. Rezone Park at Northgate MR(M1).**

The third alternative is to grant our previous request<sup>28</sup> to rezone the site to MR(M1). As opposed to a rezone to NC, the zoning would remain multifamily, the max FAR would increase to 4.5<sup>29</sup>, and the height limit to 80 feet.<sup>30</sup> Due to building code requirements and site constraints, we would not be able exceed 70 feet in height or a 3.8 FAR.<sup>31</sup>

The site is well-suited to the MR(M1) zoning for the following reasons:

- The additional density will not have an inappropriate impact on the surrounding properties.
- Topographically, the site sits in a depression, below the parcels to the north, south and west.
- The site is surrounded by higher density commercial zones to the west and north, a wide buffer to the south and Roosevelt Avenue NE and NC-zoned property to the northeast.
- The western parcels contain apartment buildings (Enclave, Lane and Northgate 3) that have either been recently completed, or are under construction. Those buildings sit higher than the site and are predominantly 65-70' in height.
- The adjacent parcels to the north are currently zoned NC2-40, and are proposed to be rezoned to NC2-55(M). These parcels are 10-15 feet higher than the site.
- To the south and southeast, the site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area and open space.
- There is no point at which a structure could be built on the site within 140' of an existing residential structure on a neighboring parcel.
- *The site meets all of the criteria for a rezone to MR(M1).* Please see Attachment 2 for our analysis of the City's criteria for rezoning a property to MR.



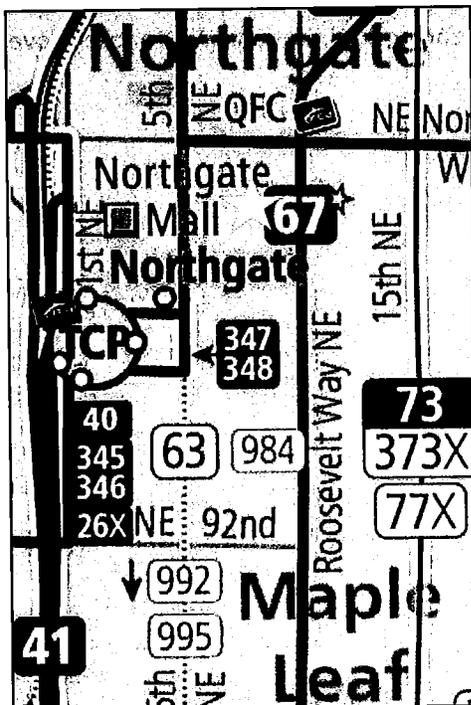
<sup>28</sup> Letter from K. Wallace to Jesseca Brand and Tom Hauger, dated June 30, 2017.

<sup>29</sup> Ordinance, Section 34, page 99.

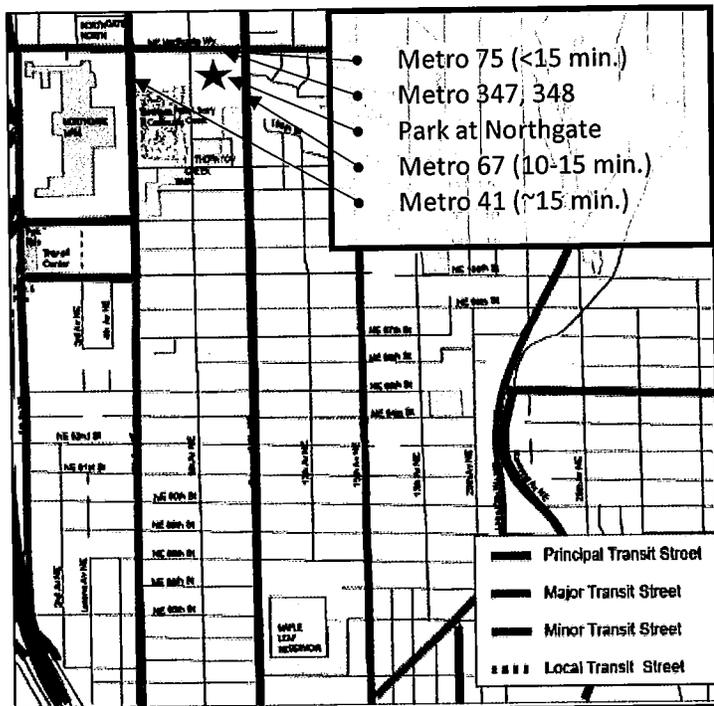
<sup>30</sup> Ordinance, Section 36, page 110.

<sup>31</sup> If it were feasible to do so without going through a full contract rezone, we would be happy to execute a PUDA to limit the height and density to 70 feet and 3.8 FAR as part of the adoption of the Ordinance.

- Presence of frequent transit service within a 5-minute walk supports higher density.* In the MHA FEIS, the primary consideration for rezoning to M1 or M2 in a “high risk of displacement” neighborhood like Northgate is being located within a five-minute walk from frequent transit service.<sup>32</sup> In Northgate, it appears that only the Northgate Transit Center was considered to have frequent transit service, but in fact, Park at Northgate is already surrounded by frequent transit nodes, and according to Seattle’s Transit Master Plan, even more service is slated to come. As shown on the maps below, Park at Northgate is within a five-minute walk of 5<sup>th</sup> Avenue NE, a Principal Transit Street, NE Northgate Way, a Major Transit Street, and Roosevelt Way, a Minor Transit Street. Metro Route 67 stops on Roosevelt abutting the site, runs on less than 15 minute headways from 5:50AM to 9:54PM (16 hours), and connects to the Northgate Transit Center. Route 75 stops 300 feet from the site, and runs on approximately 15 minute headways from 6:50AM to 10:50PM (16 hours). The site is also within a 10-minute walk of the Northgate Transit Center. As such, the MHA FEIS’ primary consideration for an M1-level increase is amply supported by the presence of frequent transit nodes around the Park at Northgate site.<sup>33</sup>



Portion of Metro System Map



Northgate CTIP Final Report, Sept. 2006, Figure 3-15

The benefits afforded to Park at Northgate by the rezone to MR(M1) would be a 2.5 FAR increase from the current 2.0 to a maximum of 4.5 and an increase in height to a maximum of 80 feet. Due to building code and site constraints we would be unable to build higher than 70 feet and could not exceed a 3.8 FAR. So the

<sup>32</sup> “[R]ecognizing the high risk of displacement in this community, we propose making only standard (M) zoning changes, except in areas within a five-minute walk of frequent transit.” MHA FEIS, Appendix B, Summary of Community Input, pages 39-65 (emphasis supplied). “Frequent transit service is defined as 15-minute headways (i.e., four buses per hour) for at least 16 hours a day.” Memorandum from Sara Maxana to Council Member Rob Johnson, dated May 3, 2018, Subject: Responses to questions at April 16, 2018 Select Committee meeting, page 3.

<sup>33</sup> According to the PSRC’s Growing Transit Communities strategy, the best metric for distance from the Northgate Transit Center is not the five-minute walkshed, but rather the ten-minute walkshed or one-half mile. See the definition of “Transit Community” in the Strategy (<https://www.psrc.org/sites/default/files/gtcstrategy.pdf>). Park at Northgate is within one-half mile of the Northgate Transit Center.

increase in Usable FAR is 1.8, and the benefit received is  $1.8 \times \$43.00 = \$77.40$  per square foot of land, and the MHA Fee if the NUC were a "Low Area" would be  $3.8 \times \$11.25 = \$42.75$  per square foot. Full build out to a 3.8 Usable FAR would generate an MHA Fee contribution of approximately \$9.8 million. The Green Building Standard would also be required, but the additional density would still be sufficient to create an incentive for redevelopment. Based on our preliminary analysis we would be able to construct approximately 1,000 new apartment homes with the MR(M1) zoning, of which 280 would be rent restricted if we provided the MHA units on-site -- 80 MHA units (8% of the units vs. 5% in Alternatives 1 and 2) and 200 MFTE.<sup>34</sup>

Please see the table in Attachment 1 that summarizes the three alternatives, our analysis in Attachment 2 of the City's code requirements for rezones to MR(M1) or NC2-55(M), all of which are all met by the Park at Northgate site, and the McKee Appraisal letter in Attachment 3 indicating the value of the usable FAR in the NUC is \$43, and that the NUC should be a "Low Area".

We hope you appreciate our efforts to find common ground, and we hope you will work with us by designating the NUC as a "Low Area" and making one of the three zoning modifications we propose above.

Sincerely yours,



Kevin R. Wallace  
Manager, Park at Northgate LLC  
cc: Geoff Wentlandt, Brennon Staley  
Office of Planning and Community Development

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<sup>34</sup> Assumes 8% MHA on-site performance and 20% compliance with MFTE.

**ATTACHMENT 1  
EXCEL MODEL OF FAR BENEFITS AND MHA COSTS FOR PARK AT NORTHGATE**

	City Proposed Ordinance LR3(M)	Alt. 1: LR3(M) with GBS Bonus	Alt. 2: Proposed NC2-55	Alt. 3: Proposed MR(M1)
1 Maximum FAR (Base is 2.0)	2.30	2.80	4.25	4.50
2 Additional FAR Granted	0.30	0.80	2.25	2.50
3 Usable FAR	2.30	2.50	2.50	3.80
4 Additional Usable FAR Granted	0.30	0.50	0.50	1.80
5 Applicable Residential MHA Fee	13.25	7.00	7.00	11.25
6 FAR Value (see Attachment 3)	43.00	43.00	43.00	43.00
7 MHA Fee per SF of Usable FAR (Line 3 * Line 5)	30.48	17.50	17.50	42.75
8 Value of Additional Usable FAR (Line 4 * Line 6)	12.90	21.50	21.50	77.40
9 Incentive/(Disincentive) (Line 8 - Line 7)	(17.58)	4.00	4.00	34.65
10 Maximum MHA Fee Contribution	0	3,995,583	3,995,583	9,760,637
11 Residential Units Produced	148	700	700	1000
12 MHA Units if on-site performance	0	35	35	80
13 MFTE Units	0	140	140	200
14 Total affordable units if on-site performance	0	175	175	280

The table above shows the financial incentive or disincentive for Park at Northgate, as well as the community benefits in the form of MHA Fee contributions, new units produced, and new affordable units produced.

- The Maximum FAR that would be available to the site under the Ordinance and the three alternatives.
- The increase in FAR over the current LR3 FAR of 2.0.
- Usable FAR is the amount of FAR we could realistically use given other code, cost and site constraints.
- Additional Usable FAR Granted is line 3 minus the current LR3 FAR of 2.0.
- The applicable MHA fee for residential as stated in the Ordinance (for a Low Area).
- The approximate value of an additional square foot of floor area in the NUC.
- The MHA Fee is the burden on the site that is imposed by the Ordinance. It is derived by multiplying the MHA Fee (Line 5) by the Usable FAR (Line 3). The MHA fee is likely understated here because the gross floor area on which the fee is charged exceeds the gross floor area under the definition of FAR.
- The value of additional usable FAR is the additional usable FAR granted (line 4) multiplied by the value of an additional square foot of floor area in the NUC (line 6).
- Incentive/(Disincentive) – where the number is in parentheses (negative) it indicates the paradigm is punitive. Where positive, the alternative is an incentive, and more likely consistent with state law.
- The maximum MHA Fee contribution is derived by multiplying the land area of the Park at Northgate site, 228,319 square feet, by the applicable MHA Fee (line 5). The MHA Fee under the proposed Ordinance is zero because redevelopment would not be viable.
- Residential Units Produced is the number of units we currently believe could be developed under the proposed zoning. This is based on our preliminary concept analysis. Under the Ordinance column, 148 is the number of units currently on the site.
- MHA Units if on-site performance multiplies the total number of units (line 11) by the applicable MHA percentage for the alternative.
- MFTE Units is derived by multiplying line 11 by 20%, except for the proposed Ordinance column, where MFTE units cannot be provided because redevelopment cannot occur.
- Total affordable units is line 12 plus line 13.

ATTACHMENT 2  
REZONE CRITERIA ANALYSIS

Code §	Criterion	Response
<b>General Criteria</b>		
23.34.008.A.1	In urban centers the zoned capacity for the center shall be no less than 125% of the growth estimates adopted in the Comprehensive Plan for that center.	The proposed rezone will allow for an increase in density (not a reduction below 125% of growth estimates), so this criterion is met.
23.34.008.A.2	N/A - applies to urban villages.	
23.34.008.B	Match between zone criteria and area characteristics.	See discussion of specific zone characteristics below.
23.34.008.C	Examine zoning history and precedential effect.	Seattle 2035 Comprehensive Plan contains numerous provisions supporting development and additional density near frequent transit service. The MHA Ordinance rezones surrounding properties to NC2-55(M) and calls for M1 zoning increases for sites within a five-minute walk of frequent transit service.
23.34.008.D.	Neighborhood Plans	The 2013 Northgate Urban Design Framework calls the property an "Opportunity Site" for redevelopment. It also identifies the site as "Residential Priority", which suggests that MR may be more appropriate than NC. The Northgate Comp Plan is from 1993 and is so dated that it is of little value at this point, but a rezone to NC2-55(M) or MR(M1) would be consistent with policies NG-G1, G2, G3, G4, G7, P1, P2, P5, P7, P8.5, P11.
23.34.008.E.1	Gradual transition between more intensive zones and less intensive zones.	The adjacent properties to the north are proposed to be rezoned to NC2-55(M), which is equal or similar to the proposed Max FAR and height. Properties to the west range from NC3-55(M) to NC3-95(M). Taking into consideration the 10-15 foot lower elevation of the site and the code and site constraints that limit our ability to build higher than seventy feet or more than a 3.8 FAR, the intensity is still lower on our site, even with the MR zoning. Properties to the east and south are buffered by Roosevelt and the creek buffer.
23.34.008.E.2	Physical buffers may provide effective separation.	This is the case with the creek buffer between the site and the residential properties to the southeast.
23.34.008.E.3.b	Zone boundaries.	Physical buffers create a boundary between the site and the properties to the south and east. The west is higher intensity commercial, the north is equal or similar intensity.
23.34.008.E.4	Height limits above 40' should be limited to urban villages.	The site is in the Northgate Urban Center.

Code §	Criterion	Response
<b>General Criteria</b>		
23.34.008.F	Impact evaluation.	The MHA FEIS assumes 3,000 units will be built in the Northgate Urban Center between 2015 and 2035. This is highly unlikely to occur without redevelopment of Park at Northgate to a density of 700-1,000 units. As a result we believe the FEIS adequately evaluates the impacts of a zoning increase to NC2-55(M) or MR(M1).
23.34.008.G	Changed circumstances.	The MHA FEIS outlines various changed circumstances that support the requested rezone. Housing affordability and increased transit service are primary factors.
23.34.008.H	Overlay districts.	The site is in the Northgate Overlay. We see no issues with continuing to comply with the requirements of SMC Chapter 23.71, as amended by the proposed Ordinance.
23.34.008.I	Critical areas.	The site and redevelopment will not impact any critical areas, including the stream buffer to the south. Redevelopment of the site would enable additional stormwater improvements that would improve water quality of Thornton Creek.
23.34.008.J	Applies to parcels with incentive zoning.	Not applicable.
23.34.009	Height limits.	Due to the low elevation of the site and the heights, the wide buffers to the south and east, and the proposed heights for properties to the west (75'+) and north (55'), an increase in height to the NC2-55 or MR levels is appropriate. Shadow studies can be provided upon request. Due to code limitations and site constraints we would not build higher than 70', and we would be willing to execute a PUDA or similar instrument to confirm this.
<b>MR Zone Criteria</b>		
23.34.024.B.1.c	Locational criteria includes properties within an urban center.	The site is within the Northgate Urban Center.
23.34.024.B.2	Properties designated as an environmentally critical area may not be rezoned to Midrise.	The site is not designated as an environmentally critical area.
23.34.024.B.3	Other criteria, with a list numbered (a) through (i). (a) adjacent to business and commercial areas. (b) served by major arterials where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development. (c) in close proximity to major employment centers. (d) in close proximity to open space and recreational facilities. (e) along arterials where topographic changes provide an edge or permit a transition in scale with surroundings.	The site complies with (a) through (e). (a), (b) and (c) are discussed in the letter. For (d), the site has its own open space, which will remain, and is close to the Thornton Creek water channel buffer as well as the Northgate Community Center. For (e), Roosevelt provides an edge for the properties to the east.  (f) through (i) are dependent on the topography of the site. The site most closely responds to (g) - a moderate slope where the height and bulk of existing structures have already limited the multifamily area and upland areas.

Code §	Criterion	Response
<b>NC2 Zone Criteria</b>		
23.34.076.B	Locational criteria are: <ol style="list-style-type: none"> <li>1. Secondary business district in an urban center.</li> <li>2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors.</li> <li>3. Lack of strong edges to buffer the residential areas.</li> <li>4. A mix of small and medium sized parcels.</li> <li>5. Limited or moderate transit service.</li> </ol>	The site responds to 1, 2 and 4. With respect to 2 and 5, the site responds better to the NC3 zone criteria. NC2 is proposed because the City Ordinance designates the adjacent parcels to the north as NC2. The parcels directly to the west are NC3.
<b>NC3 Zone Criteria</b>		
23.34.078.B	Locational criteria are: <ol style="list-style-type: none"> <li>1. The primary business district in an urban center.</li> <li>2. Served by principal arterial.</li> <li>3. Separated from low-density residential areas by physical edges, less intense commercial areas or more-intense residential areas.</li> <li>4. Excellent transit service.</li> </ol>	The site responds to all of these criteria. NC2 is proposed because the City Ordinance designates the adjacent parcels to the north as NC2.

ATTACHMENT 3  
MCKEE & SCHALKA MEMO

May 16, 2018

Kevin R. Wallace  
Wallace Properties, Inc.  
330 112<sup>th</sup> Ave NE  
Bellevue, WA 98004

*Re: Typical value of residential floor area in the Northgate Urban Center*

Mr. Wallace:

At your request, I have analyzed the typical contributory value of increased development capacity within the Northgate Urban Center, proposed as part of Seattle's Citywide MHA Ordinance. This consulting analysis is not an appraisal as it does not pertain to any given subject property or properties; it is an examination of market data to determine the typical marginal value of residential floor area observed in the Northgate Urban Center. This memo is intended for use in conjunction with your cost/benefit analysis of the City's proposed zoning and development fees.

My work on this matter primarily involved examining recent sales of development land, with the analysis based on the potential floor area that can feasibly be constructed. The data was analyzed in terms of the marginal value brought by each additional square foot of building area that can be built on the land. Specifically, this analysis centers on the value of residential floor area on land suitable for typical-density apartment configuration. The most relevant sales were planned for apartment development, while some sales could have been typical apartment but were planned for other uses including hotel, congregate, and townhouse-style development.

I also examined current apartment rents within the market to understand the underlying economics at work in the pricing of development land, and also to identify locations for sale analysis that are comparable to Northgate Urban Center; neighborhoods with similar apartment rental rates are generally similar for land economics and pricing. On this basis I identified comparable locations and sale data (with similar apartment rents and corresponding land pricing) in the Lake City Urban Village, Aurora-Licton Springs Urban Village, in the vicinity of Lake City Way, and in the Pinehurst neighborhood. Considering that your use of this analysis involves the MHA Ordinance, I note that all of these comparable sale locations are classified as "Low" for MHA requirements, which is inconsistent with the subject Northgate Urban Center classification as "Medium". Other Medium designated MHA locations are almost all south of 85<sup>th</sup> Street, in neighborhoods that have higher apartment rents and correspondingly higher land values, but Northgate values and land economics are more correctly comparable to these nearby Low-designated locations.

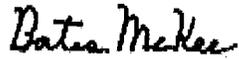
Residential Floor Area in the Northgate Urban Center  
May 10, 2018  
Page 2

Many prospective sales were examined. The most relevant sales are those sales that best reflect the situation and value characteristics of the Northgate Urban Center. Primary emphasis was given to the most recent sales, to those that were purchased for construction of typical apartments, and to those that had comparable locations based on rental rate and proximity factors as discussed above. Analysis consideration was given to both practical maximum-density development, and to selected or achieved actual development density (as measured by the Floor Area Ratio maximum under the zoning, and to the constructed or planned floor area for each sale).

Based on analysis of the data, I conclude that the typical marginal value of residential floor area in the Northgate Urban Center is \$43 per square foot. In other words, each additional square foot of residential floor area that can or would feasibly be built typically adds \$43 to the value of the underlying property.

Please feel free to contact me should you have any questions regarding my analysis.

Respectfully,

  
Bates McKee, MAI, CRE

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McKee Appraisal  
Real Estate Appraisal Services & Consultants, Inc.

**Land Sales - North Seattle**

Name & Address	Zoning	Land Area (sq ft)	Actual FAR	Max FAR	# of Units	Sale Date	Analysis Price	SF/ Land	Actual SF/FAR	Max SF/FAR	Comments
<b>Industrial/Development Use:</b>											
1 <b>Merritt Center Square</b> 12303-12309 15th Ave NE Seattle, WA	NCR-40	15,613	2.41 <i>Proposed</i>	3.25	31	Oct-17	\$1,200,000	\$115	\$48	\$35	Two-parcel interchange situated at northwest corner of 15th Ave NE and NE 123rd St. Older commercial structures in place at the time. Buyer to redvelop with 4-story mixed use project. Proposed 31-unit apartment development containing 2,400 sq ft of ground floor retail along and 15 parking stalls.
2 <b>Linden Springs Site</b> 9510 Stone Ave N Seattle, WA	CR-65	15,000	3.89 <i>Proposed</i>	4.75	82	Jan-16	\$2,160,000	\$157	\$48	\$33	Corner site, rectangular in shape with alley access. Improved at time of sale with a second office and equipment shed. Master Use Permit (MULP) approved for 82 apartment units. Listed for sale at asking price of \$2,160,000 (\$26,000 per unit).
3 <b>Orchard Apartments Site</b> 12311 32nd Ave NE Seattle, WA	NCR-85	31,722	4.45 <i>Actual</i>	6.00	153	Mar-15	\$4,450,000	\$140	\$32	\$23	Midblock site two blocks off Lake City Way with alley access. Improved with several tear-down homes at the time of sale. Property was fully entitled for a 153-unit building (including 9 five-work units) with 2 floors of below-grade parking (228 stalls). Finished project. Origin Apartments, sold May 2018 for \$53 million (\$346k per unit).
<b>Other:</b>											
4 <b>Northgate Merritt Site</b> 10713 Merritt Ave N Seattle, WA	NCR-40	29,375	2.66 <i>Actual</i>	3.25	140	Feb-15	\$2,990,000	\$98	\$37	\$30	Rectangular site with frontage on two streets and some steep slopes. Formerly improved as an Alpha fast food restaurant and in operation until the time of sale, but demolished by buyer after sale. Purchased for construction of a 140-room Courtyard Marriott hotel. Listed for sale in August 2013 and sold for full asking price.
5 <b>Norona Plushmore Site</b> 11202 Rosevelt Way NE Seattle, WA	NCR-40	16,485	1.34 <i>Proposed</i>	3.25	20	Aug-16	\$1,800,000	\$109	\$81	\$34	Corner site, generally rectangular in shape and level. Improved at time of sale with a vacant restaurant building. Buyer is underway with a 20-unit residential development, consisting of 7 townhome units along the arterial and 13 townhomes. Proposed residential FAR is 1.34 (including first floor garage/utility area).
6 <b>Sedona 215 Site</b> 2000 NE 85th St Seattle, WA	CR-65	22,231	2.22 <i>Actual</i>	4.75	198	May-16	\$3,900,000	\$175	\$79	\$37	Corner site just off Lake City Way, in use as surface parking lot. 80-bed micro-housing property to soon also sold to same buyer (same seller) in separate transaction. Vacant site was to be Phase II and had MULP for two-unit building. Access to existing 80-unit building is over vacant site; projects were to be joined together. Buyer has revised MULP to mixed use congregate and townhome project.
7 <b>Plushmore Building</b> 11152 15th Ave NE Seattle, WA	NCR-40	16,299	N/A	3.25	50-60	Leasing	\$2,600,000	\$160	N/A	\$49	Property is under contract, subject to buyer's feasibility contingency. Price is close to asking, but not full asking. Marketing materials indicate site can accommodate 50-60 apartment units or 16 townhome units. Listing broker reported buyers have previously been looking at the site for townhome development.

Prepared by: McKee-Appraisal  
May 2018



August 7, 2018

Councilmember Rob Johnson  
Chair, Select Committee on Citywide MHA  
*Via hand delivery and email to: Rob.Johnson@Seattle.gov*

**Re: Comments on OPCD MHA Citywide Ordinance as it Pertains to Northgate & Specific Requests with Respect to Park at Northgate**

Dear Councilmember Johnson:

This letter is presented as a supplement to our discussion this morning of the MHA Citywide Ordinance<sup>1</sup> (“Ordinance”) and the redevelopment of the Park at Northgate. On May 17, 2018 I sent a letter to you and Councilmember Juarez describing the challenges the Ordinance in its current form would present, primarily because the additional density granted is insufficient to offset the cost of the MHA requirements. This problem can be remedied by increasing the density granted, decreasing the fees/on-site performance requirements, or some combination thereof. I also presented several solutions that would remedy the problem and enable us to move forward with redevelopment.

Since that time I’ve received feedback from city staff that the best of the options presented was to rezone the property from the currently proposed LR3(M) to MR(M1). We also met with Councilmember Juarez, who responded positively and suggested we meet with you and Councilmember Mosqueda to provide an overview and explain the benefits of changing the proposed zoning of the property to MR(M1). We would also like to request the elimination of the Green Building Standard requirement and explain why it is important to maintain the multi-family tax exemption (MFTE) incentive.

For our part, we are willing to do our part to achieve the goals of MHA and ameliorate any concerns about displacement of the 148 2-bedroom market rate units currently on the site by making the commitments in the table below.

<b>Requests</b>	<b>Commitments</b>
Designate the site as MR(M1) instead of LR3(M).	Provide at least 148 2-bedroom units to replace the existing 148.
Eliminate the Green Building Standard requirement.	Provide MHA units on-site at 9% Medium Area level, 60% AMI rents, instead of paying the fee-in-lieu.
Maintain MFTE in its current form, with the 2017 definition of affordable rent.	Provide 20% of the units at MFTE rents, 65-85% AMI for 12 years.
	Phase the redevelopment to reduce the impact on existing renters as much as possible.

<sup>1</sup> [http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD\\_MHA\\_Citywide\\_ORD.pdf](http://www.seattle.gov/Documents/Departments/HALA/Policy/OPCD_MHA_Citywide_ORD.pdf).

Park at Northgate apartments are located at 10735 Roosevelt Way NE, on the east edge of the Northgate Urban Center between Roosevelt Way NE on the east and 8<sup>th</sup> Avenue NE on the west. The 5.24 acre site is presently developed with the a 148 unit garden-style apartment complex. This low-density<sup>2</sup> complex is well-kept, but was built in 1967 and is now more than fifty years old. The buildings are nearing the end of their useful lives. However, the project is also performing well – the average monthly rent is currently \$1,800, and renters pay utilities separately. This means the average unit is affordable to those earning 90% of Area Median Income (AMI).<sup>3</sup>



As shown in the enclosed concept plans, the redevelopment of the Park at Northgate property under the MR(M1) zoning provides the opportunity to increase the number of homes on the site from 148 to 1,000 with 290 *rent restricted* units (90 MHA and 200 MFTE). The new homes would be transit-oriented workforce housing, and the redevelopment would provide a number of community benefits, including the provision of pedestrian and bike connections and significant improvement to the quality of the stormwater entering into Thornton Creek.

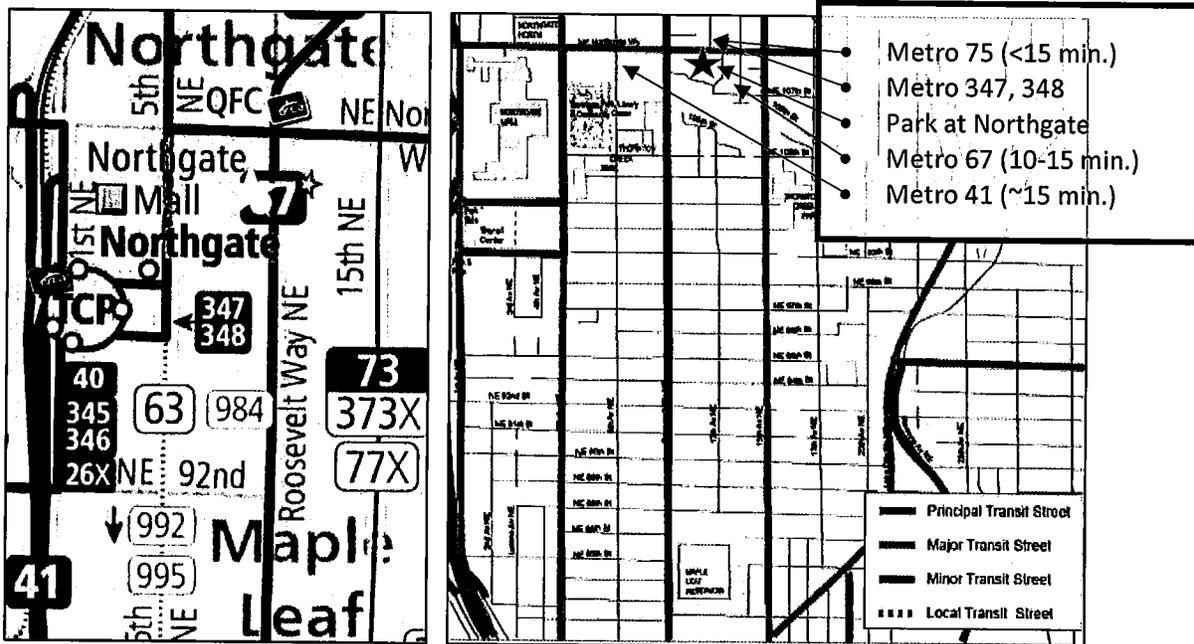
The site is well-suited to the MR(M1) zoning for the following reasons:

- The additional density will not have an inappropriate impact on the surrounding properties.
- Topographically, the site sits in a depression, below the parcels to the north, south and west.
- The site is surrounded by higher density commercial zones to the west and north, a wide buffer to the south and Roosevelt Avenue NE and NC-zoned property to the northeast.
- The western parcels contain apartment buildings (Enclave, Lane and Northgate 3) that have either been recently completed, or are under construction. Those buildings sit higher than the site and are predominantly 65-70' in height.
- The adjacent parcels to the north are currently zoned NC2-40, and are proposed to be rezoned to NC2-55(M). These parcels are 10-15 feet higher than the site.
- To the south and southeast, the site is buffered from single-family property by the 200-to-380-foot-wide Thornton Creek Beaver Pond Natural Area and open space.
- There is no point at which a structure could be built on the site within 140' of an existing residential structure on a neighboring parcel.
- *The site meets all of the criteria for a rezone to MR(M1). Please see Attachment 1 for our analysis of the City's criteria for rezoning a property to MR.*

<sup>2</sup> The FAR of the existing buildings is 0.66. Much of the site is covered with impervious parking lots and stormwater runoff to Thornton Creek is untreated.

<sup>3</sup> See Seattle Office of Housing 2017 Income and Rent Limits. A 2-bedroom unit at 90% AMI is \$1,944 less the \$155 utility deduction equals \$1,789 base rent. Current average rent at Park at Northgate is \$1,800 plus utilities. [https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits\\_MFTE.pdf](https://www.seattle.gov/Documents/Departments/Housing/PropertyManagers/IncomeRentLimits/Income-Rent-Limits_MFTE.pdf).

- Presence of frequent transit service within a 5-minute walk supports higher density.* In the MHA FEIS, the primary consideration for rezoning to M1 or M2 in a “high risk of displacement” neighborhood like Northgate is being located within a five-minute walk from frequent transit service.<sup>4</sup> In Northgate, it appears that only the Northgate Transit Center was considered to have frequent transit service, but in fact, Park at Northgate is already surrounded by frequent transit nodes, and according to Seattle’s Transit Master Plan, even more service is slated to come. As shown on the maps below, Park at Northgate is within a five-minute walk of 5<sup>th</sup> Avenue NE, a Principal Transit Street, NE Northgate Way, a Major Transit Street, and Roosevelt Way, a Minor Transit Street. Metro Route 67 stops on Roosevelt abutting the site, runs on less than 15 minute headways from 5:50AM to 9:54PM (16 hours), and connects to the Northgate Transit Center. Route 75 stops 300 feet from the site, and runs on approximately 15 minute headways from 6:50AM to 10:50PM (16 hours). The site is also within a 10-minute walk of the Northgate Transit Center. As such, the MHA FEIS’ primary consideration for an M1-level increase is amply supported by the presence of frequent transit nodes around the Park at Northgate site.<sup>5</sup>



Portion of Metro System Map

Northgate CTIP Final Report, Sept. 2006, Figure 3-15

<sup>4</sup> “[R]ecognizing the high risk of displacement in this community, we propose making only standard (M) zoning changes, except in areas within a five-minute walk of frequent transit.” MHA FEIS, Appendix B, Summary of Community Input, pages 39-65 (emphasis supplied). “Frequent transit service is defined as 15-minute headways (i.e., four buses per hour) for at least 16 hours a day.” Memorandum from Sara Maxana to Council Member Rob Johnson, dated May 3, 2018, Subject: Responses to questions at April 16, 2018 Select Committee meeting, page 3.

<sup>5</sup> According to the PSRC’s Growing Transit Communities strategy, the best metric for distance from the Northgate Transit Center is not the five-minute walkshed, but rather the ten-minute walkshed or one-half mile. See the definition of “Transit Community” in the Strategy (<https://www.psrc.org/sites/default/files/gtcstrategy.pdf>). Park at Northgate is within one-half mile of the Northgate Transit Center.

**Green Building Standard.** The Green Building Standard (GBS) requires compliance with LEED Gold or similar green building standard, plus demonstration that annual energy use is at least 15 percent lower than required by the 2015 Seattle Energy Code.<sup>6</sup> GBS is imposed on the Park at Northgate project via Section 43 of the Ordinance, which requires all projects above a very low FAR threshold to comply with it. This is a marked shift from the incentive provided to LR2 and LR3 properties under the current code. As described in the enclosed letter to Councilmember Juarez dated July 31, 2018, compliance with GBS would add approximately \$525,000 in additional cost to the redevelopment of Park at Northgate.

Further, GBS is not required in Commercial zones, so if adopted, Park at Northgate would have to comply with GBS but our neighbors to the north and west would not. This unfairly penalizes the Multifamily zoned properties. So I ask that you remove this requirement and instead look to impose energy code requirements citywide via updates to the energy code instead of including them in the MHA Ordinance.

**MFTE.** Finally, in order to make all of this work financially it is important to maintain the MFTE incentive. I look forward to discussing this topic at our meeting.

Thanks for taking the time to meet today, and for considering our requests to enable the redevelopment of the Park at Northgate property.

Sincerely yours,



Kevin R. Wallace  
Manager, Park at Northgate LLC

Enclosures

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<sup>6</sup> See SMC Chapter 23.58D and DR 20-2017.

**ATTACHMENT 1  
REZONE CRITERIA ANALYSIS**

<b>Code §</b>	<b>Criterion</b>	<b>Response</b>
<b>General Criteria</b>		
23.34.008.A.1	In urban centers the zoned capacity for the center shall be no less than 125% of the growth estimates adopted in the Comprehensive Plan for that center.	The proposed rezone will allow for an increase in density (not a reduction below 125% of growth estimates), so this criterion is met.
23.34.008.A.2	N/A - applies to urban villages.	
23.34.008.B	Match between zone criteria and area characteristics.	See discussion of specific zone characteristics below.
23.34.008.C	Examine zoning history and precedential effect.	Seattle 2035 Comprehensive Plan contains numerous provisions supporting development and additional density near frequent transit service. The MHA Ordinance rezones surrounding properties to NC2-55(M) and calls for M1 zoning increases for sites within a five-minute walk of frequent transit service.
23.34.008.D.	Neighborhood Plans	The 2013 Northgate Urban Design Framework calls the property an "Opportunity Site" for redevelopment. It also identifies the site as "Residential Priority", which suggests that MR may be more appropriate than NC. The Northgate Comp Plan is from 1993 and is so dated that it is of little value at this point, but a rezone to NC2-55(M) or MR(M1) would be consistent with policies NG-G1, G2, G3, G4, G7, P1, P2, P5, P7, P8.5, P11.
23.34.008.E.1	Gradual transition between more intensive zones and less intensive zones.	The adjacent properties to the north are proposed to be rezoned to NC2-55(M), which is equal or similar to the proposed Max FAR and height. Properties to the west range from NC3-55(M) to NC3-95(M). Taking into consideration the 10-15 foot lower elevation of the site and the code and site constraints that limit our ability to build higher than seventy feet or more than a 3.8 FAR, the intensity is still lower on our site, even with the MR zoning. Properties to the east and south are buffered by Roosevelt and the creek buffer.
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23.34.008.I	Critical areas.	The site and redevelopment will not impact any critical areas, including the stream buffer to the south. Redevelopment of the site would enable additional stormwater improvements that would improve water quality of Thornton Creek.
23.34.008.J	Applies to parcels with incentive zoning.	Not applicable.
23.34.009	Height limits.	Due to the low elevation of the site and the heights, the wide buffers to the south and east, and the proposed heights for properties to the west (75'+) and north (55'), an increase in height to the NC2-55 or MR levels is appropriate. Shadow studies can be provided upon request. Due to code limitations and site constraints we would not build higher than 70', and we would be willing to execute a PUDA or similar instrument to confirm this.
<b>MR Zone Criteria</b>		
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23.34.024.B.3	Other criteria, with a list numbered (a) through (i). (a) adjacent to business and commercial areas. (b) served by major arterials where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development. (c) in close proximity to major employment centers. (d) in close proximity to open space and recreational facilities. (e) along arterials where topographic changes provide an edge or permit a transition in scale with surroundings.	The site complies with (a) through (e). (a), (b) and (c) are discussed in the letter. For (d), the site has its own open space, which will remain, and is close to the Thornton Creek water channel buffer as well as the Northgate Community Center. For (e), Roosevelt provides an edge for the properties to the east.  (f) through (i) are dependent on the topography of the site. The site most closely responds to (g) - a moderate slope where the height and bulk of existing structures have already limited the multifamily area and upland areas.

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 46

**ATTACHMENT D**

**Altmann Oliver Associates LLC's March 6, 2019 Wetland and Stream Reconnaissance**

# Altmann Oliver Associates, LLC

PO Box 578    Carnation, WA 98014    Office (425) 333-4535    Fax (425) 333-4509

# AOA

Environmental  
Planning &  
Landscape  
Architecture



March 6, 2019

Gareth Roe  
BCRA Design  
414 Stewart St., Ste. 200  
Seattle, WA 98101

AOA-5330

**SUBJECT: Wetland and Stream Reconnaissance for:  
Northgate Parcel 292604-9617, Seattle, WA**

Dear Gareth:

On November 29, 2016 I conducted an initial wetland and stream reconnaissance on the subject property utilizing the methodology outlined in the May 2010 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*. No wetlands or streams were identified on the subject property during the field investigation. On March 5, 2019, Altmann Oliver Associates (AOA) conducted a second site review to confirm that the initial no on-site wetlands or streams determination remained valid.

The subject parcel is split into two parts (see attached aerial photo) and consists of a multi-family development with six individual "garden court" style buildings, parking areas, and site landscaping. No native plant communities or areas of native soil were observed on the property and there was no evidence of ponding or prolonged soil saturation anywhere on the site during either site review. The ditch located along the east side of the 8<sup>th</sup> Ave. NE right-of-way conveys only artificially collected runoff from catch-basins within the right-of-way and is not considered or mapped as a regulated stream or critical area (see attached City mapping).

### **Off-Site Critical Areas**

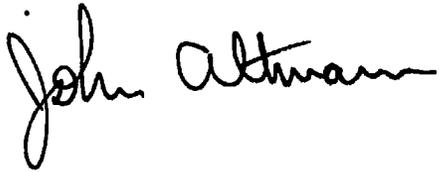
Although no wetlands or streams are located on the property, unclassified wetlands and streams were identified off-site to the south and southwest within Thornton Creek Park 6. These off-site critical areas would need to be classified to determine buffer width requirements as part of any future development proposal.

Gareth Roe  
March 6, 2019  
Page 2

If you have any questions regarding the reconnaissance, please give me a call.

Sincerely,

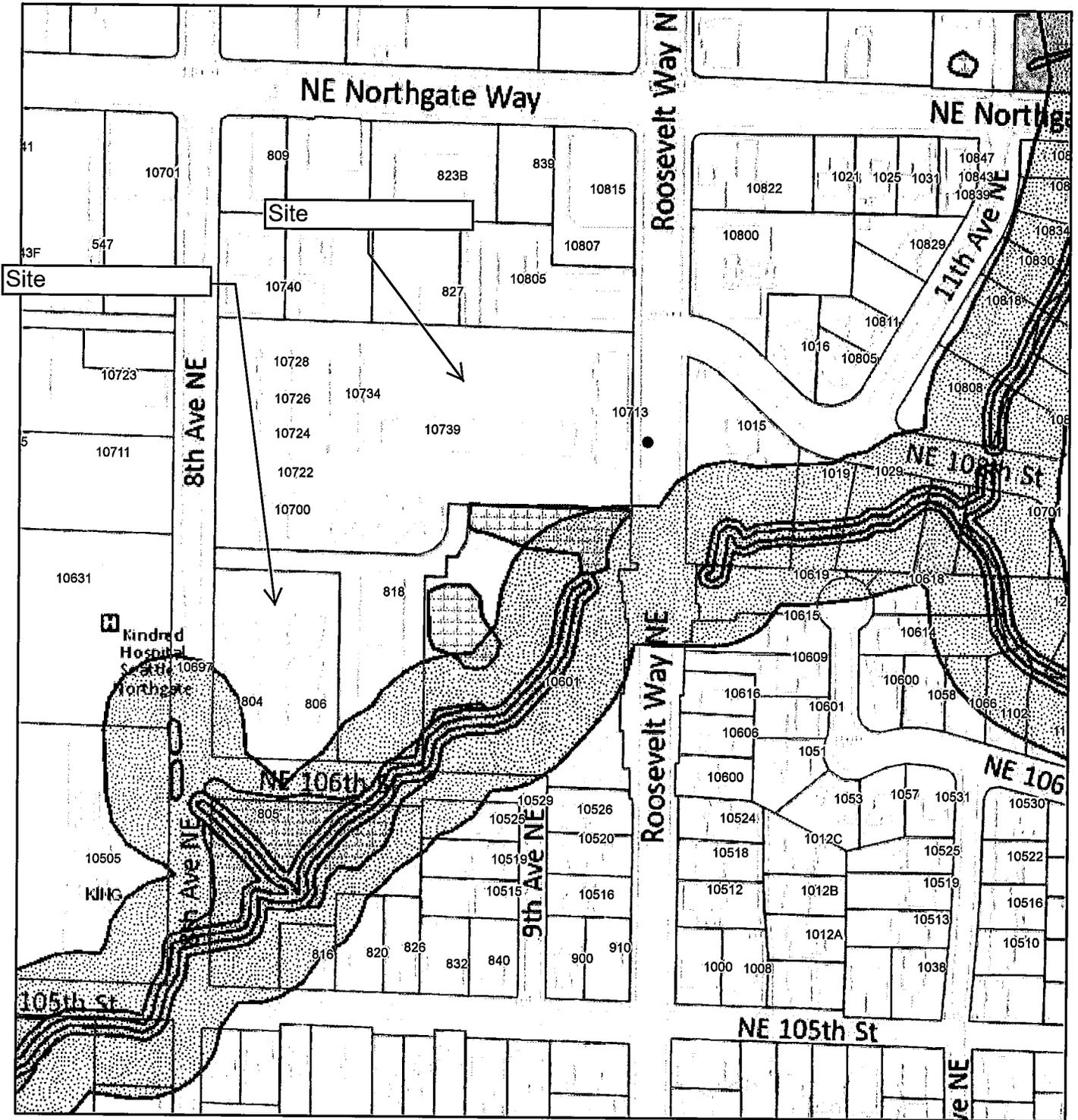
ALTMANN OLIVER ASSOCIATES, LLC

A handwritten signature in black ink that reads "John Altmann". The signature is written in a cursive, flowing style.

John Altmann  
Ecologist

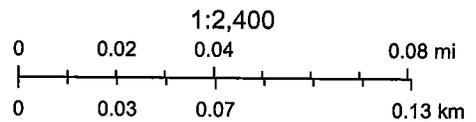


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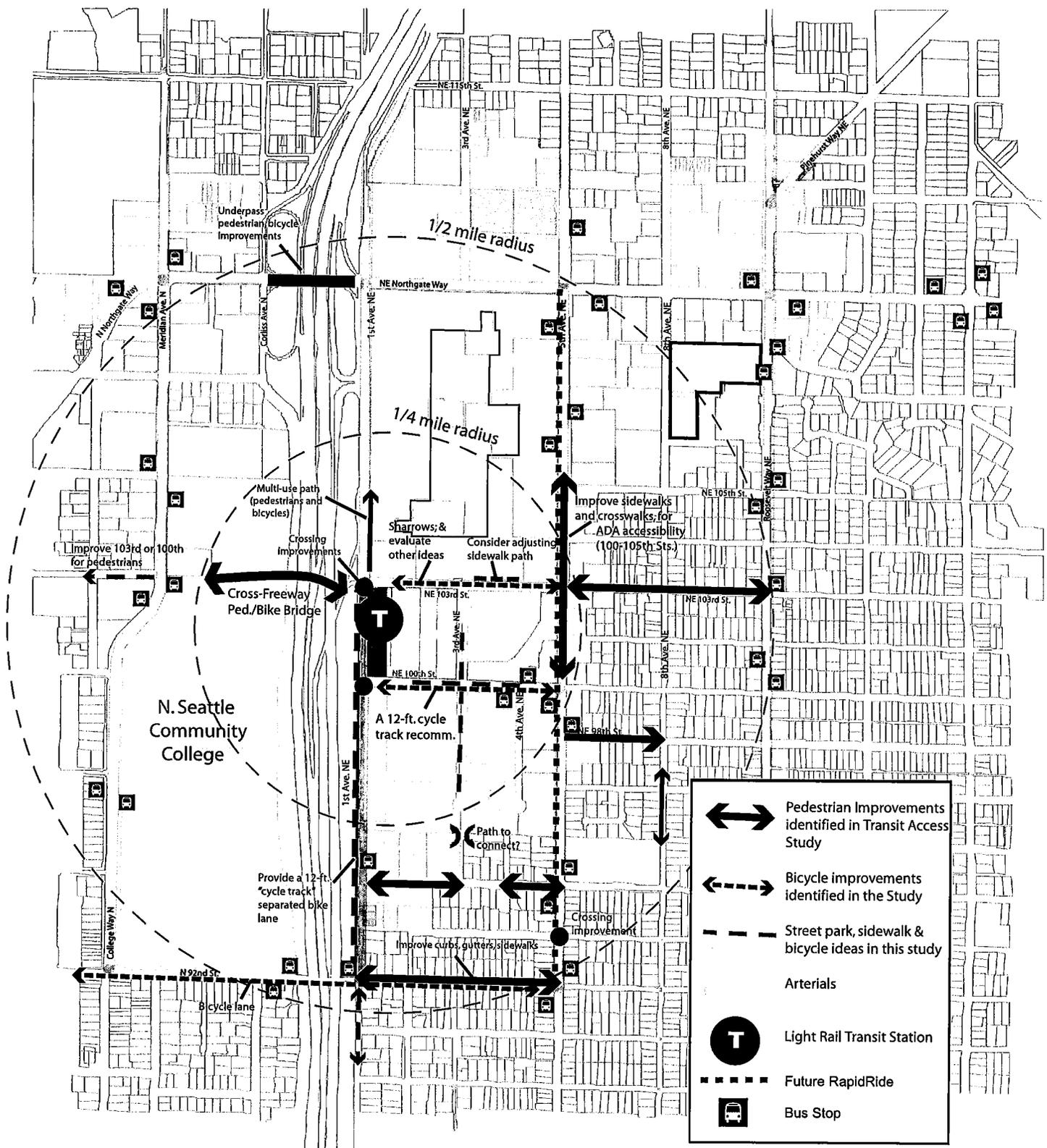
- Parcels
- Wetland-ECA4
- Riparian Corridor-ECA3



Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
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**ATTACHMENT E**

**Park at Northgate Transit Radius**



Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
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**ATTACHMENT F**

**March 19th, 2020 The Park at Northgate - Comprehensive Plan/Zoning Analysis of  
Traffic Impacts prepared by Transportation Engineering Northwest (TENW)**

## MEMORANDUM

DATE: March 19, 2020

TO: Courtney Skony, Wallace Properties, Inc.

FROM: Michael Read, PE, Principal, TENW

SUBJECT: The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts  
TENW Project No. 3522

---

This memorandum summarizes a review of a proposed comprehensive plan amendment associated with a rezone associated with redeveloping an existing 146-unit apartment complex with up to 1,100 new residential apartment units (net increase of approximately 954 new housing units) and an underground parking garage to serve the development. Known as *Park at Northgate*, the project site is located in the Northgate neighborhood of Seattle, WA south of NE Northgate Way fronting along 8<sup>th</sup> Avenue NE. Access to the project site would be provided via site driveways onto 8<sup>th</sup> Avenue NE and Roosevelt Way. A site vicinity map is provided in Figure 1, and a conceptual site plan is provided in Figure 2. Project completion is expected by 2025.

This memo includes an expanded project description, project trip generation, trip distribution, transportation concurrency, site access and circulation impacts, signal warrant analysis at the primary access of NE Northgate Way and 8<sup>th</sup> Avenue NE, and identification of any potential traffic impact fees.

### Non-Project Traffic Forecasts

For the purpose of the traffic analysis, year 2025 was selected as the build-out year based upon anticipated completion of the *Park at Northgate* redevelopment in a phased approach. Phase I (297 units) by 2023, Phase II (402 units) in 2024, and Phase III (401 units) in 2025. Historical p.m. peak hour traffic counts were reviewed within the study area to determine background growth rates. Although several intersections have experienced a slight increase in growth since 2005, overall, traffic volumes at study intersections have declined since 2005. For consistency, 2034 baseline traffic volumes without the Northgate Mall Redevelopment and Link Light Rail were utilized (before the recent Covid-19 closures that have impacted schools, restaurants, employment sites, etc.).

*Based on recent 2019/2020 and stabilized residential buildings in the immediate site vicinity, there are two known pipeline projects in the immediate vicinity that are considered in background traffic growth.*

- *Northgate Mall Redevelopment.* With removal of many retail uses (approximately 770,00 square-feet) and construction of the proposed NHL training facility at the Northgate as well as opening of Link Light Rail at the Northgate Station by 2021, traffic demands during peak commute periods along NE Northgate Way, 5<sup>th</sup> Avenue NE, and Roosevelt Way are all reduced over 2019 traffic volumes.

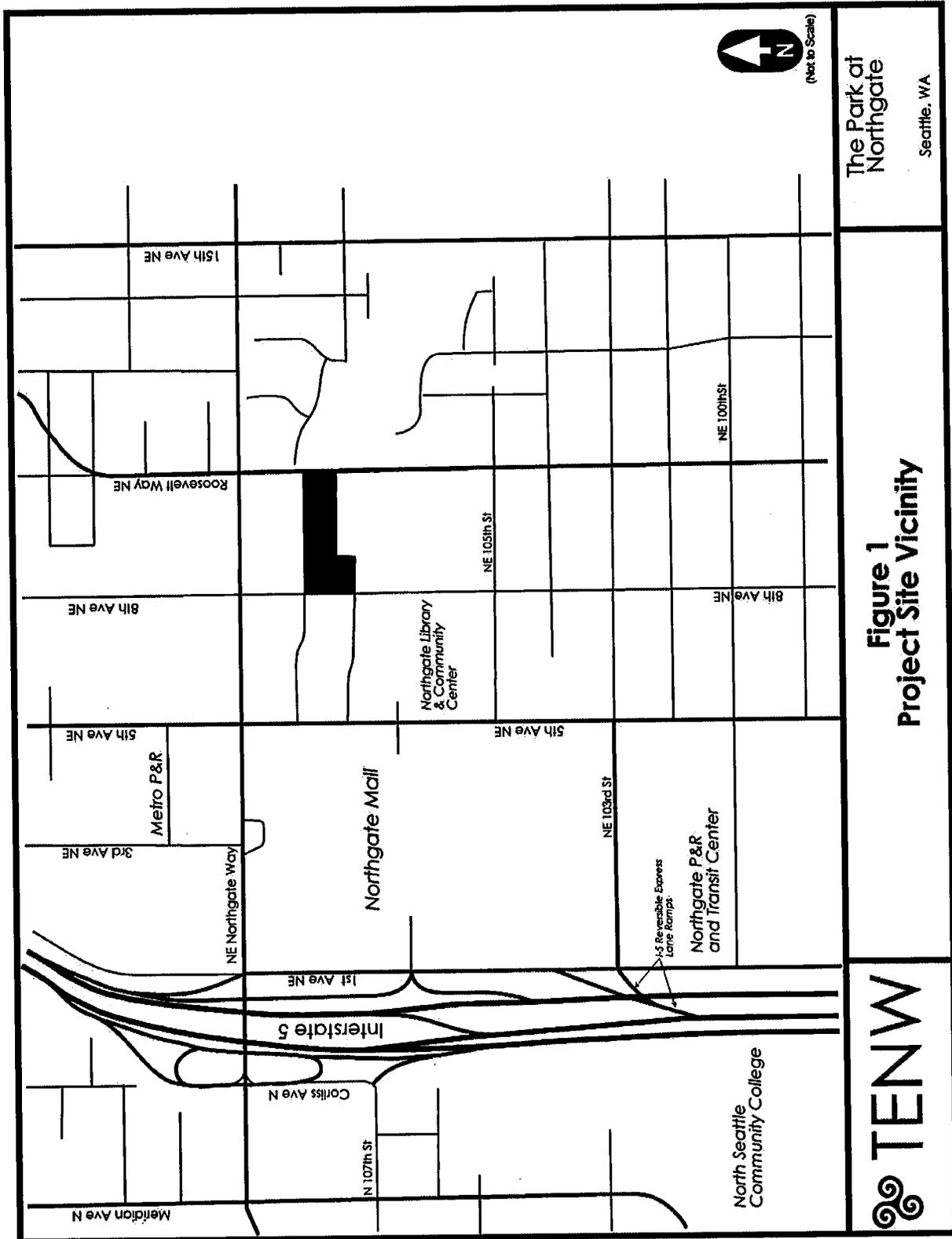
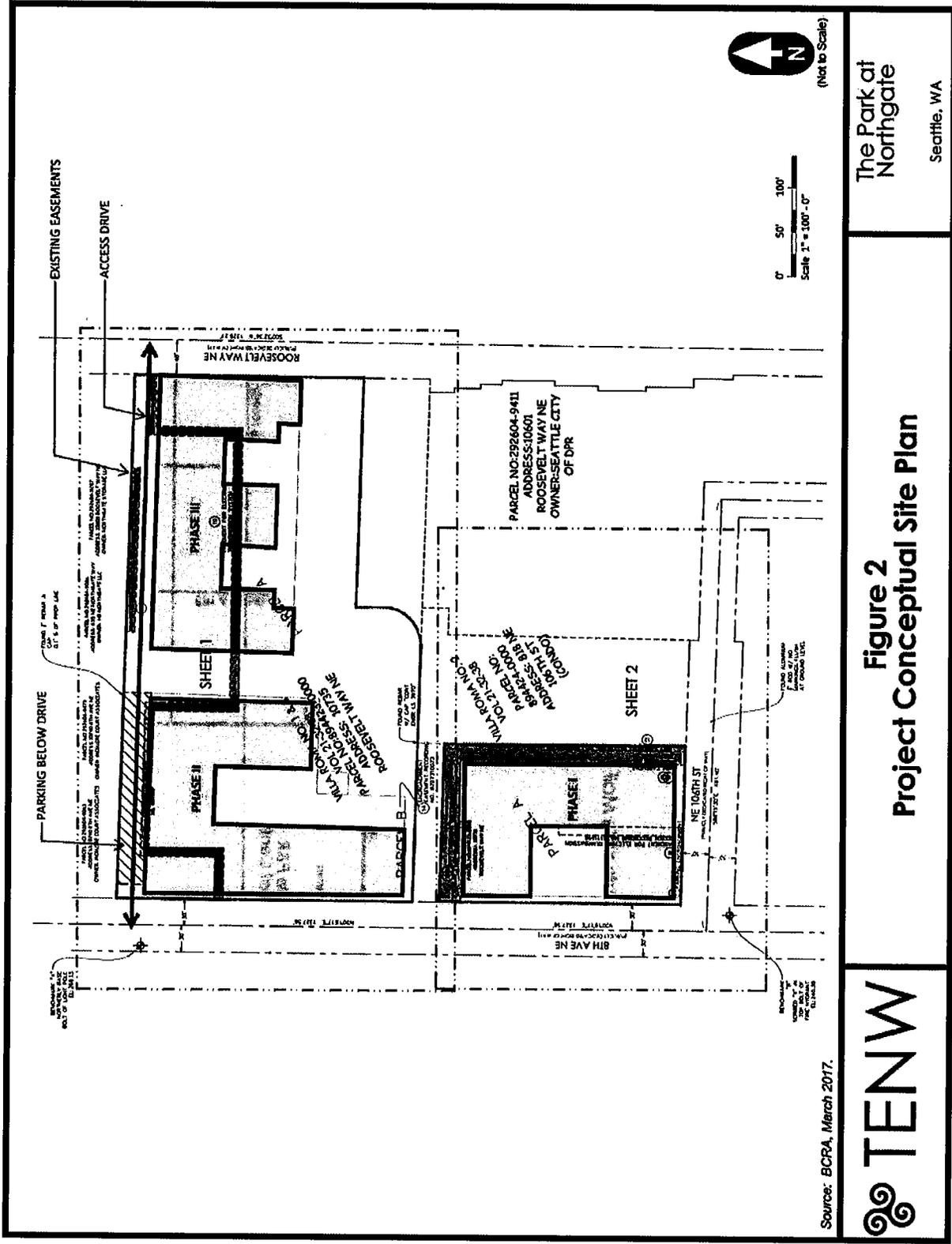


Figure 1  
Project Site Vicinity

The Park at  
Northgate  
Seattle, WA





The Park at  
Northgate

Seattle, WA

Figure 2  
Project Conceptual Site Plan



Source: BCRA, March 2017.

- *Modera Apartments.* With removal of many retail uses (approximately 770,00 square-feet) and construction of the proposed NHL training facility at the Northgate as well as opening of Link Light Rail at the Northgate Station by 2021, traffic demands during peak commute periods along NE Northgate Way, 5<sup>th</sup> Avenue NE, and Roosevelt Way are all reduced over 2019 traffic volumes.

## Project Vehicle Trip Generation

Trip generation rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 10<sup>th</sup> Edition, 2017* was used to estimate daily and p.m. peak hour traffic that would be generated by the proposed project using the ITE land use categories of Apartments based upon 954 net new housing units. Two alternative methods were applied, application of Mid-Rise/High-Rise multifamily residential units in a dense urban environment (limited database) and High-Rise multifamily category with adjustments for light rail/transit access adjustment and walkability mode share adjustments. The density of the project, proximity to adjacent mixed land uses, and the Link light rail station (LRT) station area are all considered in the ITE rates applied to the proposed residential project, however, these studies have a comparative limited number of samples. These trip generation rates are consistent between both Mid-Rise and High-Rise multifamily residential uses in these land use environments (i.e., high density, mixed-use).

A detailed summary of trip generation calculations is provided in Appendix A. As shown in Table 1, an estimated net increase of approximately 3,140 daily and 239 new p.m. peak hour vehicular trips (146 entering and 93 exiting) would be generated based on the more conservative approach.

**Table 1**  
**The Park at Northgate - Trip Generation Summary**

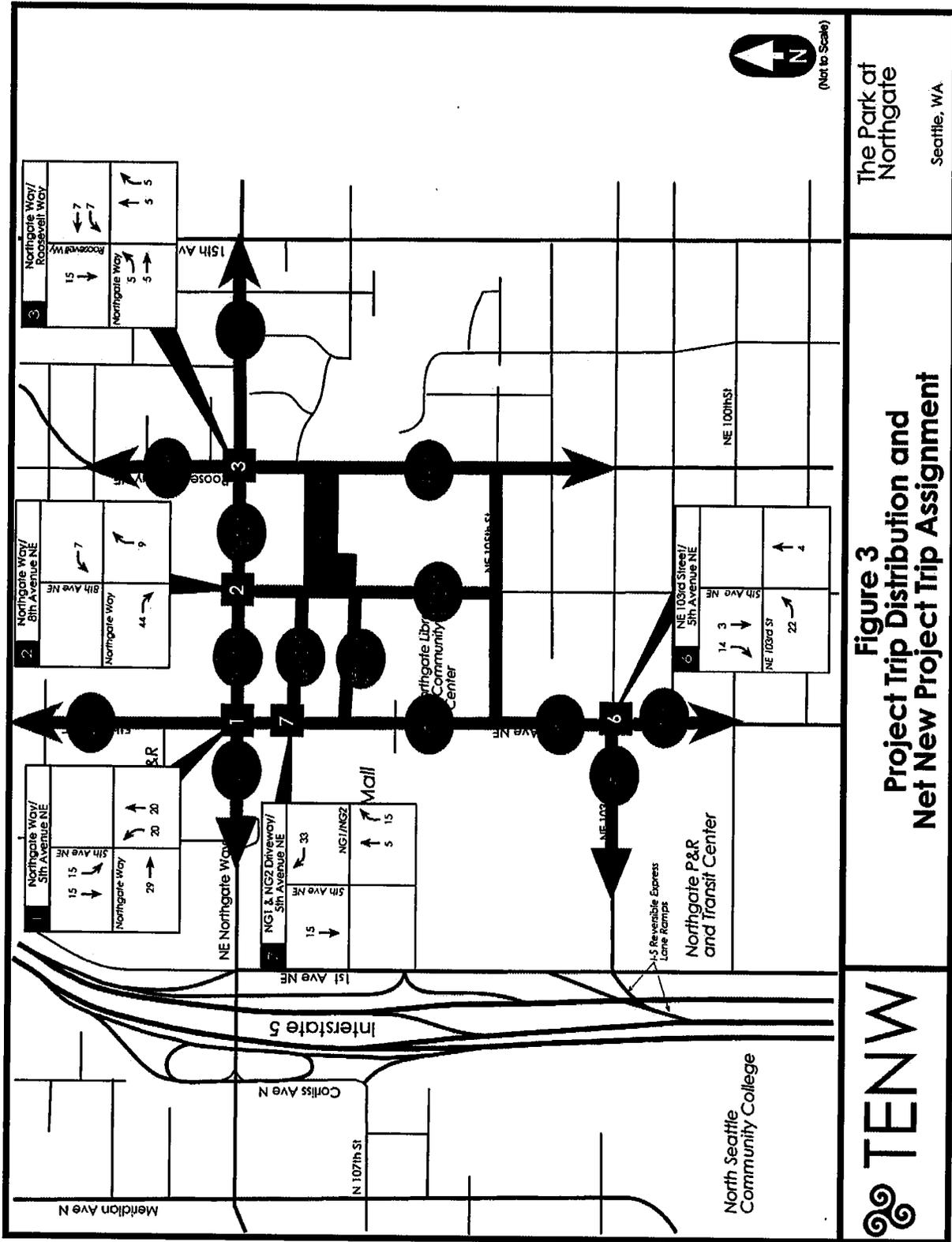
Time Period	In	Out	Total
Weekday PM Peak Hour	146	93	239
Weekday Daily	1,570	1,570	3,140

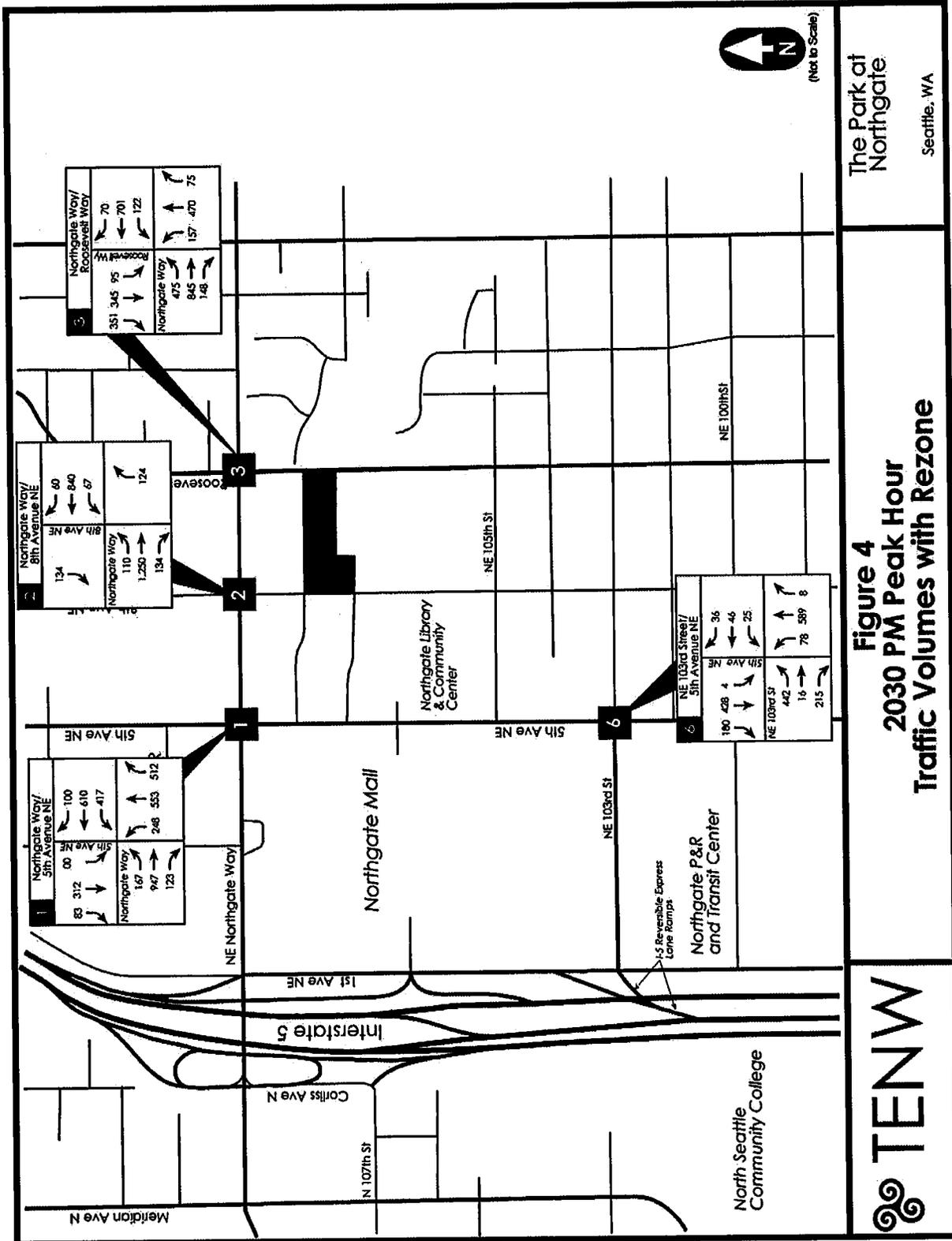
Source: Trip Generation Manual, 10<sup>th</sup> Edition, ITE, 2017.

Under the existing land use zoning (LR3), up to 285 units could be constructed on the site, and would result in a net increase of only 139 new multifamily units. Under this buildout scenario, the relative net increase in vehicle site trip generation would be reduced to approximately 146 new daily and 35 new p.m. peak hour vehicle trips. The ITE Trip Generation Manual and mode share estimates published by Sound Transit in the vicinity of the Northgate Light Rail station were used to estimate nonmotorized person trips for the site (Attachment A).

## Project Trip Distribution and Assignment

To distribute trips onto the vicinity-street and arterial network, trip distribution patterns were established based on the City of Seattle DPD Director's Rule 5-2009. The distribution patterns are anticipated to be similar to those estimated for the adjacent 507 and 525 Northgate Way Lane and Prism projects. Figure 3 illustrates the anticipated distribution of inbound and outbound net new project-generated trips during the p.m. peak hour, while Figure 4 provides detailed turning movement forecasts at buildout with the project and known pipeline projects using 2034 forecasts from the Northgate Mall Redevelopment Transportation Impact Study, additional pipeline growth, and the net increase in vehicle trips generated by The Park at Northgate rezone with 954 new residential units.





## Transportation Concurrency

Prior to development approval, a transportation concurrency analysis is conducted based on the City of Seattle's Director's Rule 5-2009. Transportation concurrency standards are used to determine the acceptable balance between the demand for use of the arterial systems and the capacity of the transportation system. Total capacity is based not only on the facilities currently in existence, but also on known future projects.

Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. The following screenlines were evaluated:

- 1.12 North City Limit – Meridian Avenue N to 15<sup>th</sup> Avenue NE
- 6.13 South of NE 80<sup>th</sup> Street – Linden Avenue N to 1<sup>st</sup> Avenue N
- 7.12 West of Aurora Ave – N 80<sup>th</sup> Street to N 145<sup>th</sup> Street
- 13.12 East of I-5 – NE 65<sup>th</sup> Street to NE 80<sup>th</sup> Street

Baseline traffic volumes for the screenline were obtained from the Director's Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development's trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the LOS standard. Table 2 summarizes the transportation concurrency review results for *The Park at Northgate* project. As shown, the v/c ratios with the development were less than the LOS standard for all screenlines. Therefore, no system concurrency mitigation is required.

**Table 2**  
**The Park at Northgate - Transportation Concurrency Review**

Screenline	Description	2008 Capacity	Baseline Peak Hour Volume	Planned Pipeline Trips	Proposed Project Trips	With Project V/C Ratio	LOS Standard
6.14 South of N(E) 80 <sup>th</sup> Street – Linden Avenue N to 1 <sup>st</sup> Avenue N							
	EB	5,880	3,614	11	20	0.62	1.00
	WB	5,080	2,257	6	8	0.45	1.00
7.12 West of Aurora Ave – N 80 <sup>th</sup> Street to N 145 <sup>th</sup> Street							
	EB	8,380	3,575	4	6	0.43	1.00
	WB	8,380	4,299	3	3	0.51	1.00
13.11 East of I-5 – NE 65 <sup>th</sup> Street to NE 80 <sup>th</sup> Street							
	NB	5,160	2,996	23	41	0.60	1.00
	SB	5,160	3,252	17	34	0.65	1.00

1. Data obtained from Director's Rule 5-2009.

## Site Access and Circulation Impacts

Vehicular site access for *The Park at Northgate* project is proposed at three locations. The north project site driveway would access the east leg of a shared east-west access driveway between 5<sup>th</sup> Avenue NE and 8<sup>th</sup> Avenue NE that serves the Lane Apartments and adjacent properties. The south project site driveway would access the east leg of a shared east-west access driveway between 5<sup>th</sup> Avenue NE and 8<sup>th</sup> Avenue

NE that serves the Prism Apartments and adjacent properties. Full turning movements at the north and south project site driveways would be provided onto 8<sup>th</sup> Avenue NE and access would also be allowed from these project site driveways onto 5<sup>th</sup> Avenue NE. These connections "through adjacent properties" are not considered to serve or provide secondary fire/emergency vehicle access.

In addition, a third driveway onto Roosevelt Way NE would be maintained. Access onto Roosevelt Way NE was assumed to be restricted to right-in, right-out only and would be required to meet fire/emergency vehicle access requirements given the proposed residential density.

### Traffic Impact Fees

Based upon this preliminary traffic analysis associated with a proposed Comprehensive Plan/Zoning Analysis, to mitigate area-wide impacts to the Northgate Area, the City collects fair share contributions towards planned transportation improvements identified in the *Northgate Coordinated Transportation Investment Plan (CTIP)*, 2007. The City currently assesses this fee at \$634 per dwelling unit per Transportation Mitigation Payments 243 in Northgate. This translates into approximately \$604,836 in traffic impact fees.

### On-Site Parking

Parking for the project would be built to accommodate demand for the project and would not create on-street parking needs except for possible short-term parking along 8<sup>th</sup> Avenue NE related to deliveries, drop-off/pick-up trips and other similar short-term parking needs along the site frontage. The recently updated King County Right Size Parking Calculator Version 2.0 lets professionals estimate parking use in the context of a specific site, based on a model using current local data of actual parking use correlated with factors related to the building, its occupants, and its surroundings—particularly transit, population and job concentrations. The calculator's estimates are based on a model developed from field work on data collected mostly in the winter and spring of 2012 on over 200 developments in urban and suburban localities in King County, Washington (Seattle and its suburbs), with nearly 100 new buildings added to the model in 2017. The calculator estimates a parking/unit ratio for an average residential building based on the characteristics of each location. The calculator can help analysts, planners, developers, and community members weigh factors that will affect parking use at multi-family housing sites, and assists developers and public agencies to consider how much parking is "just enough" when making economic, regulatory, and community decisions about development.

As this model considers the adjacency of mixed used, transit services, walkability, vehicle ownership factors, and other considerations in its assessment of parking demands, and is based on a comprehensive study of local surveys throughout the King County area (both urban and suburban areas), this tool is considered by most jurisdictions in the region as a best practices tool for determining parking supply at multifamily developments. Application of the Right Size Parking Model for the residential uses indicates a built parking ratio of 0.57 stalls per dwelling unit using the new model based on its location, proximity to transit/light rail, affordable units, number of bedrooms, rental market, and average unit size. Attachment B provides the King County Right Size Parking Model results for the project, which recommends 630 stalls.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or [mikeread@tenw.com](mailto:mikeread@tenw.com).

## Appendix A

Detailed Trip Generation Estimate  
Nonmotorized Mode Share Estimates

**ITE Trip Generation, 10th Edition, 2017  
Park at Northgate**

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit				
Mid-Rise Apartment (Dense Urban Mixed-Use, Vicinity Light Rail)	954	221/222	23	168	191	107	42	2.59	0.20	fitted curve
<b>Total</b>			<b>23</b>	<b>168</b>	<b>191</b>	<b>107</b>	<b>42</b>			<b>2,470</b>

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit				
High-Rise Apartment (Typical Suburban/Urban)	954	222	67	213	280	198	126	4.45	fitted curve	
<b>Total</b>			<b>67</b>	<b>213</b>	<b>280</b>	<b>198</b>	<b>126</b>			<b>4,244</b>

**Sound Transit LRT /Walk Access<sup>1</sup>**  
 20% reduction for residential trips  
 5% mode share reduction for walkability to jobs/retail/service  
**Total**

-14 -45 -59 -42 -27 -69 -891  
 -3 -11 -14 -10 -6 -16 -212  
**50 157 207 146 93 239 3141**

1. Source: Sound Transit Access Mode Analysis of Northgate Station Access Study.  
 A walk mode share of 35% of an assumed 60% home-based work trips was applied.

**Mode Share Estimates - Total Person Trips (Trip Generation Manual, 10th Edition, High-Rise 222, Dense Urban Mixed Use)**

	X	LU Code	AM Peak		PM Peak		Daily
Total Persons	1,100	222	800	290	600	330	7250
In Vehicles (AVO 1.2 peak, 1.1 daily)			80	160	60	130	2695
Bikes (10-20%)							1450
Transit/LRT (20%)							725
Walk (30-35%)							2380
			800	270	600	600	7250

## Appendix B

### King County Right-Size Parking Model

Enter a location...

Parking/Unit Ratio (Number of Stalls/Unit)  
 0.50



2 Parcels Selected 0.57

Location Characteristics Parking Impacts

Building & Parking Specifications  
 parking optimization estimates and guidance on unbounded and affordable housing options.

	NUMBER OF UNITS	AVERAGE RESIDENTIAL RENT (\$)	AREA (SQ FT)
STUDIOS:	450	\$1,250	350
1 BEDROOMS:	550	\$1,750	560
2 BEDROOMS:	100	\$2,250	750
3+ BEDROOMS:	0	\$0	0
<b>TOTAL:</b>	<b>1100</b>	<b>\$1,691</b>	<b>535,000</b>

AFFORDABLE UNITS: 200

PARKING

PARKING STALLS: 630  Right Sized

PRICE PER STALL (S/MO): \$50

UPDATE PRESET

**Optimized Parking Supply and Market Price**  
 Modeled parking utilization per building is 630 parked cars and this estimate has a range of 583 - 677 cars per building.

✓ 630 stalls is the optimal parking capacity priced at \$50/mo **PER UNIT**  
 ✓ Optimal pricing for 630 stalls is estimated at \$50/mo per stall.

## Appendix A

### Detailed Trip Generation Estimate

**ITE Trip Generation, 10th Edition, 2017**  
**Park at Northgate**

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	Daily Rate	AM Rate	PM Rate	
			Enter	Exit	Enter	Exit					
Mid-Rise Apartment (Dense Urban Downtown, Vicinity Light Rail)	954	221	23	168	191	107	42	149	2,470	0.20	fitted curve
<b>Total</b>			<b>23</b>	<b>168</b>	<b>191</b>	<b>107</b>	<b>42</b>	<b>149</b>	<b>2,470</b>		

## Appendix B

### Signal Warrant Analysis



## Traffic Signal Warrant Summary

Transportation Engineering

Prepared by: NorthWest

Date: 6/27/2019

### Location Information

Major Street

NE Northgate Way

Minor Street

8th Avenue NE

### Objective Warrants

### Traffic Study Information

Number of approach lanes on major street

2

Number of approach lanes on minor street

1

Minimum eight-hour vehicles per hour on major street (total of both approaches)

600

Minimum eight-hour vehicles per hour on higher-volume minor-street approach (one direction only)

150

Four-Hour vehicles per hour on major street (total of both approaches)

1,800

Four-Hour vehicles per hour on higher-volume minor-street approach (one direction only)

100

Maximum peak-hour total stopped time delay on one minor street approach

28

Peak-Hour vehicles per hour of on same minor street approach as above

88

Peak total entering vehicles per hour

2,317

Four-Hour pedestrians per hour crossing major street (total of all crossings)

165

Peak-Hour vehicles per hour on major street (total of both approaches)

2,067

Peak-Hour pedestrians per hour crossing major street (total of all crossings)

132

Distance to the nearest signal or stop controller intersection

650



Number of gaps in traffic stream during schoolchildren crossing	N/A
Number of minutes in schoolchildren crossing period	N/A
Peak-hour number of schoolchildren crossing	N/A
Applicable crashes within 12-month period	1
5-year projected minimum eight-hour vehicles per hour on major street (total of both approaches)	612
5-year projected minimum eight-hour vehicles per hour on higher-volume minor-street approach (one direction)	153
5-year projected four-hour vehicles per hour on major street (total of both approaches)	1,836
5-year projected four-hour vehicles per hour on higher-volume minor-street approach (one direction)	102
5-year projected maximum peak-hour total stopped time delay on one minor street approach	29
5-year projected peak-hour vehicles per hour of on same minor street approach as above	90
5-year projected peak total entering vehicles per hour	2,364
5-year projected four-hour pedestrians per hour crossing major street (total of all crossings)	168
5-year projected peak-hour vehicles per hour on major street (total of both approaches)	2,109
5-year projected peak-hour pedestrians per hour crossing major street (total of all crossings)	135
Distance to stop or yield line of grade crossing	N/A
Clear storage distance	N/A

Warrant 1: Eight-Hour Vehicular Volume	<i>DOES NOT MEET WARRANT</i>
Warrant 2: Four-Hour Vehicular Volume	<i>DOES NOT MEET WARRANT</i>
Warrant 3: Peak Hour	<i>DOES NOT MEET WARRANT</i>
Warrant 4: Pedestrian Volume	<i>MEETS WARRANT</i>
Warrant 5: School Crossing	<i>DOES NOT MEET WARRANT</i>
Warrant 7: Crash Experience	<i>DOES NOT MEET WARRANT</i>



# City of Seattle

Seattle Department of Transportation

Warrant 8: Roadway Network

*DOES NOT MEET WARRANT*

Warrant 9: Intersection Near a Grade Crossing

*DOES NOT MEET WARRANT*

Subjective Warrants

Warrant 1: Eight-Hour Vehicular Volume

*DOES NOT MEET WARRANT*

Warrant 6: Coordinated Signal System

Warrant 7: Crash Experience

Warrant 8: Roadway Network

Other

<i>DOES NOT MEET WARRANT</i>

Engineering Justification: (Must be filled out if subjective warrant is used):

Engineer's Signature \_\_\_\_\_

City Traffic

Engineer's Signature \_\_\_\_\_

Transportation Operations

Division Director's Signature \_\_\_\_\_

## Appendix C

### Proportional Share Contributions

**Attachment E**  
**Park at Northgate Proportional Share Contributions**

Improvement # <sup>1</sup>	Intersection #	Intersection/Roadway	Baseline PM Vehicles in 2025	Project PM Peak Trips	Total PM Vehicles in 2025	Pro-Rata Share	Project Cost <sup>2</sup>	Project Pro-Rata Contribution
E8	5	NE Northgate Way/8th Avenue NE	2,923	42	2,965	1.4%	\$495,000	\$7,012
E1		Northgate Corridor Signal Coordination				1.4%	\$1,040,000	\$14,352
B3		8th Avenue Sidewalk				10.4%	\$388,000	\$40,158
							<b>Total</b>	<b>\$51,522</b>

1 - Source: Northgate CTIP, Figure 7-3.

2 - Based on the total project cost.

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 49

**ATTACHMENT G**

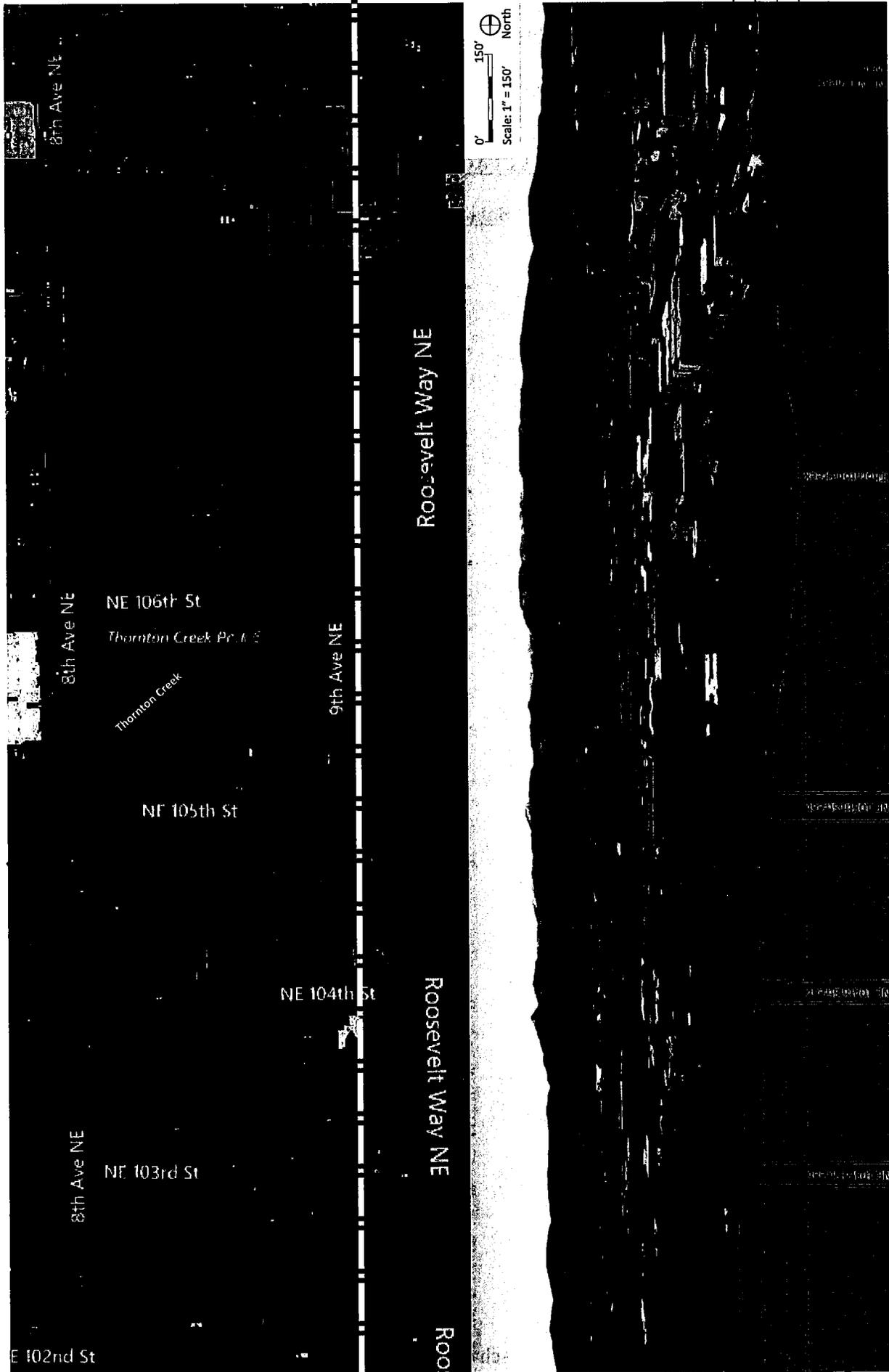
**MHA Current Zoning of Site and Vicinity Map**



Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 50

**ATTACHMENT H**

**Site Elevation Cross Section**



340'  
300'  
260'  
220'

340'  
300'  
260'  
220'

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 51

**ATTACHMENT I**

**Solar Studies**

# Sun Shadow Analysis - Proposed Zoning: MR M1 (80' Height Limit)

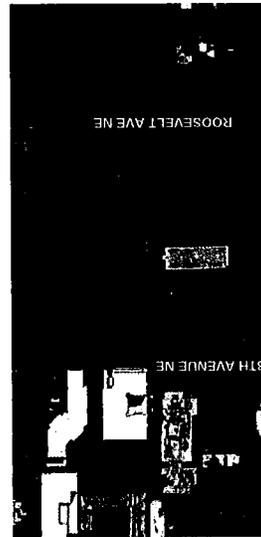
DEVELOPMENT OPTIONS



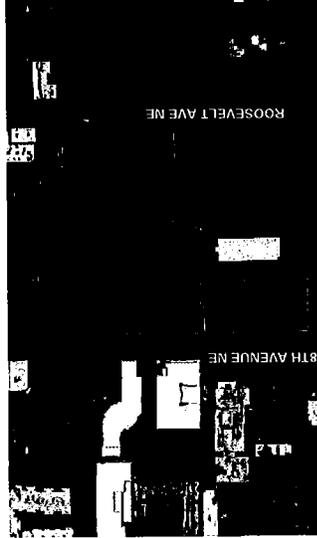
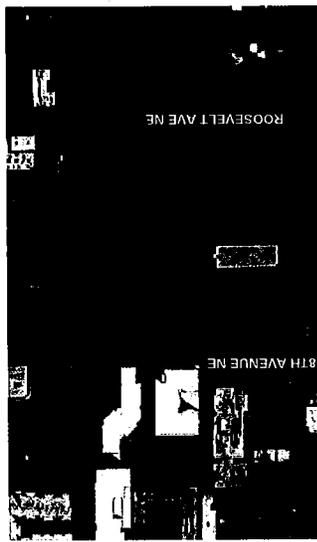
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NOON

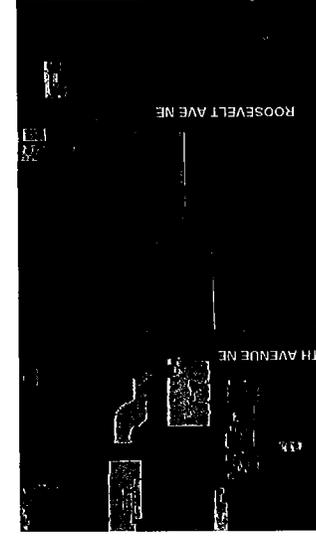
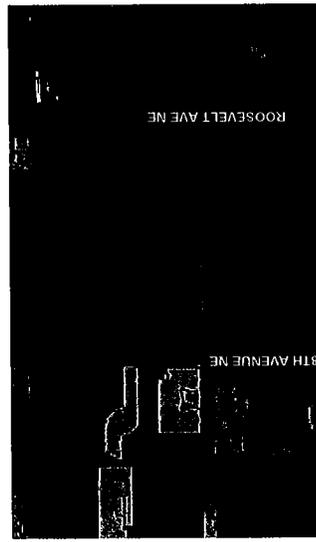
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**SUMMER SOLSTICE**  
June 21



**EQUINOX**  
Mar/Sept 21

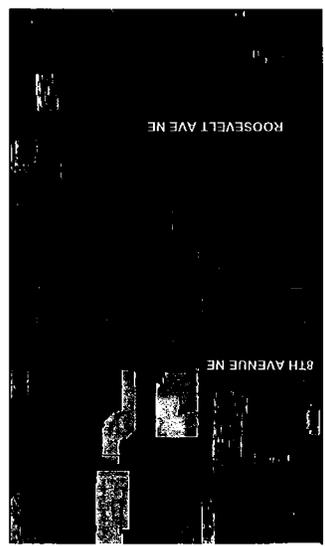
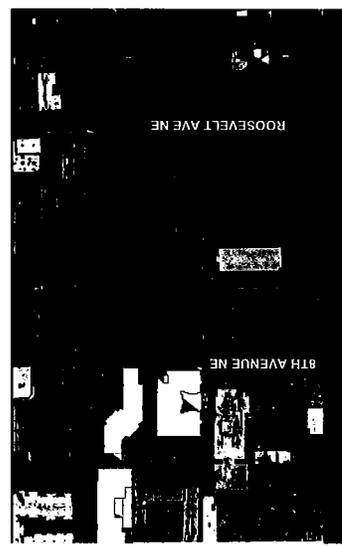
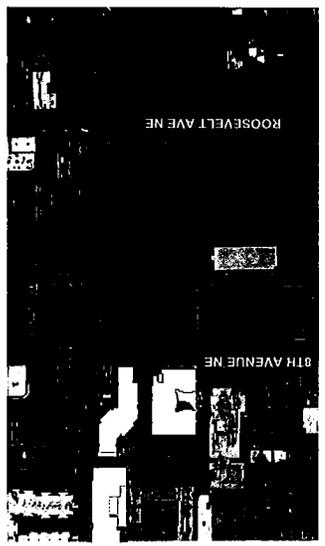


**WINTER SOLSTICE**  
Dec 21

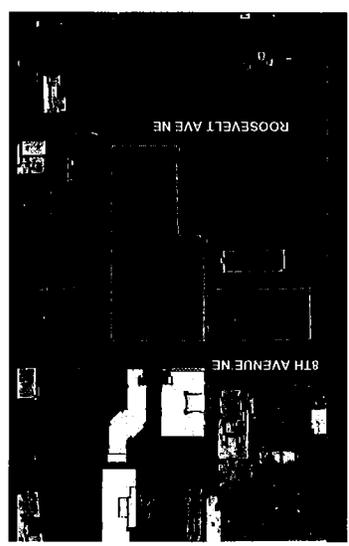
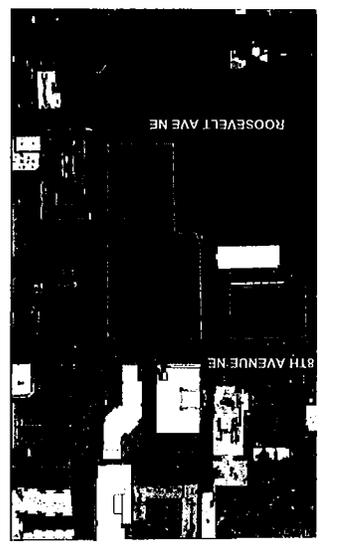
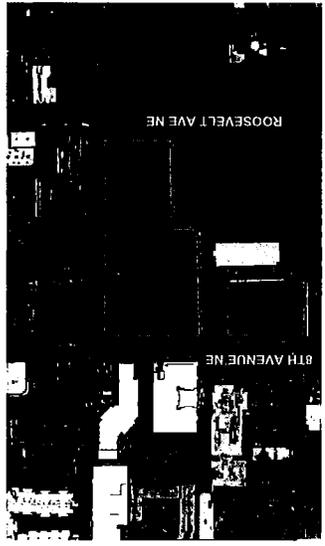
**Sun Shadow Analysis - LR 3 (M) (50' Height Limit)**  
 DEVELOPMENT OPTIONS



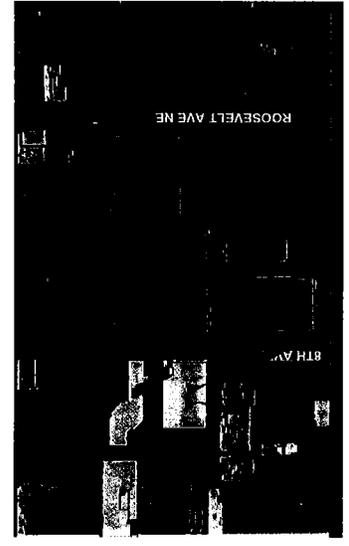
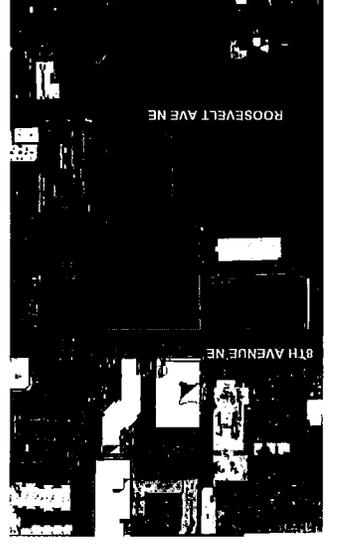
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9:00 AM



**SUMMER SOLSTICE**  
 June 21

**EQUINOX**  
 Mar/Sept 21



**WINTER SOLSTICE**  
 Dec 21

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
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**ATTACHMENT J**

**June 12, 2019 Preliminary Site Research Report prepared by BCRA**

**PROJECT RECORD**

---

**Date:** June 12, 2019

**To:** Wallace Properties  
Attn: Kevin Wallace  
PO Box 4184  
Bellevue, WA 98009  
kwallace@wallaceproperties.com

**From:** Shannon Podgorski, EIT

**Reviewed by:** Andy Epstein, PE

**Project:** The Park at Northgate  
Rezone

**BCRA Project #:** 16102

**CC:** Gareth Roe (BCRA); Joe Rydman (BCRA); Ming-Sing Ting (BCRA)

**RE:** Preliminary Site Research Report

**Attachments:** Utility and Environmentally Critical Areas (ECA) Exhibits

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**PRELIMINARY SITE RESEARCH REPORT – SPECIFIC REZONE TO MR(M1)**

The following is a summary of preliminary site research to confirm the presence of any Environmentally Critical Areas (ECAs) and presence and availability of utilities to serve potential redevelopment of the site located at 10713 Roosevelt Way NE, Seattle, WA 98115, King County tax parcel no. 292604-9617. The site encompasses an area of approximately 228,319 SF and is comprised of a single tax parcel split into two parts, north and south, by a 30' wide strip of adjacent tax parcel 8944240000, which strip appears to be used as a shared driveway and parking area. The proposed rezoning of the site would allow for development up to 1,100 residential units. Based upon our review, it is our professional opinion that the existing utilities and infrastructure, subject to our comments below, are sufficient to serve the site should it be rezoned.

**RIGHT OF WAY**

The site is bounded by 8<sup>th</sup> Ave NE (non-arterial) to the west, Roosevelt Way NE (principal arterial) to the east, NE 106<sup>th</sup> St (non-arterial) to the south, and private property and NE Northgate Way (principal arterial) to the north.

It is expected that work in the right-of-way will include new frontage improvements, including, curb, street trees and sidewalk on 8<sup>th</sup> and 106<sup>th</sup> and repair work/replacement of sidewalk on Roosevelt Way NE due to damage from the mature trees. All improvements will need to be coordinated with Seattle Department of Transportation (SDOT) and Seattle Department of Construction and Inspections (SDCI). It is likely that a more comprehensive design will be required along 8<sup>th</sup> Ave NE and Roosevelt Way NE potentially including pedestrian easements to provide the required sidewalk and planter widths.

There is a bus stop located adjacent to the parcel on Roosevelt Way NE. Any impacts to the stop will need to be coordinated with King County Metro.

We recommend submitting to SDCI for a Preliminary Assessment Report (PAR) that will help detail required elements of development on the subject parcel.

**ENVIRONMENTALLY CRITICAL AREAS**

City of Seattle GIS shows areas of steep slope and riparian corridors on the site, but per site visits, survey, and a Wetland and Stream Reconnaissance by Altmann Oliver Associates, LLC (letter dated March 6, 2019) there are no critical areas on or adjacent to the site. Areas shown on the City's GIS map as steep slopes are not

slopes but instead are existing buildings and rockeries. There is a wetland and stream to the southeast of the site, but the proposed rezone and potential redevelopment will not impact the wetland or the stream.

Refer to the attached Environmentally Critical Areas Map for approximate extents of ECAs per the City of Seattle GIS. Please note, as stated above, there are no ECAs onsite.

#### **WATER**

Per City of Seattle online GIS, there are 8-inch cast iron water mains abutting the site: to the west along 8<sup>th</sup> Ave NE, to the east in Roosevelt Way NE, and to the south along NE 106<sup>th</sup> St. A water flow study will need to be completed by Seattle Public Utilities (SPU) to verify the existing public water system will provide adequate fire flow for the redevelopment. At a minimum, additional fire hydrants should be anticipated and it should be assumed that new domestic and fire water services will be needed for each building. The existing 1.5" and 2" water services may be evaluated for reuse for irrigation.

There are three fire hydrants located along 8<sup>th</sup> Ave NE and another two on the opposite side of Roosevelt Ave NE.

A Certificate of Water Availability from SPU should be obtained prior to development of the site.

#### **SANITARY SEWER**

Per City of Seattle online GIS, the northern portion of the property is served by an 8-inch Seattle Public Utilities (SPU) main which is located on the northern portion of the property and continues offsite to the south and then east across Beaver Pond Natural Area in a 24-inch SPU main. Near the northeast corner of Beaver Pond Natural Area, the 24-inch SPU main connects to a 24-inch King County main and continues east across Roosevelt Way NE. The onsite public sewer main lines will need to be relocated and the three offsite connections to the north (which serve several properties to the north) will need to be maintained with the relocation. The southern portion of the property is served by a 24-inch SPU main in NE 106<sup>th</sup> Street, which combines with the public sewer main within the Beaver Pond Natural Area.

The City of Seattle requires all runoff from covered parking areas to be collected and treated with an oil water separator prior to discharging.

Refer to the attached Sewer and Drainage Map.

#### **STORM DRAINAGE**

Per City of Seattle online GIS, there is an existing 18-inch SPU storm main both west and east of the parcel; one flowing south along 8<sup>th</sup> Ave NE and the other flowing south along Roosevelt Way NE. Instead of discharging untreated storm water directly to the public storm drainage system as is the current status, we are proposing to detain and treat water onsite and discharge the enhanced water to the wetlands within the Beaver Pond Natural Area southeast of the site. After the Preliminary Assessment Report (PAR) is obtained, options for discharging stormwater to the SPU storm system and/or the wetlands within Beaver Pond Natural Area should be verified with the city drainage reviewer.

Previous projects in the vicinity reveal groundwater at about 5-feet below grade. It is recommended that a licensed and registered Geotechnical Engineer provide an analysis and assessment of the site, including on-site borings, to determine site specific groundwater conditions.

Any redevelopment will be subject to requirements of the current Seattle Stormwater Manual (SSWM). Per the SSWM, for Thornton Creek drainage basin requirements, on-site detention will be required. In addition, the site will be subject to enhanced treatment. On-site stormwater management (OSM) should also be expected for the site. Infiltrating OSM improvements will need to be evaluated *outside* of the pink highlighted areas on the attached Sewer and Drainage Map; new sidewalk in the right-of-way will need to be evaluated for rain gardens and permeable pavement, and new onsite improvements will need to be evaluated for infiltration, infiltrating bioretention, permeable pavement, rainwater harvesting, vegetated roofs, etc. *Within* the pink highlighted areas, non-infiltrating OSM improvements such as non-infiltrating bioretention and vegetated roofs will need to be evaluated but any infiltrating OSM improvements do not need to be evaluated.

Refer to the Stormwater Improvements Assessment by BCRA (dated June 15, 2017) for further assessment of storm drainage requirements.

Refer to the attached Sewer and Drainage Map.

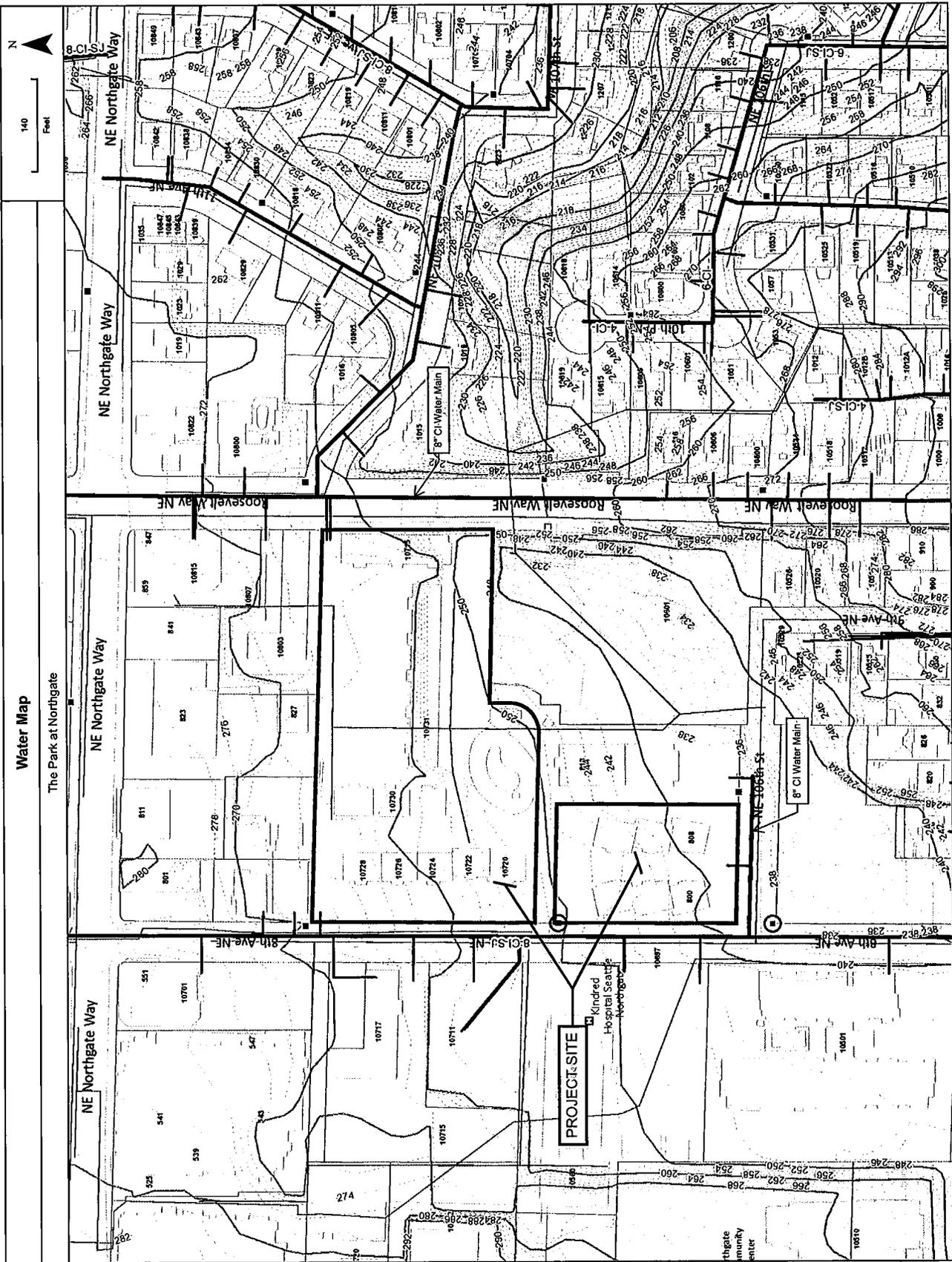
**POWER, COMMUNICATION, AND GAS**

Overhead power lines are located to the west and south of the parcel. Additional underground service lines appear to be located through the northern portion of the parcel as well as in the east/southeast corner of the southern portion of the parcel.

The relocation and/or removal of any existing power lines, poles, or associated structures will need to be coordinated with Seattle City Light (SCL).

There is an existing 2" gas line along 8<sup>th</sup> Ave NE. New gas lines will be required to serve the proposed buildings. All work related to existing and new gas lines will need to be coordinated with Puget Sound Energy (PSE).





**Water Map**

The Park at Northgate

- City Limits
- Hydrant Location
- Flow Tested Hydrant
- Water Mains
- Same Side Tap Only
- No New Taps
- Water Service
- Header
- Inactive
- Active
- Drainage Infrastructure
- Topography - 2 Foot
- 10ft. contour
- 2ft. contour
- Parcel

Kindred Hospital Seattle's Northgate

PROJECT SITE

8th Ave NE

9th Ave NE

10th Ave NE

NE Northgate Way

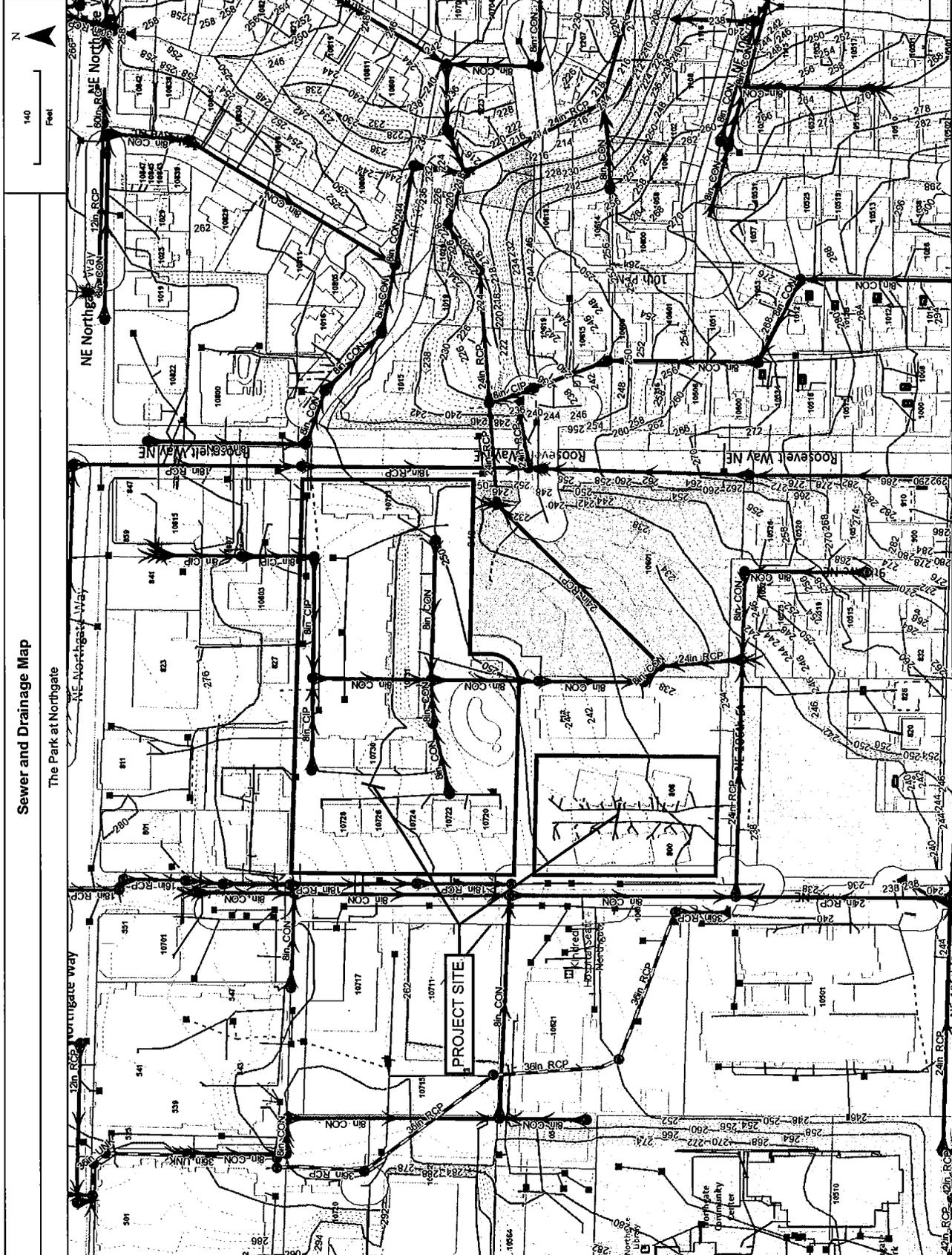
Roosevelt Way NE

8" CI Water Main

8" CI Water Main

thgate  
munity  
enter

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 map. For more information, contact the City of Seattle  
 Planning Department, 3200 1st Avenue, North Tower  
 98107-3200



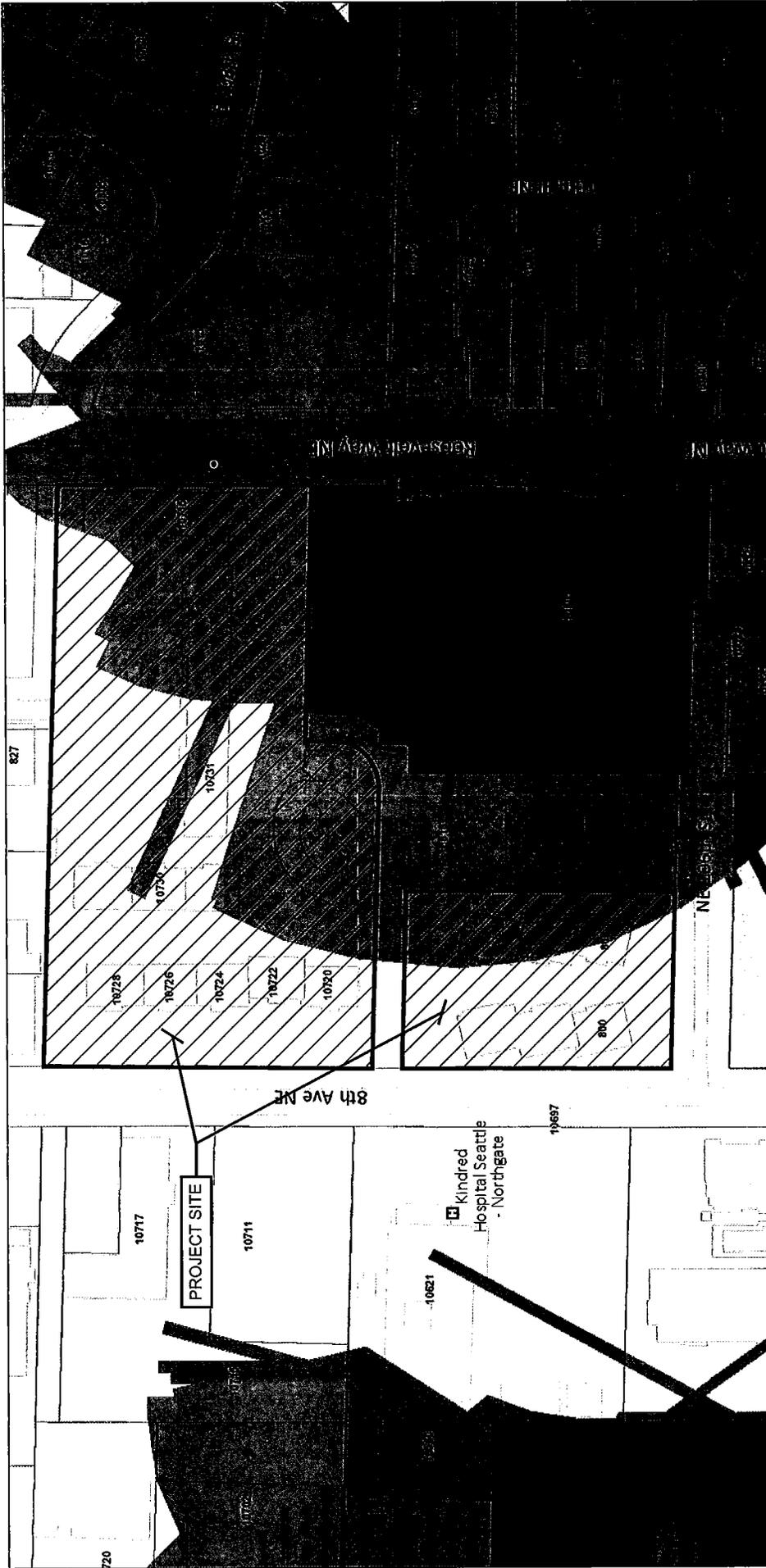
**Sewer and Drainage Map**

The Park at Northgate

- City Limits
- Catch Basin, Junction Box, Sand Box
- Maintenance Holes and Other Structures
- ▲ Other Structure
- Ditches and Culverts
- Ditch
- Culvert
- Side Sewers and Laterals
- Drainage Lateral
- Side Sewer
- - Drainage Lateral (Not Inspected)
- - Side Sewer (Not Inspected)
- SPU Drainage Lateral
- SPU Side Sewer
- Private Mainlines
- Private Drainage Main
- Private Sanitary Main
- Private Combined Main
- Mainlines (Permitted Use)
- King County Main
- ▲ SPU Drainage Main
- ▲ SPU Combined Main
- ▲ SPU Sanitary Main
- CSU Polygons
- Swales
- Permeable Pavement
- Non-Mainline Detention Polygons
- Mainline Detention Polygons
- Peak Control Infrastructure
- Repairs
- Water Infrastructure
- Water Service
- Topography - 2 Foot
- 10ft. contour
- 2ft. contour
- Parcel

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 No warranties of any sort, including accuracy,  
 completeness, or fitness for a particular purpose,  
 are made by the City of Seattle. Contact:  
 City of Seattle, Planning Department  
 400 North Dearborn Street  
 North Zone  
 98109

# Required Evaluation Area for Infiltration



6/12/2019 2:07:58 PM  
 Green Stormwater Infrastructure Infiltration Evaluation Not Required  
 Parcels

SDCI & Seattle IT GIS  
 No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

**STORMWATER IMPROVEMENTS ASSESSMENT**

---

**Date:** June 15, 2017

**To:** Wallace Properties  
 Attn: Courtney Skony  
 PO Box 4184  
 Bellevue, WA 98009  
 cskony@wallaceproperties.com

**From:** Juan Romero, PE

**Reviewed by:** Andy Epstein, PE

**Project:** The Park at Northgate Rezone

**BCRA Project #:** 16102

**CC:** Gareth Roe (BCRA); Randy Gould (BCRA)

**RE:** Project Stormwater Requirements

**Attachments:** Conceptual Stormwater Plan

---

**CODE REQUIREMENTS**

Per the Seattle Stormwater Manual (SWM), the project is classified as a parcel project and required to provide flow control, water quality, and on-site Best Management Practices (BMPs) to the maximum extent feasible.

Since the project discharges to a wetland that discharges to Thornton Creek (a non-listed Creek), the project is subject to the flow control wetland protection standard and pre-developed pasture standard.

In addition, per SMC 220.805.020.E, projects discharging to a wetland or its buffer shall prevent impacts to the wetlands that would result in a net loss of functions or values.

Since the project is expected to create more than 5,000 SF of pollution-generating impervious surfaces (paved areas with vehicle traffic) and it discharges to fresh waters designated for aquatic life use, these areas will be subject to enhanced water quality treatment.

The SWM requires evaluation of the following types of on-site BMPs:

1. Dispersion BMPs: These BMPs will not be feasible because of the proximity to walls/steep slopes and the lack of a long enough flow path with native vegetation.
2. Infiltration BMPs: Per the city of Seattle GIS map infiltration, BMP evaluation is not required for *most* of the site. However, additional geotechnical information will be required to determine if infiltration BMPs will be feasible in the northern portion of the site. Based on the Preliminary Site Research Report by CPL, dated June 2016, neighboring properties had groundwater elevations of only 5 ft. below the surface. If this holds true for this property, then drywells or infiltration trenches/basins will not be feasible. However, other facilities that require less separation from groundwater, such as bioretention or pervious pavement, may be feasible if the geotechnical evaluation is favorable.
3. Non-infiltrating BMPs: Since there is only a small area of the site where infiltration is identified by the city as potentially feasible, the site will likely be required to implement non-infiltrating bioretention cells to meet the on-site BMP requirement.

4. Vegetated roofs and rainwater harvesting are generally not feasible for this type of structure due to high cost.

#### SITE CONDITIONS

This site includes two basins that discharge to two distinct wetlands. The northeast portion of the site discharges to the NE Wetland and the remainder of the site discharges to the wetland south of NE 106<sup>th</sup> St. (SW Wetland). To preserve the function of both wetlands, the existing stormwater basins and discharge points will need to be maintained. For this reason, we expect two detention vaults will be required. We assessed a single detention vault option, however, site grades will not allow stormwater to be separately discharged from one detention vault to both wetlands.

#### CONCLUSION

Two detention vaults will be necessary to maintain hydrology to two distinct wetlands.

For the SW Basin, the Stormwater Concept Plan includes two options for a detention vault. The vault for this basin would detain flows from the Phase I development and roughly half of the Phase II development to match the existing flow to the SW Wetland. We performed some preliminary calculations and estimate 55,000 CF of storage would be required.

Detention Vault Option A is shown within the Phase I Building footprint. To discharge to the wetland via gravity, the vault would be located within the P2 level (below P1) where it would impact proposed parking. Detention Vault Option B is located under the shared driveway; this option would likely impact utilities for existing development to the east and require permission from the adjacent property owner for its construction. In addition, because it is further from the wetland, the vault would need to be higher and the top would be at the same elevation as the existing grades at the NE corner of the vault. This would require the vault to be structurally designed for vehicles to drive directly over the top slab at that corner.

The NE Basin includes the remainder of the site. Approximately 60,000 CF of detention volume would be required. We have located it under the Phase II Building.

The water quality treatment requirement for the northern driveway may be met by a multi-celled infiltrating or non-infiltrating bioretention cell. A geotechnical assessment will be required to determine if infiltration is feasible. Multiple cells will be required because this driveway will exceed 5,000 SF. Water quality for the southern driveway may be provided by a non-infiltrating bioretention cell. This driveway will be very close to 5,000 SF, so it may or may not require the bioretention to be split into two cells.

The on-site BMP requirement may be met for the other surfaces as follows:

Roofs: For the NW and NE buildings, for Phase II and Phase III, we would propose non-infiltrating bioretention cells at the perimeter of the building.) Because the elevation of the water surface in the detention vault would back up into the cells due to the grades adjacent to that portion of the building, this is infeasible for the southern half of the SW building (Phase I). Other BMPs are infeasible and discussed in the code requirements section.

Other Hard Surfaces: Walks around the site may be required to be pervious unless geotechnical investigation demonstrates this to be infeasible. The driveways will not be required to be pervious because they will be constructed over the parking structure. As discussed previously, the driveways can flow to bioretention cells.

END OF REPORT

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 53

**ATTACHMENT K**

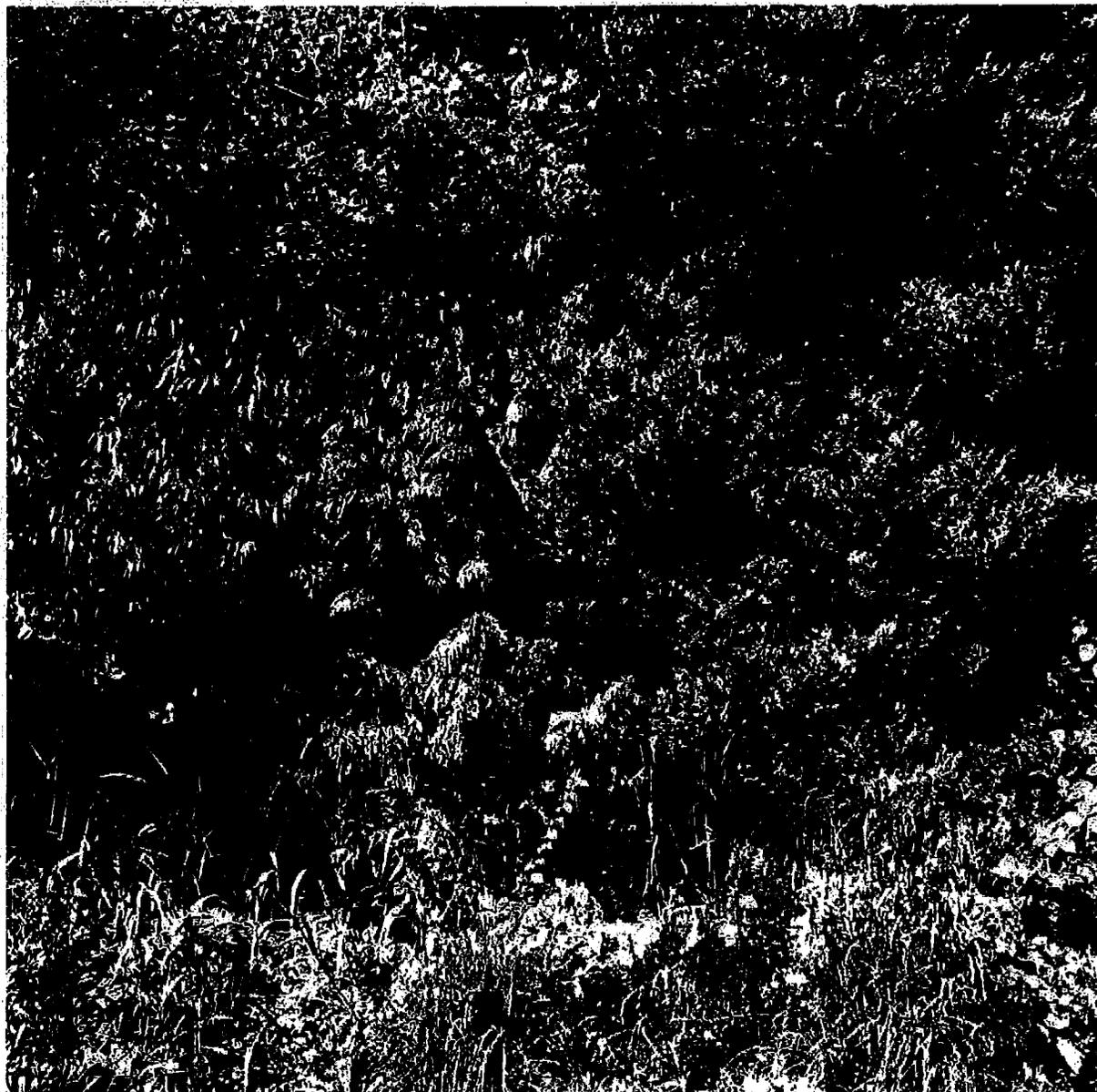
**July 21, 2019 photographs of tree canopy south of Site along 105<sup>th</sup> Street NE.**



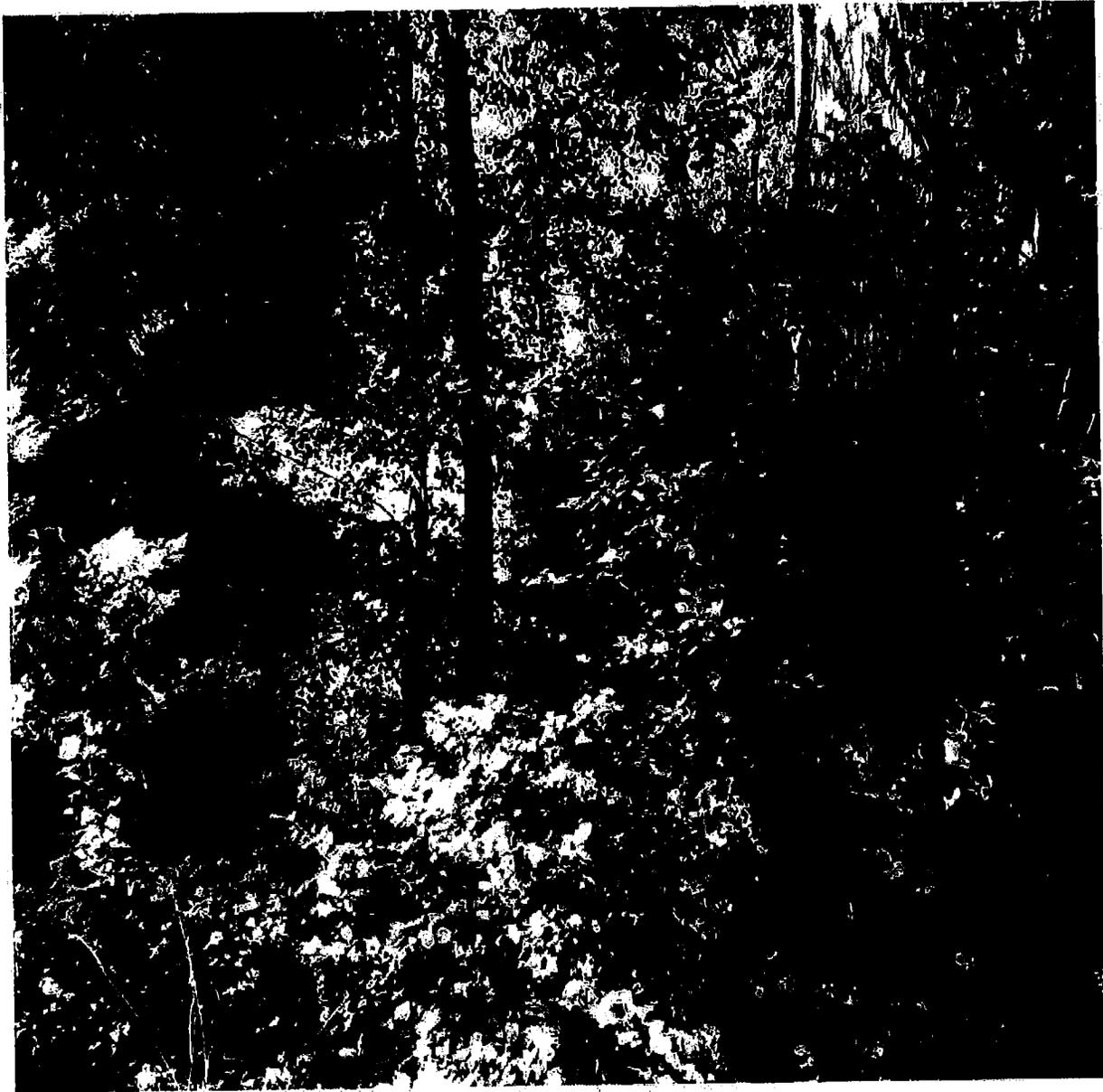
**Photo One: View looking north toward Site from intersection of NE 105<sup>th</sup> Street / 8<sup>th</sup> Avenue NE.**



**Photo Two: View looking north toward Site moving east from intersection of NE 105<sup>th</sup> Street / 8<sup>th</sup> Avenue NE.**



**Photo Three: View looking north toward Site moving continuing east from intersection of NE 105<sup>th</sup> Street / 8<sup>th</sup> Avenue NE.**



**Photo Four: View looking north toward Site moving continuing east from intersection of NE 105<sup>th</sup> Street / 8<sup>th</sup> Avenue NE. Adjacent property to east of this location is single-family home. Remainder of parcels along north side of NE 104<sup>th</sup> Avenue are single-family homes that abut**



Location of photographed area in red.

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
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**ATTACHMENT L**

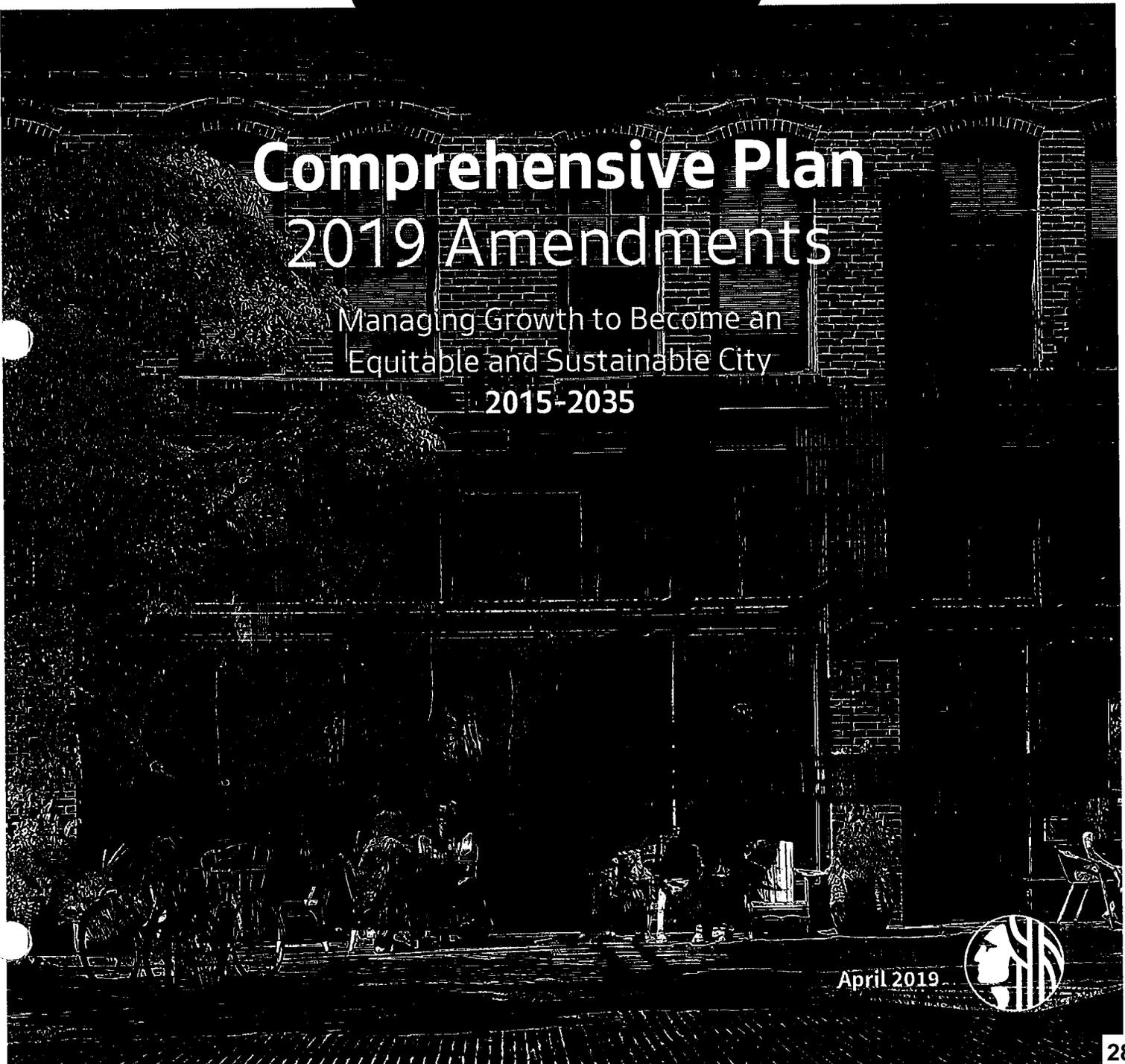
**April 2019 Amendments to Seattle 2035 Comprehensive Plan (Northgate)**



# Comprehensive Plan 2019 Amendments

Managing Growth to Become an  
Equitable and Sustainable City

2015-2035



April 2019





# Northgate

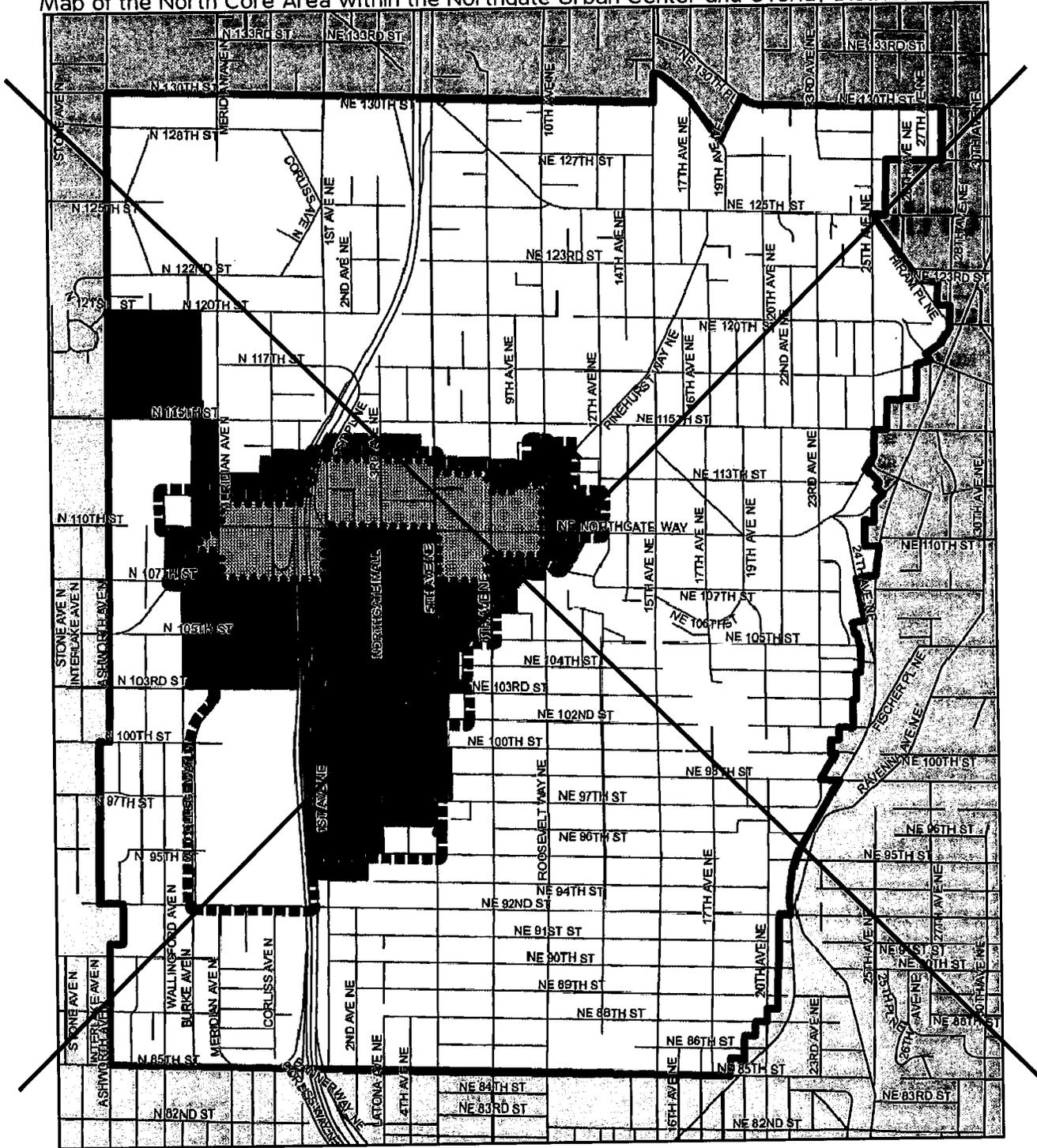
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## LAND USE & HOUSING POLICIES

- NG-P8** Maintain the physical character and integrity of the existing single-family zoned historically lower-density areas of the urban village by maintaining current single-family zoning on properties meeting the locational criteria for single-family zones, encouraging housing choices such as rowhouses, townhouses, and low-rise apartments. Encourage primarily residential uses in these areas while allowing for commercial and retail services for the village and surrounding area.

NORTHGATE

Map of the North Core Area within the Northgate Urban Center and Overlay District



Legend

-  North core subarea
-  Northgate urban center
-  Northgate core
-  Northgate overlay district





## Appendix A

Detailed Trip Generation Estimate  
Nonmotorized Mode Share Estimates

**ITE Trip Generation, 10th Edition, 2017  
Park at Northgate**

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate			
			Enter	Exit	Enter	Exit						
Mid-Rise Apartment (Dense Urban Mixed-Use, Vicinity Light Rail)	954	221/222	23	168	191	107	42	149	2,470	2.59	0.20	fitted curve
<b>Total</b>			<b>23</b>	<b>168</b>	<b>191</b>	<b>107</b>	<b>42</b>	<b>149</b>	<b>2,470</b>			

Proposed	X	LU Code	AM Peak		PM Peak		Daily Trips	AM Rate	PM Rate			
			Enter	Exit	Enter	Exit						
High-Rise Apartment (Typical Suburban/Urban)	954	222	67	213	280	198	126	324	4,244	4.45	fitted curve	fitted curve
<b>Total</b>			<b>-14</b>	<b>-45</b>	<b>-59</b>	<b>-42</b>	<b>-27</b>	<b>-69</b>	<b>-891</b>			
			<b>-3</b>	<b>-11</b>	<b>-14</b>	<b>-10</b>	<b>-6</b>	<b>-16</b>	<b>-212</b>			
			<b>50</b>	<b>157</b>	<b>207</b>	<b>146</b>	<b>93</b>	<b>239</b>	<b>3141</b>			

**Sound Transit LRT /Walk Access<sup>1</sup>**  
 20% reduction for residential trips  
 5% mode share reduction for walkability to jobs/retail/service

1. Source: Sound Transit Access Mode Analysis of Northgate Station Access Study.  
 A walk mode share of 35% of an assumed 60% home-based work trips was applied.

Mode Share Estimates - Total Person Trips (Trip Generation Manual, 10th Edition, High-Rise 222, Dense Urban Mixed Use)						
	X	LU Code	AM Peak		PM Peak	
Total Persons	1,100	222	800	290	600	7250
In Vehicles (AVO 1.2 peak, 1.1 daily)			80	80	60	2695
Bikes (10-20%)			160	130	130	1450
Transit/LRT (20%)			270	80	80	725
Walk (30-35%)			800	600	600	2380
						7250

## Appendix B

### King County Right-Size Parking Model

Right Size Parking  
King County Multi-Family Residential Parking Calculator 1.0.0

Enter a location...

2 Parcels Selected 0.57

Building & Parking Specifications

Location Characteristics Parking Impacts

parking optimization estimates and guidance on unbundled and affordable housing options.

	NUMBERS OF UNITS	AVERAGE RENT (\$)	RESIDENTIAL AREA (SQ FT)
STUDIOS:	450	\$1,250	350
1-BEDROOMS:	550	\$1,750	650
2-BEDROOMS:	100	\$2,250	750
3--BEDROOMS:	0	\$0	0
TOTAL:	1100	\$1,851	535,000
AFFORDABLE UNITS:	200		

PARKING

PARKING STALLS: 630

PRICE PER STALL (S/MO): \$50

Right Sized

UPDATE RESET

Optimized Parking Supply and Market Price

Modeled parking utilization per building is 630 parked cars and this estimate has a range of 683 - 677 cars per building.

✓ 630 stalls is the optimal parking capacity priced at \$50/mo. **RPY THIS**

✓ Optimal pricing for 630 stalls is estimated at \$50/mo per stall.

Parking/Unit Ratio (Number of Stalls/Unit)  
4050



Map Satellite  
Selection Info

Memo to: Nathan Torgelson, SDCI Director  
February 3, 2021  
Page 56

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
FILE # CF-314441

42

**Examiner, Hearing**

**From:** lone Rowe <irowe48@outlook.com>  
**Sent:** Wednesday, September 29, 2021 6:53 PM  
**To:** Examiner, Hearing  
**Subject:** SDCl) is in the process of permitting two projects that will contain over 1,500 new apartments along 8th Ave between 106th and Northgate Way.

CAUTION: External Email

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8<sup>th</sup> Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)
- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

lone Rowe  
10501 8th Ave NE unit 433  
Seattle WA  
98125

Sent from my iPhone



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441

43

**Examiner, Hearing**

**From:** CLARE HILL <chill\_148@comcast.net>  
**Sent:** Thursday, September 30, 2021 10:27 AM  
**To:** Examiner, Hearing  
**Subject:** Oct 6, 2021 Hearing on 8th Avenue NE Development

CAUTION: External Email

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA98124-4729

New construction on 8<sup>th</sup> Avenue NE has already produced serious problems for the neighborhood. More construction will cause conditions to worsen.

Apparently, the developers for the new buildings were allowed to build without providing adequate parking for their tenants. Now they are parking along the narrow section of 8<sup>th</sup> Avenue. So the road is dangerous for pedestrians. There has been an increase in crime. Our building has been broken into many times. And recently, a car was broken into, the windows smashed and engine stripped. Trash is being thrown into the street. Parking right next to the wet lands without a berm will allow chemicals to leach into the wildlife preserve. Service vehicles often cannot reach our building, nor can waste management trucks. And our garbage cans are now overflowing.

All of this is unacceptable. Allowing large developments to proceed would be far worse. Before that could happen, the previous developers should be made to provide parking for the existing tenants. Or parking should be forbidden on the narrow section of 8<sup>th</sup> Avenue.

I will ask our condo board to document these issues, and to publish them, along with the names of the developers and city council members who are responsible for the problems.

Clare William Hill  
Chill\_148@comcast.net  
206-420-2289  
10501 8<sup>th</sup> Avenue NE #426  
Seattle WA 98125



Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
FILE # **CF-314441**

44

**Examiner, Hearing**

**From:** Clarissa Koszarek <clarissakoszarek@gmail.com>  
**Sent:** Thursday, September 30, 2021 12:02 PM  
**To:** Examiner, Hearing  
**Subject:** Comments for Hearing on Oct. 6th (8th Ave NE Greenway)

**CAUTION: External Email**

To whom it may concern,  
My name is Clarissa Koszarek and I am a resident/condo owner at Northgate Villa at 10501 8th Ave NE Seattle WA 98125. I am writing to express my concerns regarding the Kindred Hospital project (#3035925-LU) , The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU) and the additional construction in review on 8th Ave NE between the 106th and 103rd blocks..

The current design for these projects require all building traffic to enter and exit on 8th Ave NE, a designated pedestrian and bicycle greenway, within feet of Thornton Creek at Beaver Pond Natural Area (BPNA) and its tributaries. Additionally, with all the 1000+ new apartments near the greenway, completed or expected to be built by about 2025, many residents will have cars and the apartment plans do not provide nearly enough parking on site to accommodate which leads to an immense increase of cars needing street parking that frankly doesn't exist on 8th Ave NE.

Over the last 3 years that I have lived at Northgate Villa, the amount of congestion, near accidents, illegal parking blocking the street and unfortunately dead Beavers on our narrow street has grown exponentially. As a pedestrian walking my dog, I do not feel safe due to the increase of traffic going by our building and this problem will only worsen with the new building from the Kindred Hospital project and the potential .

As part of the Northgate Neighborhood Greenway, 8th Ave NE should function as a safe route for bicyclists and pedestrians. However, as walkers in the neighborhood like myself know, 8th Ave NE has never been busier, or more treacherous. Due to other recent apartment construction, there has been a significant increase in vehicle traffic and parked cars on this narrow street. With no sidewalks south of NE 106th St, this congestion causes serious hazards to pedestrians and visitors to BPNA every day.

The additional daily traffic that 1000+-units of apartments will create on 8th Ave NE will do more than just further congest an already dangerous chokepoint. The extra vehicle load will send yet more toxins into Thornton Creek, in particular a chemical derived from tires, which is now known to kill coho salmon before they can spawn.

I am rightfully concerned about these increasingly hazardous neighborhood conditions and the impact of increased traffic and construction on the creek at BPNA. The proximity of these projects to Thornton Creek will negatively impact the coho salmon, the wildlife at the BPNA and the people living in the area who would like to feel safe walking and cycling in their neighborhood. This project will only increase traffic on 8th Ave NE will create additional hazards for pedestrians/cyclists as well as endanger wildlife.

A summary of my main concerns is as follows:

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8<sup>th</sup> Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)

- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

Given these apparent issues, I ask that you please consider the impact that approving these project plans would have on the safety of our community and wildlife. I would hate to see our beautiful natural habitat destroyed due to negligence.

Best,

Clarissa Koszarek

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED \_\_\_\_\_  
FILE # CF-314441

45

**Examiner, Hearing**

**From:** Jeremy Taiwo <jeremy.taiwo@gmail.com>  
**Sent:** Thursday, September 30, 2021 7:59 PM  
**To:** Examiner, Hearing  
**Subject:** Appealing to the rezone and construction of new buildings long 8th Ave NE & NE 105 st/Northgate Way

CAUTION: External Email

Hello,

My name is Jeremy Taiwo. I was born and raised in Seattle. I currently live on 8th Ave NE and NE 105 St. I am writing to express my concern of the plans for a serious expansion of houses and its effects on the beaver preserve and traffic along 8th Ave NE.

I have used 8th Ave as a conduit for training and take time to walk through the preserve. As I am a USA Olympian from 2016, in training for the 2020 Olympic Games, I did much of my running along this road and have personally been almost hit by traffic and seen other adults and children almost hit. With inadequate parking, no sidewalks and narrow roads, this road could not and will not support hundreds of more motor vehicles of residents accessing from the new proposed developments slated to go in.

Currently, I am also a firefighter. With the increase in parking along 8th Ave NE, and traffic through the street, I've witnessed the danger to emergency response and access to Northgate Villa Condominiums multiple times. This will only worsen with more access and traffic coming from large developments planned to spill their traffic out onto 8th Ave NE.

I suggest that these apartment buildings be reconsidered by way of footprint, overall story height and that their access be out to a safer street (Roosevelt Ave NE) that has sidewalks, bike lanes and traffic lines. This will make the community safer, and allow for pedestrians and bike traffic to utilize the narrow 8th Ave NE without fear of motor vehicle accidents.

I have seen more runoff, the waste from vehicles passing through and the destruction of the preserve with more people going through the area. This will only increase if development escalates.

Thank you for your consideration,

Jeremy Taiwo



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED \_\_\_\_\_  
FILE # (CF-31444)

46

**Examiner, Hearing**

**From:** CLARE HILL <chill\_148@comcast.net>  
**Sent:** Saturday, October 2, 2021 6:31 AM  
**To:** kwalker@avvanta.com; northgatevillaboard@googlegroups.com; Examiner, Hearing  
**Subject:** Oct 6 2021 Development Meeting

**CAUTION: External Email**

New development in the 8<sup>th</sup> Avenue NE area will degrade conditions in the neighborhood. The area is low density, with low rise condos and apartments, and mostly houses. The streets are narrow and without sidewalks. The increased congestion would make the streets unsafe for pedestrians. The new buildings would cut off the light and the views.

Crime has increased with the buildings that have already been built. Of course they have high security features, as the new development presumably would have. The surrounding neighborhood does not. So crime will get worse for the existing residents.

This is North Seattle, a semi suburban area. Allowing high density development here, for the increased profits of developers, will degrade living standards for the current residents. It is unacceptable. The streets and buildings were not built for a high density area. And the developments should be limited to the standards of the surrounding neighborhood.

Clare William Hill  
Chill\_148@comcast.net  
206-420-2289  
10501 8<sup>th</sup> Avenue NE #426  
Seattle WA 98125



October 3, 2021

To: City of Seattle – Hearing Examiner  
700 5<sup>th</sup> Avenue, Suite 4000  
P.O. Box 94729  
Seattle, WA 98124-4729  
www.seattle.gov/examiner

City of Seattle  
**Hearing Examiner Exhibit**

Applicant	_____	ADMITTED	<input checked="" type="checkbox"/>
Department	_____	DENIED	<input type="checkbox"/>
Public	<input checked="" type="checkbox"/>		

FILE # CF-314441

47

From: Susan Jacobsen  
Co-Appellant

Address: 10713 Roosevelt Way NE  
Project: 3033517-LU  
Clerk File: 314441  
Zone: LR3(M)

Applicant Contact: Any Paroline, Paroline Associates  
SDCI Planner: Carly Guillory

Re: Appeal Director's Decision (Environmental Determination)

To Whom It May Concern:

I have lived at the Northgate Villa Condominium for many years and have enjoyed quite up close all the elements of our greenway and especially the Beaver Pond area on 8<sup>th</sup> Avenue NE. I have watched beavers and ducks and fish and birds and woodpeckers and blue herons all make appearances there for all of us to enjoy. It was fun to watch children and others from the neighborhood enjoy this too. Truly a gem of the Maple.Leaf/Pinehurst area!

While more and more people are moving to Seattle, it was inevitable that changes would have to be made to accommodate everyone, but at the same time, could we not be flexible enough to limit anything that would cause environmental harm to the air, animals, and even other human beings?

Here are my current observations:

1. There is insufficient parking provided by the 2 apartment complexes to the north of us, so they (and others) have been parking in front of the Beaver Pond on 8<sup>th</sup> NE.
2. Cars are leaking oil on the asphalt.
3. The asphalt is cracking and breaking at the edge of the street under too much weight.
4. Exhaust from more cars and tires "toxicity" cannot be good for the animals and humans.
5. The traffic congestion from cars, bikes, trucks, and walkers has caused a real safety hazard due to the fact that the street is so narrow. Definitely not a good thing any time of day!
6. Large utility, moving, and garbage trucks as well as emergency vehicles and others have difficulty navigating where they have to go due to lack of street space, and this causes slowed-down emergency response and (in the case of Northgate Villa) garbage piling up for more than 2 weeks.
7. At best, I don't think 8<sup>th</sup> Avenue NE between 105<sup>th</sup> and 106<sup>th</sup> is wide enough to accommodate cars, bicycles, wildlife, and humans even at this point (without even discussing environmental concerns), but I guess enforcing parking signs will help. (continued)

October 3, 2021  
City of Seattle Hearing Examiner  
Project: 3033517-LU  
Page 2

Limiting the size of the new apartment buildings so they won't over-tax what is already over-taxed is absolutely imperative and would be ecologically sound.

If more units being built could have entry and exit places to go onto Roosevelt or north up the street to the corridor going to 5<sup>th</sup> Avenue, I think it would help a lot of environmental concerns I have.

Another solution would be to have more parking spaces in the apartment buildings themselves.

Let's keep the greenway a peaceful and beautiful place!

Susan Jacobsen

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_

FILE # (CF-31444)

48

**Examiner, Hearing**

**From:** Annie Fanning <anniefanning@gmail.com>  
**Sent:** Sunday, October 3, 2021 7:04 PM  
**To:** Examiner, Hearing  
**Subject:** Comment on Director's Recommendation: Project #3033517 Rezoning Park at Northgate

**CAUTION: External Email**

Please find my comment for Project #3033517 Rezoning Park at Northgate duplicated below, hard copy to follow:

If you wish to file written comments and/or receive a copy of the Hearing Examiner's recommendation, please return this completed form with any written comments you have to: **City of Seattle, Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729**

Project: #3033517-LU Carly Guillory, (206) 561-7571 Floor SMT #19

Name: Annie Fanning

Address: 837 NE 95th Street

Zip: 98115

Email Address: [anniefanning@gmail.com](mailto:anniefanning@gmail.com)

Comment:

I would like to respectfully request that the Director consider two things: 1) whether the Park at Northgate's **SEPA checklist is inaccurate** for the two parcels in question and 2) whether upzoning these particular parcels will have disastrous impacts on **green infrastructure** and **neighborhood walkability**, in particular how future extra-large-scale development using megatons of impervious, heat-retaining concrete and creating a hazardous influx of vehicle traffic onto 8th Avenue will impact both the green infrastructure at Beaver Pond Natural Area adjacent to the project site and the pedestrian safety of the neighboring blocks.

First off, I think the applicant has not completed the SEPA checklist (dated 7/26/19) thoroughly or honestly. On page 12 the applicant writes there are "song birds, no mammals, no fish" near the site. Beaver Pond Natural Area a **nearly 7-acre park is adjacent to The Park at Northgate**. I have seen both **beavers and fish** present in Thornton Creek at Beaver Pond NA in the last month (September 2021). I walk through the park regularly and in addition to beavers and fish, I have seen heron, hawks, eagles, songbirds, woodpeckers, owls, crows, hummingbirds, squirrels, rabbits and raccoons. I believe the fish that I have seen are stickleback trout. I revel in the moments I witness the wild in this urban forested wetland, and I know many other neighbors do as well.

Any impact to Beaver Pond by construction and by the additional traffic load pushed on to 8th Avenue NE **threatens the water quality of Thornton Creek**—not just at Beaver Pond, but downstream of Beaver Pond to the more pristine areas of Thornton Creek at Kingfisher, and all the way to Matthews Beach where the mouth of the south fork empties into Lake Washington. And if the applicant has been less than forthcoming about the wildlife, in particular the federally protected beaver, what else have they fudged on the SEPA checklist?

Secondly, I think the City should carefully review the existing green infrastructure at Beaver Pond NA and poor walkability of the surrounding blocks. Once such a large private development is complete so close to the creek, it will be **impossible to retroactively do what is currently needed** to create the best outcomes for the community.

Currently, as Seattle Public Utilities is well aware, **8th Avenue NE floods at NE 105 Street** in severe storm conditions because there's near-zero creek buffer between at 8th, with a pond mere inches from the road, and because the culverts are inadequate. To put it another way: there is designated "environmentally critical area" on both sides of 8th, a block from the parcels in question. What will happen if there is a 100-year weather event? What are the city's plans to improve the culverts of Thornton Creek, a historical salmon run and currently a fish-bearing stream? On page 10 of the SEPA checklist, the applicant specifies that the stormwater runoff from the development will eventually discharge into Thornton Creek, so the current development plan for The Park at Northgate is to make the situation WORSE.

Right now, 8th Avenue NE is exceptionally **dangerous for pedestrians**, with no sidewalks north of NE 97th St until the Modera Hospital. Supposedly 8th is a Greenway, but there is no way to safely walk down 8th Avenue NE from Olympic View Elementary to Beaver Pond Natural area. Adding significantly more traffic to what is supposed to be a walkable corridor is just nuts. Clearly the City needs to reclaim parking strips to put in some natural drainage sidewalks to help with the stormwater running down the hill.

Additionally, the City has promised to add parkland in tandem with density, and that in this particular area of Northgate we are already adding nearly 500 new units at Lane Apartments E and at the development of the former Modern Hospital, both of which have driveways opening on to 8th Avenue NE. I would hope that the City will take another look at the map and 1) reroute all new driveways off of 8th Avenue NE and 2) envision trying to connect the 7 acres of Beaver Pond NA spanning the creek from NE 103rd and 5th Ave NE to NE 110th and Roosevelt Way so that the park can do triple duty as a pedestrian corridor connecting 5th Avenue NE with Roosevelt Way, well as supporting green infrastructure and habitat.

Green spaces like Beaver Pond Natural Area aren't just a nice-to-have: they are an absolute necessity for human health and habitat in the city. The creek lands absorb the stormwater from the hillside above as well as from the pipes pouring into creek channel itself. The park has several stands of large conifers that absorb stormwater, filter air pollution, and mitigate against the heat created by concentrated areas of concrete. Beaver Pond Natural Area also creates an opportunity for neighbors and visitors to quietly enjoy nature, which studies have shown improves mental health. Beaver Pond Natural area currently has some foot paths that offer a healthy alternative for pedestrians away from traffic and air pollution—but they aren't connected, they aren't all ADA accessible, and they just aren't enough. The City needs to more thoroughly envision the future of our green infrastructure and the walkability of Northgate before the private developers have made all the decisions for us.

Please don't upzone the Park at Northgate without considering Beaver Pond Natural Area and the walkability of the neighborhood.

Sincerely,

Annie Fanning  
837 NE 95th Street  
Seattle, WA 98115

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441

49

**Examiner, Hearing**

**From:** Erika Brk <erikabr14@gmail.com>  
**Sent:** Monday, October 4, 2021 8:48 PM  
**To:** Examiner, Hearing  
**Subject:** Environmental, parking and traffic impacts on 8th Avenue NE, Seattle

**CAUTION: External Email**

- Eighth Avenue is bordered by Environmentally Critical Areas (ECAs) on both sides
- The City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area
- It is crucial that as much of the increased traffic as possible be directed away from 8<sup>th</sup> Avenue NE; this includes the many resident vehicles, visitor vehicles, delivery vehicles and service vehicles such as trash and recycling trucks, electrical and water trucks, and even fire engines and paramedic vehicles
- Increased traffic is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area, as well as preventing access by large service and delivery vehicles
- ADA access has never been good, but now it's impossible with the current parking overload
- The new buildings will have sidewalks, but there is no plan or budget for a safe pedestrian way adjacent to BPNA, where neighbors like to watch for wildlife and enjoy the greenspace.
- Berm/swale or other types of 'slow the flow' sidewalks should be used.
- Consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries (and how these changes could affect NGV property)
- Consider the small but concerning incremental chemical impacts of tire wear, which have been shown to be the "smoking gun" in coho salmon prespawn mortality

Erika Birke  
Owner/resident of Northgate Villa  
10501 8th Ave NE  
Seattle, WA 98125



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
FILE # CF-314441

50

**Examiner, Hearing**

**From:** Chuck Dolan <chucklesd2@hotmail.com>  
**Sent:** Monday, October 4, 2021 8:16 PM  
**To:** Examiner, Hearing  
**Subject:** Comments Regarding Project # 3033517-LU

**CAUTION: External Email**

To whom it may concern,

I have a number of concerns regarding this "The Park at Northgate" redevelopment.

As it borders Beaver Pond Natural Area (BPNA) and Thornton Creek, this redevelopment must address, in clear detail, the impacts to these critical salmon and beaver habitats. Beaver and salmon should have been identified in the SEPA Checklist and were not. Buffers need to be created and enhanced and the highest level of stormwater detention and filtration required. Vehicle traffic should be routed away for the BPNA and Thornton Creek as much as possible via Northgate Way or Roosevelt. Additional testing should be done to determine if peats soils are present and if so protect and daylight them.

Vehicle traffic should avoid the pedestrian Greenway of 8th Ave NE as it is already overburden. The numbers in the Traffic Analysis woefully understate the expected use of 8th Ave. Tire residue is a known factor in coho pre-spawning mortality.

Please make me a party of record and keep me informed of actions regarding this project.

Warren Charles Dolan Jr AKA Chuck







Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
FILE # CF-314441

52

**Examiner, Hearing**

**From:** WAYNE JOHNSON <mag98kamiak@comcast.net>  
**Sent:** Tuesday, October 5, 2021 4:48 PM  
**To:** Examiner, Hearing  
**Subject:** Comments for Case CF-314442 Rezone Appeal Hearing

**CAUTION: External Email**

To the Seattle Hearing Examiner  
Re: Case CF-314442

My wife and I are and have been continually resident homeowners at the Northgate Villa Condominium, 10501 8th Ave NE, Seattle WA 98125 for 18 years.

We want our comments below to be considered in the appeal of rezoning The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU).

We are not generally against rezoning property in the city of Seattle as there is an ongoing need for additional housing. However, we are deeply concerned about the pending avalanche of negative effects that will stem from this rezone (and a neighboring development in process) on 8th Ave NE, the street directly in front of our property at Northgate Villa. This large residential development will contribute negatively to the already existing serious issues of transportation congestion, pedestrian and resident safety along 8th Ave NE along with potentially negative, possibly even disastrous environmental effects on the directly adjoining South Thornton Creek and the Beaver Pond Natural Area, both Environmentally Critical Areas, that Seattle taxpayers have already spent millions of dollars to restore and preserve. Salmon restoration on South Thornton Creek in particular may be one of the earliest environmental victims of increased vehicular traffic on 8th Ave NE.

All this when 8th Ave NE between NE 103rd St and NE Northgate Way has now been designated a part of the "Northgate Neighborhood Greenway". Quite a misnomer considering the vastly increased traffic and transportation issues on the street that will be coming from both of the developments currently pending on 8th Ave NE.

Residents and homeowners at Northgate Villa have already seen issues with the access of emergency (Fire Department) vehicles, garbage pick ups, service and delivery vehicles to our and neighboring properties due to congestion in this section of 8th Ave NE.

As bad as the safety issues have been recently for pedestrians who are able bodied, they are and will be many times worse for disabled individuals when traffic from the vastly increased population is traveling in both directions along 8th Ave NE.

Conditions to mitigate such impending dangers and damage to come such as a requirement to divert a significant amount of the access and egress traffic from the pending redevelopment of the Park at Northgate to Roosevelt Way NE, already a major Seattle arterial, should be made. Even a reduction of the number of units in the the project itself would be extremely helpful in this context and would still contribute to increasing housing in Seattle.

As a lifelong resident of Seattle and an 18 year resident owner at Northgate Villa, we would strongly urge you to give as much weight to the existing issues and concerns of our local residents,

homeowners and taxpayers as the project developers get and then strive to come up with some fair conditions that will mitigate negative impacts or damage to come from the development.

Thank you for your consideration and time,

Wayne T. Johnson  
Anastasia S. Kaykas  
10501 8th Ave NE #407  
Seattle, WA 98125  
[mag98kamiak@comcast.net](mailto:mag98kamiak@comcast.net)  
(206) 733-0781

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED  
FILE # CF-314441

53

**Examiner, Hearing**

**From:** Naomi Joseph <njjoseph@hotmail.com>  
**Sent:** Tuesday, October 5, 2021 8:21 PM  
**To:** Examiner, Hearing  
**Subject:** Property at 10713 Roosevelt Way NE Project No. 3033517-LU

**CAUTION: External Email**

I would like to make the following comments about the issues pertaining to this project:

1. 8<sup>th</sup> Ave NE between 105<sup>th</sup> and Northgate way is an extremely narrow street with very little street parking and is currently very unsafe for pedestrians and bicyclists. The addition of even more apartments and therefore more cars to this street will result in the increased congestion and the likelihood of accidents.
2. It is crucial that as much of the increased traffic as possible be directed away from 8<sup>th</sup> Avenue NE.
3. Eighth Avenue is bordered by Environmentally Critical Areas (ECAs). More moving vehicles will cause yet more vehicle-wildlife conflicts.
4. Please consider the potential effects of new development on groundwater, peat soils (if any), and the riparian buffer along the South Fork of Thornton Creek and its tributaries
5. The Beaver Pond Natural Area/Thornton Creek area needs to be protected and an Environment study should have been done to ensure that there will be no damage to these areas.
6. The Park at Northgate (10735 Roosevelt Way NE, 3033517-LU), has ready access to Roosevelt. Given that 8<sup>th</sup> Ave. is now deemed a "greenway", all traffic from this location should be directed to Roosevelt.

Thank you,  
Naomi Joseph  
10501 8<sup>th</sup> Ave NE, Unit 213  
Seattle, WA

Sent from Mail for Windows



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED \_\_\_\_\_  
FILE # CF-32441

54

**Examiner, Hearing**

**From:** Cheryl Klinker <aeacak@gmail.com>  
**Sent:** Tuesday, October 5, 2021 10:03 PM  
**To:** Examiner, Hearing  
**Cc:** alaing@schwabe.com; thorntoncreekalliance@gmail.com;  
kwallace@wallaceproperties.com; Maya Klem  
**Subject:** CF-314442 10713 Roosevelt Way NE - Park At Northgate

**CAUTION: External Email**

Dear Sir,  
Thornton Creek and its wildlife inhabitants and human visitors deserve protection from the oils, metals, and chemicals that will be increased and washed into the creek if 8th Ave NE is widened and takes on the increased volume of vehicular traffic. The increased runoff will also contribute to flooding in this area which increases erosion of the road and stream banks.

So if you must go forward with this project and the direction of traffic on to 8th Avenue, the least you can do is mitigate the damage by working with Seattle Public Utilities to look at ways to treat and/or divert the runoff before it gets into the creek; remove and reconfigure the right angle, drain, culvert system under the intersection of NE 105th street and 8th Avenue NE; and restore the natural floodplain area that is now NE 105th.

I have been leading restoration efforts and working with volunteers at Beaver Pond Natural Area since 1994 in partnership with Earthcorps, Thornton Creek Alliance, and now Green Seattle Partnership and Forterra. It would be a great disservice to have all these efforts derailed. We would much rather see you as a partner in preserving this very special natural area and the wildlife that have now made their home here....and yes that includes the beavers. Your residents will have a unique benefit to living and working in the Park at Northgate.

Respectfully,  
Cheryl Klinker  
Forest Steward  
Green Seattle Partnership  
206-402-8660



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ \_\_\_\_\_ DENIED  
FILE # CF-34441

55

**Examiner, Hearing**

**From:** Muriel Lawty <m.g.lawty@gmail.com>  
**Sent:** Tuesday, October 5, 2021 8:51 AM  
**To:** Examiner, Hearing  
**Subject:** Project # 3033517-LU  
**Attachments:** Inked8th Ave wheelchair vehicle\_LL.jpg

**CAUTION: External Email**

I regret that I may not be able to attend the hearing for project #3033517-LU scheduled for 10/06/2021, so I am submitting this statement in support of the environmental concerns expressed by members of Thornton Creek Alliance, Kay Landholt, and others concerned about the threats to the natural areas near this project and the impact on traffic along 8<sup>th</sup> Ave NE south of Northgate Way. I understand the need for more housing, especially lower rent housing in projects near major developments such Northgate where retail, medical, public agencies such as libraries and other facilities that provide goods, services and much needed jobs. Along with each and every project we must have significant environmental amenities included in the plans. The health, both physical and mental, of the residents, workers, and visitors to these developments depend upon a clean and healthy environment. Once we lose or damage our natural environment we create situations that are hard to repair and restore. Damaging our natural areas is damaging our future and the future of our children for generations to come.

In addition to environmental concerns, I want to speak out about traffic on 8<sup>th</sup> Ave NE south of Northgate Way. The existing conditions are not safe now. Adding more housing with ingress and egress along 8<sup>th</sup> Ave NE is irresponsible at best. I cannot imagine what planners were thinking when this idea was presented. My understanding is that SDOT is discouraging curb cuts along arterials such as Roosevelt Way. Applying that idea here is an example of making and following a rule that cannot and should not be universally applied. We as responsible adults must look at the bigger picture; we must look at rules in the context of where they are to be applied and design rules that are flexible to meet the needs of each community. Therefore, traffic along 8<sup>th</sup> Ave NE must be assessed in terms of the impact on the natural environment and on of pedestrian, bike, and also vehicle safety.

Traveling south on 8<sup>th</sup> Ave NE from Northgate way, I had to wait to pull over to safely take the attached picture of a woman in a wheelchair traveling north on 8<sup>th</sup> Ave NE. When I first saw her she was where I inserted the red dot and the vehicle facing me (lic#AHZ8060) was passing her. This is only one small example of how dangerous this street is for vulnerable people. Do they not have rights? I do recall something about the Right to Life in our Bill of Rights! How can we consider adding more hazards to this already crowded and unsafe street! Regardless of any decision on the pending re-zone – Please – route all traffic from that development onto Roosevelt Way!



Very Sincerely,

--

**Muriel Lawty community volunteer**

**206 328 5206**

**[m.g.lawty@gmail.com](mailto:m.g.lawty@gmail.com)**

*For real estate services email [muriellawty@BHSSigprop.com](mailto:muriellawty@BHSSigprop.com)*

*Berkshire Hathaway Home Services Signature Properties*

*"Your Green Home Specialist"*



Virus-free. [www.avg.com](http://www.avg.com)

Thornton Creek Alliance  
Post Office Box 25690  
Seattle, Washington 98165-1190

City of Seattle  
**Hearing Examiner Exhibit**  
Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED  56  
FILE # CF-314441



Via Email Only

October 5, 2021

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729

Re: HE File Number CF-314442; Project #3033517

Dear Mr. Vancil:

Thornton Creek Alliance (TCA) has been following SDCI's treatment and planning adjacent to the Eighth Avenue NE greenway with growing concern. We heartily endorse and support adding a variety of housing options and making room for more neighbors in greater diversity than before. However, it appears that in accommodating the need for increased density in the Northgate Urban Center, the City is prepared to add thousands of residents and vehicles to the greenway, a narrow, side-walk free street, without planning for the increased need for pedestrian/bicyclist safety, openspace, and openspace access.

When making a land use change of this magnitude, isn't it important to plan carefully for the ripple effects of the influx of some 2770 housing units on or near a narrow street with ECAs on both sides and no sidewalks?

We have been told that there will be opportunities to speak and influence the process later on, but we know that when each step of the process is handled correctly, the succeeding steps should be easier and more routine.

Normally, TCA doesn't concern itself with what are essentially SDOT matters, but because of the complete neglect of Beaver Pond Natural Area (BPNA) in these proceedings, and the elimination of safe access to it, we are reluctantly departing from our usual and preferred role as community partners and having to assume this adversarial role in advocating for consideration of the natural area.

BPNA contains a very interesting reach of the south fork of Thornton Creek that, because of years-long restoration efforts, beavers moved into about a decade ago. They have built dams, stick lodges, and bank lodges. Their first pond having silted up, they moved a bit downstream (north) in the park. The section along Eighth NE is a wetland/stream complex and a confluence for Thornton Creek and the small side streams that merge here. It is also valuable as an upstream containment area for SPU's Meadowbrook Pond. Besides the creek and wetlands, there are the forested buffer zones, parts of which have been lovingly restored by volunteers with support from City agencies. The best street views of the beavers are usually near the intersection of Eighth Ave. NE and NE 105<sup>th</sup> St.

BPNA is the largest park in Northgate and home to a wide variety of wildlife, including pileated woodpeckers and potentially much more. The City of Seattle has spent millions of dollars and volunteers have spent thousands of hours restoring its ecological functions.



But now BPNA is being treated as nothing more than a barrier between land uses. To drive the point home, SDOT has recently planted a new directional sign right across the street that names Maple Leaf Park and Northgate Park, but omits BPNA altogether.

The planned traffic load offers up multiple violations of the 2020 Seattle Comprehensive Plan. ([http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020\\_NeighborhoodPlanning.pdf](http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020_NeighborhoodPlanning.pdf)) See Access to Open Space, p. 129 and fol., and several of the Northgate sections of the Plan. (Italics added below.)

#### **LAND USE & HOUSING POLICIES**

**NG-P2** Use land use regulation to cause new development to locate close to transit stops and *provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

**NG-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.

**NG-P8.5** Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, *pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

#### **TRANSPORTATION POLICIES**

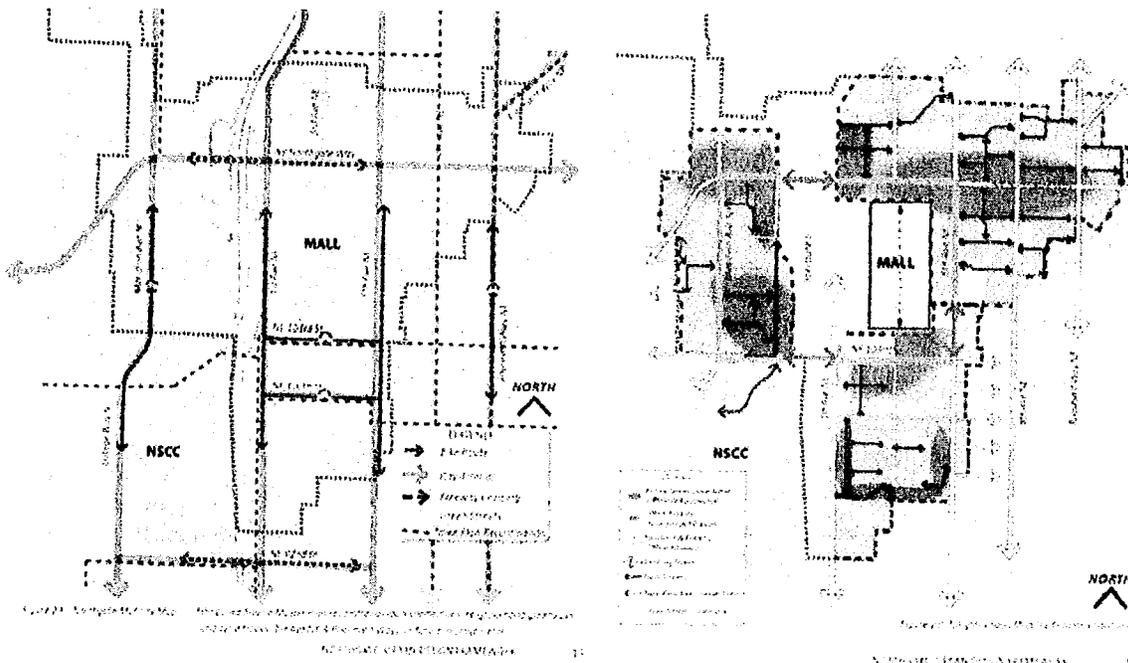
**NG-P9** Promote the efficiency of the transportation system by *accommodating more person trips rather than vehicle trips.*

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

**NG-P13** *Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets,* and improving traffic flow, circulation and safety, without increasing vehicular capacity.

#### **DRAINAGE POLICY**

**NG-P16** Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.



All the way back in the 2013 Northgate Station Area Planning, Eighth Ave. NE was designated as a bike way, south from NE 117<sup>th</sup> to at least NE 90<sup>th</sup>.

<https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/NorthgateStationAreaPlanning/CopyofNorthgateUDFFinal.pdf>. ) On P. 13 (left picture), the greenway portion conveniently ends at NE 106<sup>th</sup>, but it's back in, on P. 19 (right picture).

In 2018, it's definitely back and extends south to NE 103<sup>rd</sup>.

[http://www.seattle.gov/documents/Departments/SDOT/Greenways/Northgate\\_Greenway\\_FactSheet\\_2018.pdf](http://www.seattle.gov/documents/Departments/SDOT/Greenways/Northgate_Greenway_FactSheet_2018.pdf)) While this document is a pleasant read, it makes no mention of saving any safe space for pedestrians or bikes while the City is planning for thousands of new motor vehicle trips, albeit slow-moving motor vehicles, per day, and still no sidewalks are planned or budgeted as we have been informed by SDOT.

On P. 19 the map also shows a network of streets breaking up the super blocks on Eighth, just south of Northgate way. Only a few have actually been built, and they are not publicly available. This plan probably still puts too much traffic on the side-walk free greenway, but if it had been implemented, it would have been a great help. What happened here?

We have learned that SDOT has a policy of not opening driveways onto arterials. But in this case doesn't that make more sense than opening onto a pedestrian thoroughfare?

Obviously this is a matter of cumulative effects and not just those anticipated by the proposed Park at Northgate which hasn't even broken ground yet. For this reason, an EIS is called for. The upzone decision, all by itself, is not at the root of the problems.

### How does mismanagement of the greenway harm this crucial part of BPNA?

It obliterates it. Already the park can be neither seen nor enjoyed. There is no parking available on any nearby street, even for the handicapped. There is no safe overlook or other vehicle-free ROW to safely stand in and watch for wildlife. This site was especially popular in the evenings when the beavers are most likely to be seen, but now it's too risky.

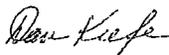
On top of that it creates dangers for wildlife. Already there are stories of beavers being hit by cars.

**Some Solutions to Consider**

- Find ways to route the traffic elsewhere. The Park at Northgate already has a curb cut on Roosevelt. Use it and add another. Purchase and use the route Katherine Landolt has found that uses an existing curb cut on Northgate Way. This applies to the Modera project across the street as well. The connectors are already in place. Work out the price.
- Vacate NE 106<sup>th</sup> and turn it into a creek buffer zone. Maybe add a couple of handicapped parking spaces.
- Add a boardwalk and overlook for pedestrians to enjoy the natural area and wildlife.
- Build slow-the-flow sidewalks from NE 106<sup>th</sup> to NE 95<sup>th</sup>.
- Vacate the eastern portion of NE 105 from Eighth NE to the Northgate Villa driveway. Now that the massive culvert that was holding up repair of this choke-point intersection is no longer in service, we have a golden opportunity to put an end to the traffic jams and annual flooding. Close the intersection, remove the roadway, and let the creek flow as it will. Complete the greenway with a bridge for pedestrians and bikes.

Thank you for your consideration. We look forward to participating in this process as it develops.

Sincerely,



Dan Keefe,  
President



Ruth Williams,  
Land Use Committee Chair

c: Debora Juarez, Seattle City Council, District 5

**THORNTON CREEK ALLIANCE (TCA)**, founded in 1993, is an all-volunteer, grassroots, nonprofit organization of over 150 members from Shoreline and Seattle dedicated to preserving and restoring an ecological balance throughout the Thornton Creek watershed. Our goal is to benefit the watershed by encouraging individuals, neighborhoods, schools, groups, businesses, agencies, and government to work together in addressing the environmental restoration of the creek system including: water quality, stabilization of water flow, flood prevention, and habitat improvement through education, collaboration, and community involvement.

[www.thornton-creek-alliance.org](http://www.thornton-creek-alliance.org)  
[www.facebook.com/Thornton.Creek.Alliance](http://www.facebook.com/Thornton.Creek.Alliance)

Thornton Creek Legal Defense Fund

c/o Janet Way

940 NE 147<sup>th</sup> St

Shoreline, WA 98155

City of Seattle  
**Hearing Examiner Exhibit**

Applicant	_____
Department	_____ ADMITTED <input checked="" type="checkbox"/>
Public	<input checked="" type="checkbox"/> DENIED <input checked="" type="checkbox"/>
FILE #	CF-314442

57

October 5, 2021

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729  
Hearing.Examiner@seattle.gov

**Subject: Comment Letter per Director's Recommendation on Proposed Rezone; HE File Number: CF-314442 Project #3033517**

Dear Mr. Hearing Examiner:

The Thornton Creek Legal Defense Fund sends this comment on the potential impact of the Rezone proposed along Eight Avenue NE at NE 106<sup>th</sup>. We request Party of Record status with Legal Standing. The Thornton Creek Legal Defense Fund was the primary actor in bringing about the Daylighting of Thornton Creek at Northgate and as such, we have a stake in the outcome of this Rezone proposal.

We believe the potential impact of these possible developments resulting from this proposed rezone is very great to the BPNA Park, Wildlife Habitat, Thornton Creek and safety of the existing and future residents and therefore we request that an Environmental Impact Statement be ordered to investigate all potential impacts that might result.

The total new development for this potential project **CF-314442 Project #3033517** and the Modera proposal across the street would bring the new residents to potentially 2700 for this small side street bordering the Beaver Pond Natural Area Park and non-functioning "Greenway" along Eight Avenue NE. This will potentially overwhelm the street, which according to the Northgate Stakeholders planning process, ultimately approved by the City Council is supposed to be a "neighborhood greenway" to benefit pedestrians and cyclists, not a free parking area for residents whose vehicles don't fit in the new developments. The traffic impacts currently are a safety risk to everyone using this street, including wildlife. And the potential for toxics from these vehicles is an ongoing menace to water quality.

### **Beaver Pond Natural Area is a vital ecosystem for Thornton Creek**

We assert that the Cumulative Impacts of this proposal and its massive scale along with other recent developments in this neighborhood will bring devastation to the ecological function of this vital watershed City Park. There have already been many unaddressed ongoing impacts to this park and community resulting from previous developments underway or already built in the last few years.

To ignore this fact, as currently seems to be the practice at SDCI and with the developers currently at work on this rezone, is courting disaster. The Beaver Pond Natural Area is a beloved site for many in the region. It is a riparian zone for Thornton Creek and contains extensive wetlands and some steep slopes. Therefore, virtually this entire park is an ECA, and as such should be treated as a Fish and Wildlife Conservation Habitat area with appropriate buffers to protect it. Thornton Creek is the largest watershed in Seattle and Shoreline and is well known as a historic salmon habitat. It has been degraded by inappropriate development over the last many decades, but also benefitted from advocacy from Thornton Creek Alliance and many other neighborhood groups and non-profits for restoration efforts and a huge funding effort by City, State, and even Federal dollars for rehabilitation.

There have been many documented sightings of native wildlife species in this park and nearby reaches of Thornton Creek, including salmon and cutthroat trout, as well as raptors, pileated woodpecker, great blue heron, wood ducks, river otter, salamanders, and of course the beavers. The beavers had built their dams in the park which activated an amazing array of wildlife habitat activity.

The reach of Thornton Creek at BPNA is also an upstream wetland/stream complex and confluence with a small tributary of a clean water stream which enters from the northwest side of Eighth Avenue. This tributary provides fresh water and also is habitat to juvenile salmonids. This must be properly addressed in consideration of this Rezone proposal.

### **Eighth Avenue NE Greenway**

The Northgate Stakeholders, on which I served representing TCLDF, highlighted Eighth NE as a valuable Greenway recognizing its access and impacts to Thornton Creek and the opportunity to provide a vital Open Space which is required under the WA State Growth Management Act. This was endorsed at the time overwhelmingly by the Stakeholders and City Council.

In the City's 2020 Seattle Comprehensive Plan in the Northgate Section, the Greenway concept is shown to be necessary and desirable as a vital policy for a Bike/Pedestrian Pathway and the following Comp Plan policies support this:

([http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020\\_NeighborhoodPlanning.pdf](http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020_NeighborhoodPlanning.pdf)) See Access to Open Space, p. 129 and fol., and several of the Northgate sections of the Plan. (Italics added below.)

#### **LAND USE & HOUSING POLICIES**

**NG-P2** Use land use regulation to cause new development to locate close to transit stops and *provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

**NG-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.

**NG-P8.5** Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, *pay particular attention to the development of an*

environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.

#### TRANSPORTATION POLICIES

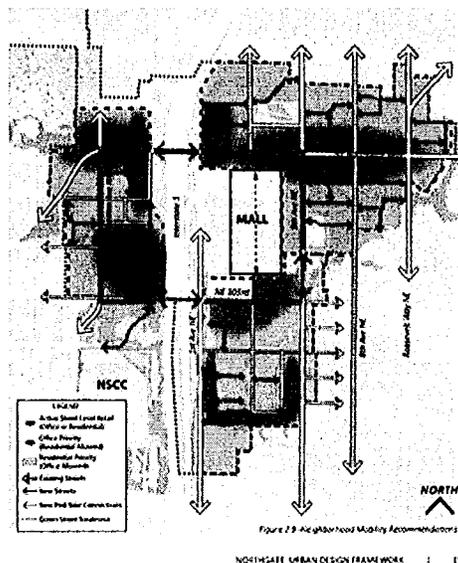
**NG-P9** Promote the efficiency of the transportation system by *accommodating more person trips rather than vehicle trips.*

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

**NG-P13** Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets, and improving traffic flow, circulation and safety, without increasing vehicular capacity.

#### DRAINAGE POLICY

**NG-P16** Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.



**Possible solutions to the detrimental impacts of this proposed rezone include but are not limited to:**

- Boardwalk path adjacent to BPNA along Eighth NE should be funded and built as mitigation, to allow safe pedestrian viewing and walking areas. This would allow more safe spaces for passing traffic and existing residents to the adjacent condominiums and their visitors. This could also accommodate visitors with disability issues.
- Safe passage for cyclists along Eighth NE should be accommodated with Bike corridors marked according to City safety guidelines.
- New Box culverts for Thornton Creek and the unnamed tributary along Eighth Ave NE to provide fish and wildlife passage and provide better water quality should be constructed. This should be mitigation for the proposed impacts of the rezone.

- NE 106<sup>th</sup> Street should be vacated to allow improved buffer to the park. This could also allow for tree planting alongside the park to replace trees lost from recent developments.
- Traffic should be rerouted outside of this highly sensitive area as much as possible.
- Tree planting and restoration should be encouraged in BPNA and along these existing streets to mitigate and address ongoing Climate Change and Heat Island Effect in the Northgate Urban Area.

Thank you for considering the issues we have raised.

Respectfully submitted.

Sincerely,

Janet Way

Thornton Creek Legal Defense Fund

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED

58

FILE # CF-314441

**Examiner, Hearing**

**From:** Frank Backus <frankbackus1@gmail.com>  
**Sent:** Wednesday, October 6, 2021 9:13 AM  
**To:** Examiner, Hearing  
**Subject:** Eighth Avenue NE

**CAUTION: External Email**

I am an 85 year old Seattle citizen who has lived on Thornton Creek for 52 years. I walk on the section in question (Kindred Hospital location) several times a week and frequently have to dodge cars and trucks as I walk. There is no sidewalk. The Beaver Pond Natural Area is right next to this, and I am concerned about the increasing auto traffic and its effect on the natural area, the creek, and traffic (car, bike, and pedestrian) with the proposed further development. Please do something to make this better! Thank you.

Frank I. Backus, MD  
450 NE 100th St, Apt 624  
Seattle, WA 98125



City of Seattle  
**Hearing Examiner Exhibit**  
Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441 59

**Examiner, Hearing**

**From:** RICHARD E <climbwall@msn.com>  
**Sent:** Wednesday, October 6, 2021 1:41 AM  
**To:** Examiner, Hearing  
**Cc:** Ruth Alice Williams; Rep. Gerry Pollet; Juarez, Debora  
**Subject:** Northgate Project #3033517, HE # CF-314442

**CAUTION: External Email**

October 6, 2021

To: City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729  
[Hearing.Examiner@seattle.gov](mailto:Hearing.Examiner@seattle.gov)

Project #3033517, HE # CF-314442

Hello,

I am a retired biologist and environmental scientist who taught at North Seattle College as an Adjunct Professor for many years. I am concerned about the serious negative impacts that are resulting from a lack of sufficient urban planning to the restoration success of the Thorton Creek area, and to pedestrian access to these restored areas, including the Beaver Pond Natural Area.

It is obvious there are already serious conflicts between pedestrians, cars and trucks adjacent to the Beaver Pond Natural Area. It is imperative the City live up to its obligations to make the Northgate area pedestrian friendly. It is also important the restored Thorton Creek community be a partner in the new plans for our growing city. The existence of the Beaver Pond Natural Area is a testament to the success of the City's efforts to restore the environment for both wildlife and people. This success should be not lost to poor planning, but be celebrated, shared with the neighborhood, the new residents, protected for the future.

Here is an opportunity here to do it right, to live up to the Seattle Comprehensive Plan's Core Value of "Being a Leader in Environmental Stewardship". If the City cannot build for density and transportation without being good environmental stewards, it fails in its goals of being a livable city. Protect the creek and pedestrian access to it.

The City has already spent huge amounts of money to protect and improve water quality for the headwaters of Thorton Creek, for mitigating impacts to the pond adjacent to North Seattle College for the new Pedestrian Bridge. Additionally, huge amounts of funding were spent on daylighting Thorton Creek and turning it into a model of how urban development can coexist with the natural environment. This was after extensive lobbying by the neighborhood and other community members.

But now the City is proposing allowing to allow the Northgate Thorton Creek area to be degraded and overrun by traffic, and 1000's of new people herded around poorly designed streets . Can the gem of the daylighted

Thorton Creek be a part of the urban renewal, or must it be lost due to poor urban development planning? Require better environmental impact assessment and planning for major projects in this community. Find workable solutions.

Thank you,

Richard Ellison, MS Botany  
8003 28<sup>th</sup> Ave NE, Seattle, WA 98115  
climbwall@msn.com

# Meadowbrook Community Council



October 1, 2021

City of Seattle Hearing Examiner  
Post Office Box 94729  
Seattle, WA 98124-4729

City of Seattle

## Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ \_\_\_\_\_ DENIED \_\_\_\_\_  
FILE # CF-314441 60

**RE: Director's Decision re 3033517-LU, dated September 9, 2021**  
**Support of Katherine Landolt's Appeal Specific to the Points Stated Below**

To the Office of the Hearing Examiner:

Meadowbrook Community Council (MCC) is one of several community councils whose nearly 300 members live in or near the Thornton Creek watershed or in the vicinity of the 8<sup>th</sup> Ave Ne Greenway. We support Ms. Landolt's appeal of Decision 3033517-LU allow an upzone for the parcel that the current Park at Northgate occupies that would triple the number of residents capable of residing in that space. We support urban density and increased housing. We are concerned about the natural areas and pedestrian accessibility in this area and the impact of Decision 3033517-LU as it pertains to those areas.

Community groups such as, **Thornton Creek Alliance** and **Meadowbrook Community Council** are committed to the importance of preserving and restoring an ecological balance throughout the watershed.

Our goal is to promote pedestrian and bicycle safety to the extent possible in all areas of the city, but especially that in our own and adjacent neighborhoods. In addition, we also appreciate the importance of the environmental integrity of the land and water resources that might be affected by various development projects. In this case, **Thornton Creek** and the **Beaver Pond Natural Area** which are near the proposed development(s).

### **8th Avenue NE, a Designated Greenway Bordered by Environmentally Critical Areas on Both Sides**

The word 'greenway' is used only once in the Decision on page 13, where it appears to be conflated with the word 'greenspace'.

The omission in the Director's Decision of any mention of the Northgate Neighborhood Greenway, which uses 8th Avenue NE as its north-south spine and which will be seriously compromised by the cumulative additional traffic, is a fundamental flaw in its analysis.

The section of 8th Avenue NE just south of the upzone and continuing to NE 106th is bordered by **Beaver Pond Natural Area** to the east and two sections of **Thornton Creek** to the west. This block is already a hazardous pinch point for pedestrians and vehicles.

This greenway, already under construction, is the connector for the Pinehurst and Maple Leaf communities, both slated for increased development, to reach the Sound Transit station and the John Lewis Memorial pedestrian overpass, opening October 2<sup>nd</sup>.





# Meadowbrook Community Council

Even with the SDOT plan to make NE 105th Street one-way eastbound for vehicles, the problems will continue to grow as pedestrians and bicyclists from a wide surrounding area begin to rely on the greenway.

Having reviewed the Director's Decision, MCC wishes to go on record with the Seattle Department of Construction and Inspections for providing support of points raised in Ms. Landolt's personal appeal of the SDCI Director's Decision **3033517-LU** that affect Environmental Issues.

## Environmental Issues

We share the concerns of **Thornton Creek Alliance (TCA)** and others that cumulative impacts of this rezone, along with the other existing and proposed developments in the immediate vicinity, on 8th Avenue NE traffic pose dangers to **Beaver Pond Natural Area (BPNA)** and its wildlife. More moving vehicles will further exacerbate the potential for vehicle-wildlife conflicts.

Increased traffic on the street is already creating dangers to public access and impairing the public's ability to enjoy the benefits of the natural area.

Even though the new projects are including sidewalks, there is no safe pedestrian way adjacent to BPNA, where neighbors congregate to watch for wildlife and enjoy the greenspace. ADA access has never been good, but now it's impossible. We would like to suggest that berm/swale or other types of 'slow the flow' sidewalks be installed in front of the project and BPNA, all the way south to NE 95<sup>th</sup>, adjacent to Olympic View Elementary School.

We acknowledge that the City of Seattle has spent millions of dollars, and volunteers have poured thousands of hours into restoring this natural area. This Decision potentially diminishes the success of Seattle Parks and Recreation's efforts to provide eight acres of park land per 1,000 people.

**Meadowbrook Community Council** supports and shares **Thornton Creek Alliance's** concerns about potential effects of new development on groundwater and the riparian buffer along the South Fork of Thornton Creek and its tributaries. A recent finding with regards to the causative agent in coho salmon pre-spawn mortality is the small but incremental chemical impacts of tire wear, which have been shown to be the "smoking gun."

Please add Meadowbrook Community Council as a party of record and include us in any correspondence concerning this project property at 10317 Roosevelt Way NE.

Please include this letter in the official file for this project. Thank you for your consideration.

Sincerely,

Pamela T Bowe  
President Meadowbrook Community Council

Dan Keefe  
Vice President Meadowbrook Community Council



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ \_\_\_\_\_ DENIED \_\_\_\_\_  
FILE # CF-314441

61

**Edlund-Cho, Galen**

**From:** Examiner, Hearing  
**Sent:** Friday, October 08, 2021 2:39 PM  
**To:** Edlund-Cho, Galen  
**Subject:** FW: Appeal of upzone for Park at Northgate property/CF-314442

**From:** Dan Keefe <papadan44@gmail.com>  
**Sent:** Friday, October 08, 2021 12:41 PM  
**To:** Examiner, Hearing <Hearing.Examiner@seattle.gov>  
**Subject:** Appeal of upzone for Park at Northgate property/CF-314442

**CAUTION: External Email**

Dear Mr Vancil:

Firstly, thanks for the allowance of a few more days for comments on the "subject" rezone appeal. It appears that as one looks into this issue more and more that there is or has been very little consultation among the various city departments when making major decisions that affect city neighborhoods and the citizens, and the developers.

For example, I received an email from an SDOT contact that said that decisions for curb cuts were up to SDCI and he gave me Carly Guillary's contact info; all the while I'm being told by Mr Wallace that curb cuts decisions are made by SDOT. I would strongly urge that the existing curb cuts on Roosevelt Way be kept and modified as necessary to facilitate ingress and egress to and from the Park at Northgate apartments.

In addition, as we discovered during the hearing, Ms. Guillary was using as a major source for the rezone justification an outdated or non-updated Northgate Overlay circulation map found in the Municipal Code. This source doesn't even show the 8th Ave Greenway which was established by SDOT as part of the 9-.year Move Seattle levy that was voter approved back in 2015. The following link is to SDOT's webpage regarding the status and plans for the Northgate Neighborhood Greenway routes. As can be seen, 8th Ave figures prominently into the overall greenway system. <https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>

As for the protection of the Beaver Pond Natural Area and associated environs, I feel that vehicular use, parking or moving, needs to be minimized to the extent possible.

Respectfully submitted,  
Dan Keefe  
11010 28th Ave Ne  
Seattle, WA 98125



Hearing Examiner Exhibit

**Edlund-Cho, Galen**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED   
Public  DENIED  
FILE # CF-314441

62

**From:** Examiner, Hearing  
**Sent:** Friday, October 08, 2021 2:42 PM  
**To:** Edlund-Cho, Galen  
**Subject:** FW: CF-314441 and 314442, rezone 10735 Roosevelt Way NE

**From:** Kay Landolt <kaylandolt@gmail.com>  
**Sent:** Friday, October 08, 2021 2:41 PM  
**To:** Examiner, Hearing <Hearing.Examiner@seattle.gov>; kwalker <kwalker@avvanta.com>  
**Subject:** CF-314441 and 314442, rezone 10735 Roosevelt Way NE

**CAUTION: External Email**

**To:** [hearing.examiner@seattle.gov](mailto:hearing.examiner@seattle.gov)  
**Subject:** CF-314441 and 314442

**From:** Katherine Landolt, 10501 8<sup>th</sup> Ave NE, Unit 102, Seattle, WA 98125

As has been documented before, patchwork City planning has now baked 1409 dwelling units into the two superblock area surrounding 8<sup>th</sup> Ave NE, the City's own designated Pinehurst-Maple Leaf Greenway, just south of NE Northgate Way. All of these residential units depend at least in part on 8<sup>th</sup> Ave NE for their vehicular access, and some depend completely on this small street. The cumulative impacts from the traffic and the overflow parking already baked in are now severely affecting this roadway.

And now the City of Seattle has finished reviewing the Modera Project, with 409 planned dwelling units and 259 parking places, that will put all of its vehicular access on 8<sup>th</sup> Ave NE just a little north of the area where no sidewalks are possible.

Another proposal, the rezone application which is the subject of this document, The Park at Northgate (10735 Roosevelt Way NE) would allow a planned 1073 units. Moreover, according to the February 3, 2021 letter of the applicant's attorney to the SDCI Director, p. 3, 295 units would replace the existing 36 units in the southern portion of the rezone. This parcel is just north of the Beaver Pond Natural Area, and the project's vehicular accesses would all be on 8<sup>th</sup> Ave NE where, immediately south is the narrowest and most environmentally sensitive part of the neighborhood.

Adding these two proposals to the already severely impacted street would mean a total of 2770 dwelling units depending all or in part on 8<sup>th</sup> Ave NE for their vehicular accesses in the near future.

See EXHIBIT 1 : Chart of number of residential units using 8<sup>th</sup> Ave NE as an extended Driveway by 2025.

<b>Existing Buildings</b>	<b>No. of Units Relying Partially on 8th Ave. NE for access</b>	<b>No. of Units Relying Solely on 8th NE</b>	<b>Totals</b>
507 at the Enclave (2009), 507 NE Northgate Way	163		
525 at the Enclave (2014), 525 NE Northgate Way	265		
Lane Apartments West (2019), 10720 5th Ave NE	134		
Lane Apartments East (2019), 10715 8 <sup>th</sup> Ave NE	81		
McGuire Court Apartments (1986), 10740 8th Ave NE	55		
Northgate Manor (1978), 56 units, 818 NE 106th St.		56	
Northgate Villa (1984), 10501 8th Ave NE		138	
Park at Northgate (1967), 10735 Roosevelt Way NE	148		
Phase II Northgate Apartments (2022), 10700 5th Ave NE	235 (now under Construction)		
Prism (2019), 10711 8th Ave NE	<u>134</u>		
<b>Today's Total</b>	<b>1215</b>	<b>194</b>	<b>1409</b>
<b>Planned Buildings</b>			
Park at Northgate (2025), 10735 Roosevelt Way NE rezone	1100		
Modera (2023), 10631 8th Ave. NE		<u>409</u>	
<b>Total Planned</b>	<b>1100</b>	<b>409</b>	<b>1509</b>
<b>To be Demolished</b>			
Park at Northgate (1967), 10735 Roosevelt Way NE	<u>-148</u>		<u>-148</u>

**Total Number of residential Units Using the Greenway on 8<sup>th</sup> Ave NE as an Extended Driveway by 2025**

**2770**

See chart (EXHIBIT 2) p. 3 of the applicant's attorney's letter to the SDCI Director, below:.

Proposed MR(M1)	South Parcel	North Parcel	North Parcel	North Parcel Total	Total Parcels	Percentage
BUILDING	Building 1	Building 2	Building 3	Building 2+3	North+South	Total Parcels
MHA Units	27	32	38	70	97	9%
MFTE Units	59	71	84	155	214	20%
MRKT Units	209	252	301	553	762	71%
TOTAL Units (620 Avg. SF)	295	355	423	778	1073	100%
TOTAL Stalls	217	291	262	553	770	

Existing	South Parcel	North Parcel	North Parcel Total	Total Parcels
Existing buildings	2		5	7
Existing Units (950 Avg. SF)	36		110	146
Existing Stalls	44		157	201

PROPOSED MR(M1) TOTALS						
	Unit Count	Avg Size (sf)	FAR	Density	Parking Provided	Percent Increase in # of Units
MR(M1)	1073	620	4.5	207 units/ac	770	154% (of base)

The huge problem with this City of Seattle planning is that Seattle plans also call for 8<sup>th</sup> Ave NE here to serve as the Northgate Greenway, providing a pedestrian and bicycle connection for Pinehurst and Maple Leaf to access the new Northgate Light Rail Station.

A plan for a Greenway in the general area had long been in the works. In the spring of 2017, work was begun selecting the route to be used, and many public meetings were held to get neighborhood input. By the spring of 2018, 8<sup>th</sup> Ave NE had been chosen as the preferred route, in large part because it is the only through north-south residential (as opposed to arterial) roadway on the east side of I-5 that is anywhere near the light rail station. And greenways are supposed to be on smaller neighborhood streets, to encourage pedestrian and other non-motorized use.

Please see

<https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>

for a complete picture of this City of Seattle planned greenway.

8<sup>th</sup> Ave NE is a very narrow residential roadway with no sidewalks south of NE 106<sup>th</sup> Street, the southern edge of the rezone site. And furthermore, no sidewalks are possible between NE 106<sup>th</sup> and NE 105<sup>th</sup> Streets, as the southern branch of Thornton Creek and its tributaries create ECAs on both sides of the roadway. Also, the east side of the roadway here skirts the Beaver Pond Natural Area, a 7-acre large tree canopy and urban wildlife habitat that is home to not only beavers but many other mammals, birds of all types, and fish.

Moreover, the City of Seattle, since 2001, has been working on cleaning up Thornton Creek, daylighting it, acquiring land around it for parks, assuring green natural spaces complete with wildlife

habitats and tree canopies to clean the runoff water and for the public to enjoy. The Beaver Pond Natural Area is one of those City of Seattle parks. Particularly now, in the face of imminent climate change, we know how valuable these spaces will be to our future.

And yet the SDCI with its patchwork planning, has put too much traffic and overflow parking onto its own planned greenway!

The capacity of 8<sup>th</sup> Ave NE cannot be expanded to handle all this additional traffic without paving over Thornton Creek and its tributaries between NE 106<sup>th</sup> and NE 105<sup>th</sup>, a move which would be not only be a complete reversal of Seattle's policies regarding Thornton Creek and its parks, but would be illegal in this day and age. Such a move would also cut off wildlife passage, including that of the beavers, from one part of the Beaver Pond Natural Area to the other, which would significantly degrade the wildlife habitat and pose a threat to the animals who depend on it.

8<sup>th</sup> Ave NE is already used as a fine greenway, with its natural area for pedestrians and bicyclists to enjoy. It makes a very inadequate arterial for the traffic that has now been put on it, and approval of the future projects, unless they are altered in design to take vehicular traffic away from the greenway, will make the functioning of this greenway impossible.

So the question arises: Why is the city of Seattle facilitating and permitting this patchwork construction that destroys its own city plans?

In researching the SDCI's and applicant's documents proposing the rezone in question, I particularly concentrated on four of them: The SEPA checklist for the rezone, completed in July 2019, the traffic analysis for the rezone, done by TENW and completed in June 2019, the letter by Mr. Laing, the attorney for the applicant, which was sent to the SDCI Director in February of 2021, and the SDCI Director's recommendation for approval of the rezone, issued in September 2021.

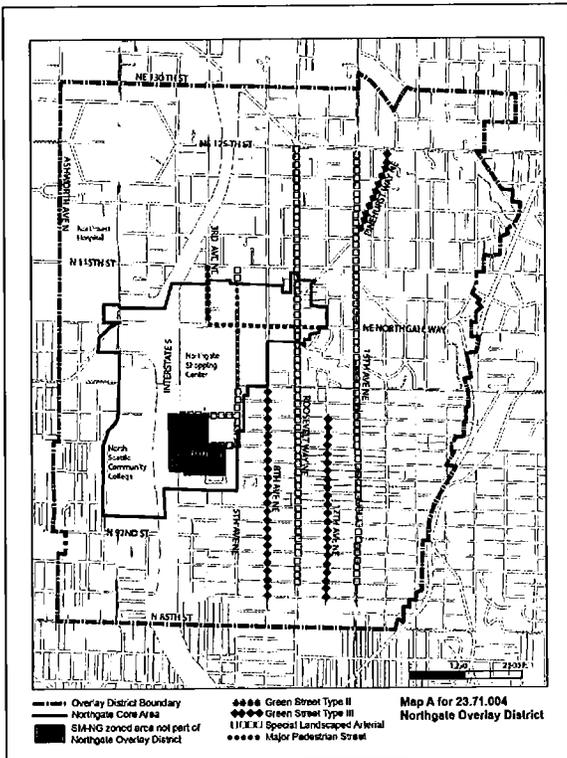
I was very surprised to note that NONE of those documents even mentioned the planned 8<sup>th</sup> Ave greenway/bikeway, much less talked about possible impacts on it.

Furthermore, these documents give very short shrift to the Beaver Pond Natural Area and Thornton Creek preservation. The attorney's letter to the SDCI director and the director's approval letter of September 2021 of this proposed rezone wax poetic about the tree canopy and its ability to serve as a visual buffer between the single-family and multi-family sections in this general area. Yet, under "impacts on flora and fauna", these two documents do not mention the tree canopy, and fauna are left completely out of these sections.

It does NOT make sense that the City is sabotaging itself!

And then, at the October 6, 2021 hearing, Ms Guillory from the SDCI talked about a map she was working from in connection with the rezone, a map she said came from the Northgate Overlay Circulation Plan.

A member of the Thornton Creek Alliance picked up on this and found the map. A copy of it is below:



This is the outdated Northgate Overlay map from the Municipal Code. Remarkably, the Greenway it shows along 8<sup>th</sup> Ave NE does **NOT** include the section of this roadway that bisects the two superblock area where all the recent huge construction projects have been taking place!

Is it possible that planners working for the SDCI are enough in their own silo not to be aware of the City's plans for a greenway here?

This patchwork planning has already put the future of the Greenway and the viability of the tree canopy, this segment of Thornton Creek, and the wildlife habitat supplied by this seven-acre green space in jeopardy.

Certainly, the City of Seattle needs more housing units, but also it needs this greenway and with climate change now imminent, it must preserve its green spaces!

There is an opportunity here for the City with some changes to the two huge proposed projects to perhaps save its greenway and the wildlife habitat.

These are already under strain and even with the mitigating measures I'm going to propose, some of the adverse impacts that poor patchwork planning has created on them will continue. But perhaps they can be saved at least from absolute destruction by the overwhelming traffic that will otherwise be routed directly onto them.

Regarding the rezone;

- The one access that the rezone site now has on Roosevelt Way NE must not only be kept, but it should be expanded to allow a separate entrance and exit on this roadway.

- It would be difficult to move the existing accesses onto 8<sup>th</sup> Ave NE for the southern portion of the rezone site because the southern parcel accesses and driveways are completely intermingled with those of an older development, Northgate Manor.
- For this reason and others, the southern site, where 296 units are planned must be removed from the rezone, and new construction limited to the footprint of the two existing buildings here to be demolished.
- Existing zoning in the southern parcel would allow for 4 floors instead of the existing three. Moreover, the applicant's plans call for residential units here to be considerably smaller than the existing ones that will be demolished. (average square footage of 620 for the new units vs 950 sq feet for the old ones that will be replaced, again, according to EXHIBIT 2,p.3, the applicant's attorney's letter to the SDCI Director.) For these reasons, the rezone can still provide more residential units in this sensitive southern site than now exist, but not the overwhelming numbers that are now planned for this part of the site.
- Furthermore, it would be possible with a change of design plans to add some additional units on the northern part of the rezone.
- The southern parcel of the rezone site is also very close to the wetlands and wildlife habitat and even contains a riparian management area on part of it. And removal of this southern parcel from the rezone, by reducing the amount of traffic here, would also thereby lessen some impacts that would otherwise increase the danger to pedestrians using the greenway in this area and to the wildlife including beavers who cross the 8<sup>th</sup> Ave roadway between NE 106<sup>th</sup> and NE 105<sup>th</sup>.
- Another condition should also be added to approval of the rezone, requiring the applicant to find a way to provide vehicular access to NE Northgate Way.
  1. This is quite possible.
  2. The residents of McGuire Court just north of the site, access NE Northgate Way via a wide driveway passing between US Bank and a small one-story retail space on NE Northgate Way.
  3. Beyond this driveway is a more narrow driveway, now occupied by the two food van business, Man Vs Fries.
  4. Just behind these two food vans is the fence separating the driveway from a main parking lot at The Park, ie., the rezone site.

If the above conditions are applied to the rezone application, they will lessen considerably, although unfortunately not eliminate, the adverse impacts that have already been put on the neighborhood, the plans for the Greenway, the Beaver Pond Natural Area which is the largest park in the whole of Northgate, and the wildlife habitat and tree canopy it supports.

In this time of climate change especially, all of us who care about the future of Seattle must strive to solve these two big problems: How can we provide more housing for our citizens? And how can we preserve what examples of natural environment we have?

In the case of this rezone, it is my hope that we can work to lessen the cumulative impacts that patchwork planning using outdated maps and data has put onto our present and planned resources and make it possible that these resources survive for future generations, while providing a significant amount of new housing for Seattle citizens.

And the applicant might even find that the presence of a functioning Greenway for pedestrians and bicyclists and a beautiful green space and wildlife habitat right next to his property enhance its value.

Sincerely,

Katherine M. Landolt





**HOUSING  
DEVELOPMENT**  
*consortium*

City of Seattle  
**Hearing Examiner Exhibit**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441

63

October 6<sup>th</sup>, 2021

**City of Seattle - Hearing Examiner**

**700 5th Avenue, Suite 4000**

**PO Box 94729**

**Seattle, WA 98124-4729**

[www.seattle.gov/examiner](http://www.seattle.gov/examiner)

Re: Address: 10713 Roosevelt Way NE

Project Number: 3033517-LU

Clerk File Number: 314441

Zone: LR3(M)

Dear Hearing Examiner,

The Transit-Oriented Development Task Force of HDC is a membership workgroup collaborating on efforts targeting nothing less than the creation of equitable TOD, affordable, and walkable communities of opportunity to meet the housing needs of limited-income residents throughout King County.

We believe that the interrelated crises of climate change, equity, and housing demand boldness, effective collaboration, and proactive leading-edge timelines to produce desperately needed affordable housing.

**Housing Development Consortium  
of Seattle-King County**

1326 5th Avenue, Suite 230, Seattle, WA 98101  
206.682.9541 | [www.housingconsortium.org](http://www.housingconsortium.org)



**HOUSING  
DEVELOPMENT**  
*consortium*

We believe it is possible to create equitable, healthy communities that are affordable, transit-oriented, and proactively advance anti-displacement strategies to help people stay in community. The ability to live in transit-oriented communities, near jobs, services, and other amenities, brings great benefits. It reduces the cost of living, frees low-income households from the burdensome and unpredictable expenses of auto dependence, and brings benefits to health and economic opportunity.

We are pleased to see the Director's recommendation to this rezone that furthers the goals of the Mandatory Housing Affordability program while maximizing a TOD opportunity that produces income-restricted housing. There is a pressing need for affordable housing throughout the County, and particularly within transit-oriented areas like the Northgate Urban Center. The proposed rezone presents an important opportunity to enable permanent 60% AMI affordable housing units within the Northgate Urban Center and within walking distance of the Northgate light rail station. As you consider your approval of the Director's analysis, decision, and recommendation we encourage you to be mindful of the benefits of transit-oriented development and the proposal's ability to enable the creation of affordable housing in the City.

Thank you for your consideration.

Sincerely,

The HDC Transit Oriented Development Task Force

**Housing Development Consortium  
of Seattle-King County**  
1326 5th Avenue, Suite 230, Seattle, WA 98101  
206.682.9541 | [www.housingconsortium.org](http://www.housingconsortium.org)

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED

FILE # CF-31444

64

Thornton Creek Legal Defense Fund

c/o Janet Way  
940 NE 147<sup>th</sup> St  
Shoreline, WA 98155

October 8, 2021

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729

[hearing.examiner@seattle.gov](mailto:hearing.examiner@seattle.gov)

**Subject: Additional Comment and documents pertaining to the Director's Recommendation on Proposed Rezone; HE File Number: CF-314442 Project #3033517**

Dear Mr. Hearing Examiner:

We would like to submit a few more items and short comment for your record concerning the serious safety issues affecting the Eighth Avenue NE access to Beaver Pond Natural Area Park.

As we discussed in our previous letter and testimony, the area is supposed to be a "Greenway" as designated by the Northgate Stakeholder process and endorsed by the Seattle City Council. As such it is supposed to be primarily a Pedestrian and Bike passageway and to enhance the Park.

However as discussed by many neighbors and Thornton Creek Alliance it is not a safe "greenway" for anyone, including for wildlife.

We believe that one solution that could be relatively easy to deploy would be a "boardwalk" alongside Eighth Ave, extending into the park a few feet. This could provide a viewing area and protect the sensitive wetland and riparian area and provide safe access for those with disabilities. Currently there is no safe access for the disabled population or for seniors or those with small children to walk along this greenway street.

We are attaching below some example photos of wetland boardwalk treatments in Washington State. One is from Seaquest State Park adjacent to Mt St Helens, visited in 2020, which hosts a huge, beautiful wetland with views of the mountain.



The others are from Scribers Lake Park in Lynnwood, WA.



This is a crossing of a section of the extensive wetlands at Scribers Lake Park in Lynnwood, WA. It is a very active wildlife area.



In addition, we are providing a link here to a commercial provider of materials to build boardwalks, PermaTrak and their article:

## **“Comparing Wetland Boardwalk Materials: Timber, Composite & Concrete”**

These are just a few ideas that could be deployed to make Beaver Pond Natural Area more accessible to citizens of all abilities. These could be employed to provide ADA standards to pathways adjacent to the wetland and also for trails within.

We are also attaching photos of the experience on Eight Ave NE, the supposed “Greenway.” They show flooding from January 2020 as witnessed from the Condo adjacent to the park.



and another photo below, of a woman on a wheelchair negotiating the Eighth Ave NE “greenway” with no safe pathways.



In the testimony during public comment, TCA member Frank Bacchus described the difficulty he has as a senior citizen walking around in the areas of Beaver Pond Natural Area. This could also be applied to any families with small children or others with any disabilities. The Americans with Disabilities Act requires cities to provide safe access to public parks and streets. Seattle Parks is delinquent here in updating this valuable natural park which has been in existence for over 70 years.

As mentioned in other commentary and letters, the Northgate Stakeholders instituted policies to provide these safe passageways for pedestrians and bikes in the neighborhood "Greenways" plan in 2005. This was to provide access to these parks, businesses and especially the Light Rail Station which will go on line soon.

Here is the link to the Stakeholders documents and plan which was funded in 2015 by the City Council and Seattle voters:

[https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate.](https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate)

[Levy to Move Seattle - Transportation | seattle.gov](#)

Unfortunately, Seattle appears to be behind in addressing any ADA access issues for BPNA. While it is a large Park system with many complex situations, the fact that this is a Greenway adjacent to a park seems to require compliance for numerous reasons. Combining this with the dangers presented with the increases in population expected with any approval of a Rezone and subsequent developments, creates an even more urgent situation. And the intent of the voters in the Levy to Move Seattle for Pedestrian/Cyclist access is clear, and the Federal Law and City Codes require action to implement compliance.

Here is the Parks website that discusses ADA policies and programs. There appears to be room for improvement to achieve accessibility on the Greenway. Unfortunately, this park is not even listed as far as we can see. Considering the priority that this Northgate Overlay District has in the Comprehensive Plan in compliance with the GMA, we believe these matters should be prioritized.

[https://www.seattle.gov/Documents/Departments/ParksAndRecreation/PoliciesPlanning/ADA/SPR\\_ADA\\_Transition\\_Plan\\_2017\\_Update.pdf](https://www.seattle.gov/Documents/Departments/ParksAndRecreation/PoliciesPlanning/ADA/SPR_ADA_Transition_Plan_2017_Update.pdf)

We believe that the Rezone should at minimum provide mitigation and funding required for these access problems to be addressed, and also combined with access for wildlife habitat, especially for fish which are documented in this location and the Thornton Creek Watershed. And for citizens to be able to enjoy and be educated about the incredible combination of resources connected with BPNA.

We strongly urge the Hearing Examiner to require that these issues be addressed, and problems are set on a course for solving them as a condition of the Rezone.

We appreciate your attention to these important matters.

Respectfully submitted.

Sincerely,

Janet Way

Thornton Creek Legal Defense Fund

City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441 65

Via Email Only

Ruth Alice Williams  
1219 NE 107<sup>th</sup> Street  
Seattle, Washington 98125

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729

October 8, 2021

**Re: HE File Number CF-314442; Project #3033517**

Dear Mr. Vancil:

Due to time constraints I am writing now as an individual, speaking only for myself rather than on behalf of any organization.

I would like to register my dismay upon coming to understand that SDCI, DPCD, and SDOT do not seem to keep in good enough communication among themselves to work effectively with their clients and the public.

As you know, Thornton Creek Alliance cited documents by OPCD and SDOT in support of their arguments for the greenway. Ms. Guillory of SDCI finally admitted that she was relying on the Northgate Overlay circulation map. It is to be found in the Municipal Code, and I have included a copy here, at the end of the text. As you see, it is very outdated and shows none of the planning that has been done over the past years.

The greenway plans have been widely publicized, including here: <https://www.seattle.gov/transportation/projects-and-programs/programs/greenways-program/northgate>. This announcement appears to date from 2017. It states that the funding has been on tap since 2015, "This project is funded by the 9-year Levy to Move Seattle, approved by voters in 2015. Learn more at [www.seattle.gov/LevytoMoveSeattle](http://www.seattle.gov/LevytoMoveSeattle)."

And yet, Ms. Guillory seemed unaware of the plans. And the Director made no mention of them in his Decision to Recommend. The written Decision even conflates 'greenway' with 'greenspace'. How can this be happening?

On top of this, in January 2021, TCA and Katherine Landolt notified SDCI about the problems on the future greenway, and TCA has tried over months to set up a meeting concerning the Modera project traffic planned for the same street. We received this response to our complaints, "SDCI generally does not respond to each comment letter for a project, rather considers each comment carefully and responds to concerns in the final published decision.", and a meeting was never convenient.

I would also like to commit to writing here a couple of additional comments.

- 1) The requirement that apartment tenants must pay an extra fee for parking on-site may be well-intentioned as a way of keep rents a little lower, but in practice many tenants are now cruising the neighborhoods in search of free parking. This is contributing to congestion on the greenway.
- 2) North of 85<sup>th</sup>, where there are typically no sidewalks in residential neighborhoods, increased density must be accompanied by safe walkways for pedestrians on the whole block, not just in front of the new building. Otherwise the pedestrians will continue to be in the streets as parked vehicles choke the rights-of-way.

Thank you for your consideration.

Sincerely,

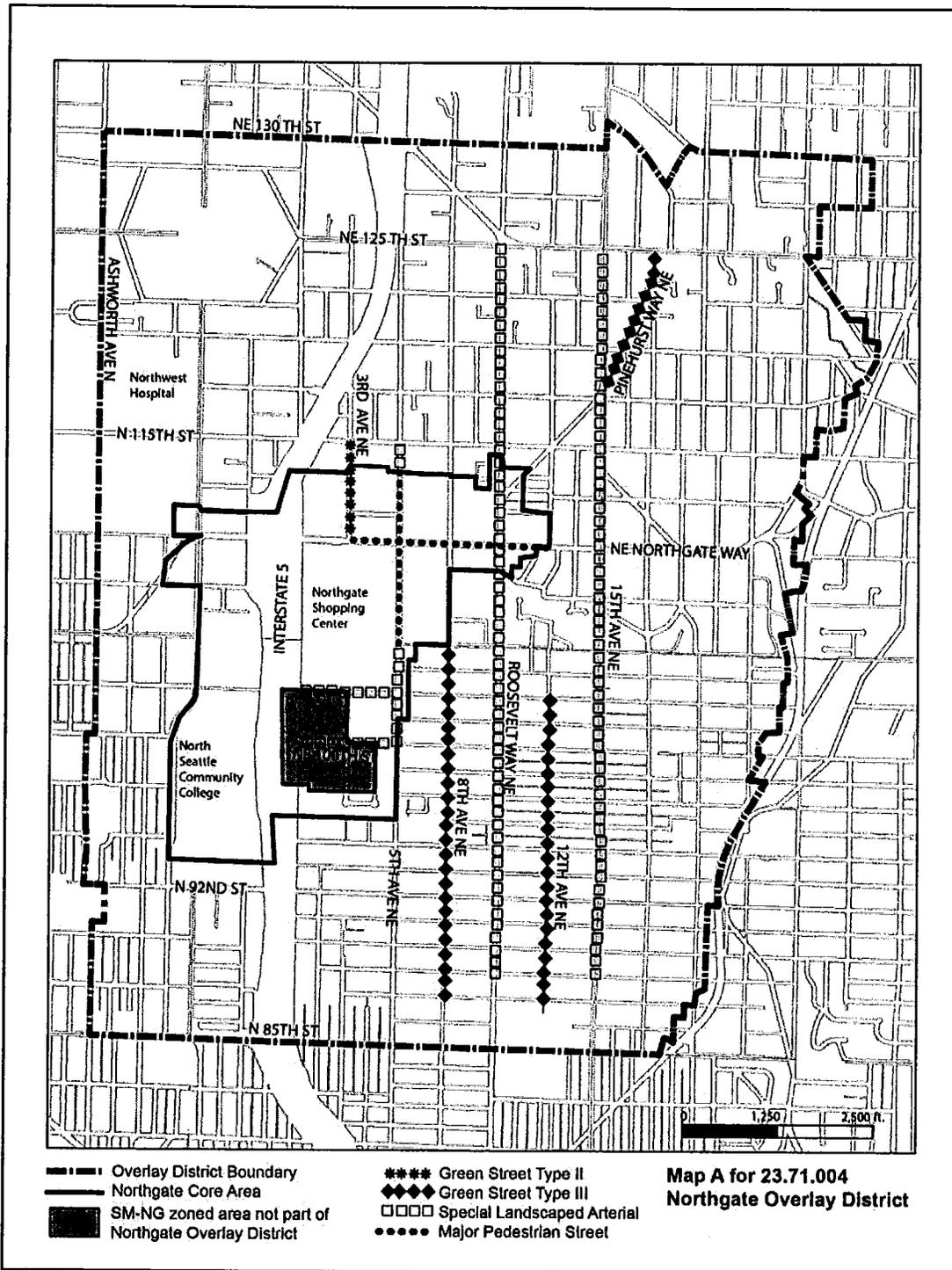
*Ruth Williams*

Ruth Williams

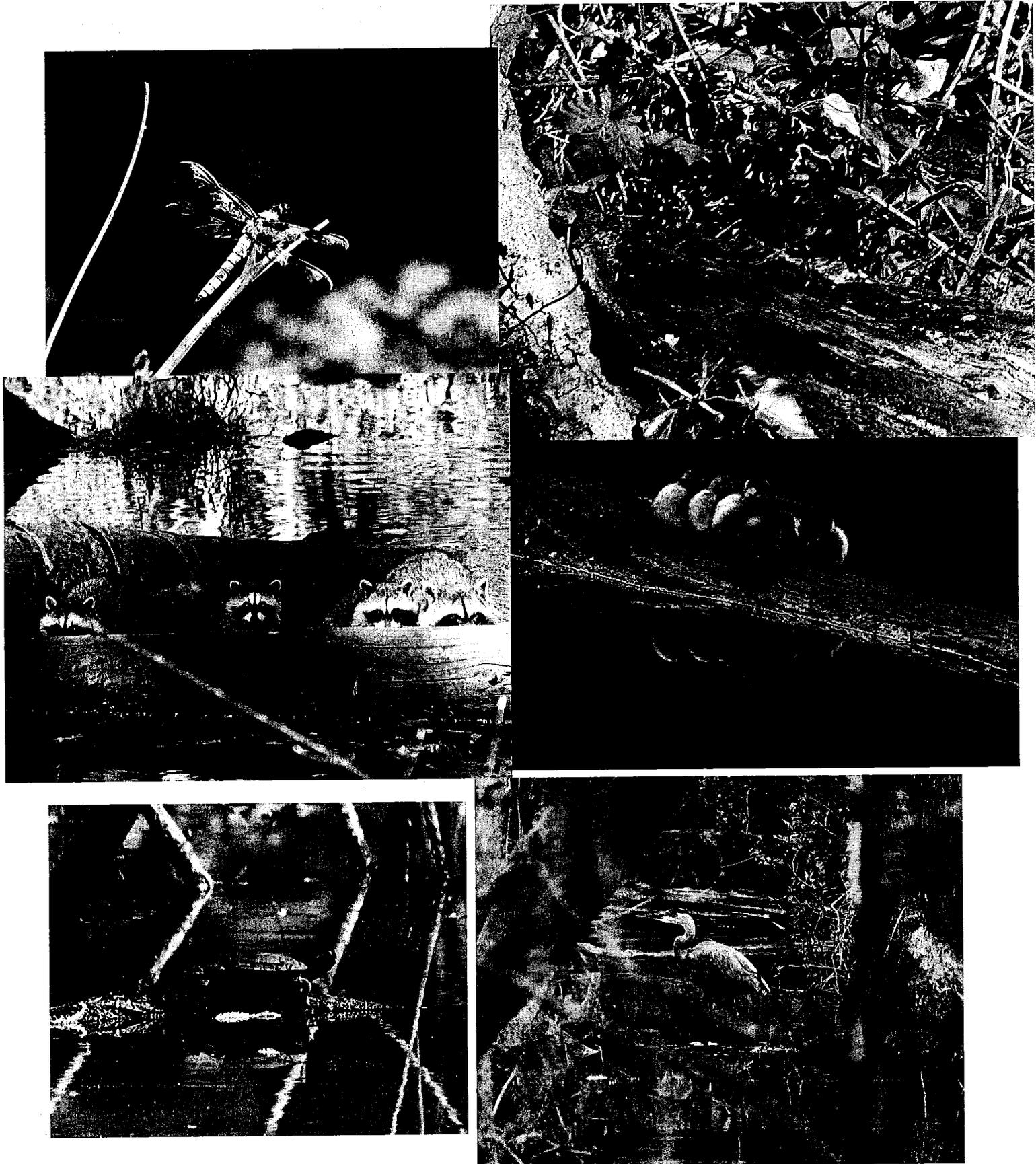
PS. If you would like to walk in the natural area when you visit the greenway, it would be a good idea to wear sturdy shoes and bring a walking stick. It can be muddy if it's been raining.



Pileated Woodpeckers Mother and Chick - BPNA, 7/4/2021

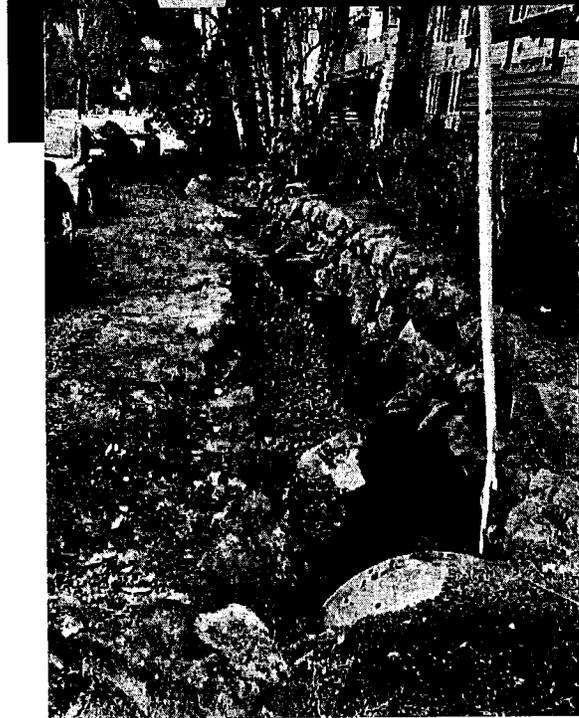
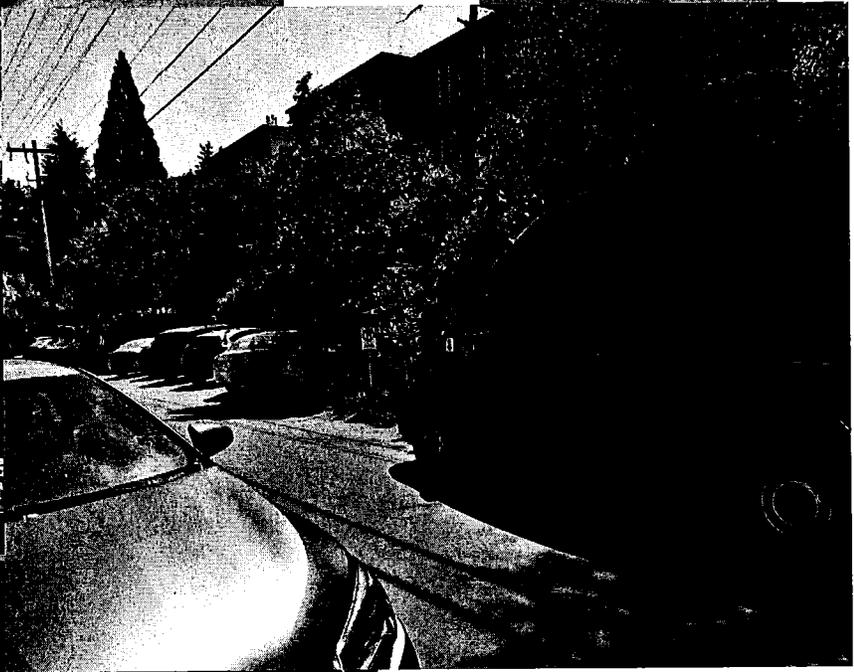
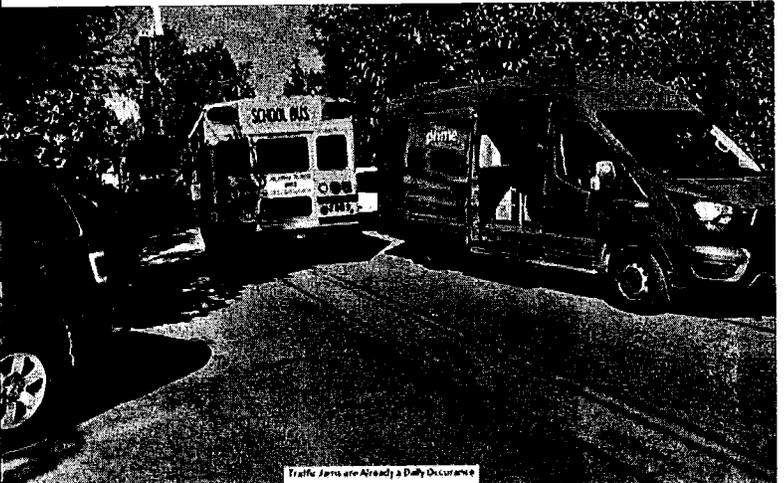
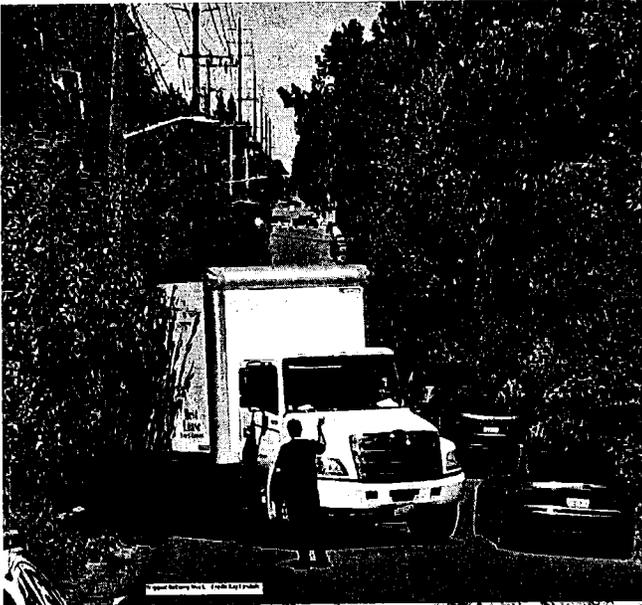


A Beaver Pond Natural Area Album





# An Eighth Avenue Greenway Album



City of Seattle  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE # CF-314441

66

**Examiner, Hearing**

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**From:** Ruth Alice Williams <ruthalice@comcast.net>  
**Sent:** Friday, October 08, 2021 3:32 PM  
**To:** Examiner, Hearing  
**Subject:** File Number CF-314442; Project #3033517: Two More Documents for the Record

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**CAUTION: External Email**

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My apologies for sending in piecemeal information. I wanted to get these documents in the record.  
Thank you!  
Ruth Williams

<https://www.ci.seattle.wa.us/Documents/Departments/OPCD/Vault/CitywideDesignGuidelinesUpdate/NorthgateGuidelines.pdf>

<https://www.seattle.gov/documents/Departments/SDCI/About/NorthgateDG2013.pdf>



Applicant \_\_\_\_\_  
Department \_\_\_\_\_ ADMITTED ✓  
Public ✓ DENIED  
FILE# CF-314441

67

**Edlund-Cho, Galen**

**From:** kwalker <kwalker@blarg.net>  
**Sent:** Saturday, October 09, 2021 12:13 PM  
**To:** Guillory, Carly; Examiner, Hearing; leejacobsonlaw@aol.com; permits@parolineassociates.com; Kevin Wallace; Laing, Aaron M.; Garrett, Tami  
**Cc:** Edlund-Cho, Galen  
**Subject:** Re: CF-314441 and CF-314442, Department Response

**CAUTION: External Email**

Hello to all,

Ms Guillory, at 3:36 Wednesday, after the hearing, served me with an attachment containing an official statement from SDCI after the hearing that included the following statement:

“Public testimony provided at the hearing identified concerns with potential transportation related impacts from future development and requested all future vehicular access be provided via Roosevelt Way Northeast.”

I would like to respond officially to her statement:

I believe this is an inaccurate statement. I certainly didn’t say that during the hearing. Maybe one of the speakers did, but it was not the generally expressed idea.

Now, our appeal of September 22, 2021 did say that. It said:

“All access roads, except for emergency vehicles, must open onto Roosevelt Way NE. No normal vehicle access to 8th Avenue NE”

However, the document officially sent to MS Guillory, Mr. Laing and posted on the Hearing Examiner’s website on October 4, 2021 says only:

“Regardless of the outcome of this appeal, I, and I think at least some of my co-appellants and some members of the Thornton Creek Alliance, would like to work with the applicant and his representatives in order to devise a way that the vehicular accesses to the new high-density redeveloped rezone site will not have such destructive effects on the existing neighborhood, its unique natural attractions and its Greenway.”

And in this same document, I also suggested a very possible access for the rezone site onto NE Northgate Way and asked:

“Might high density redevelopment of the Park gain access onto NE Northgate Way and also keep existing access onto Roosevelt Way NE?”

And had the appeal not been dismissed at the beginning of the hearing and I been allowed to present my written out statement, I would have said:

- I. We stated in our appeal that all access roads, except for emergency vehicles, must open onto Roosevelt Way NE. No normal vehicle access to 8th Ave NE, which is groaning with over capacity use as it is.
  - a. I now recognize that it would be impossible to bar all access to 8th Ave NE for the much higher density development that would follow the rezone approval.

b. However, all attempts should be made to minimize the use of 8th Ave NE as the vehicular accesses for the rezone property.

In any case, the SDCI in its planning for development in this two superblock area has somehow and inexplicably completely ignored:

â€¢ the City's own plans for the Pinehurst-Maple Leaf Greenway on 8th Ave NE to give access to the new Northgate Light Rail Station for pedestrians and bicyclists.

â€¢ the presence of ECAs along both sides of 8th Ave NE between NE 106th And NE 105th

â€¢ the utter inadequacy of the roadbed here for all the traffic that the rezone as proposed would load on it.

â€¢ the fact that the capacity of the roadway CANNOT be expanded due to the presence of these legally protected ECAs.

For all these above reasons, in order for the rezone to go forward, vehicular accesses from the rezone site to 8th Ave NE, must be minimized, and all efforts made to provide vehicular access in manners that will not totally complete the destruction of the 8th Ave Greenway and the ECAs along it.

I believe that the sentence above is a more accurate statement of the public testimony at the hearing.

There is now NO PERFECT SOLUTION due to the patchwork planning that has dumped so many cumulative impacts on the Greenway and the ECAs to date. However, most likely a reduction of the 8th Ave NE vehicular accesses for the rezone site, combined with a new vehicular access on NE Northgate Way as well as an expanded access on Roosevelt Way NE would provide the best combination, given the constraints that prior decisions have made on the possibilities for mitigation.

Best regards,  
Katherine Landolt

On Fri, Oct 08, 2021 at 3:36pm "Guillory, Carly" wrote:

- > Dear Hearing Examiner and Parties:
- > Attached please find SDCI's response to the Applicant proposed condition
- > regarding driveway location related to CF-314441 and CF-314442, and
- > associated Certificate of Service. These documents have been e-filed with
- > the Hearing Examiner.
- > Sincerely,
- > [cid:image003.png@01D7BC58.7C8B3200]Carly Guillory Senior Land Use Planner
- > Seattle Department of Construction and Inspections 206-561-7571 |
- > carly.guillory@seattle.gov Facebook | Twitter | Blog
- > Helping people build a safe, livable, and inclusive Seattle. SDCI's
- > offices are closed to in-person services until further notice. Visit the
- > SDCI website and read our Building Connections blog for service change
- > updates. Thank you for your continued flexibility and patience as we
- > provide online services to help reduce the risk of spreading the COVID-19
- > virus.
- >
- >

**RECORDED AT THE REQUEST OF AND AFTER RECORDING RETURN TO:**

Aaron M. Laing  
Schwabe, Williamson & Wyatt, PC  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101

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**ENVIRONMENTALLY CRITICAL AREA PROTECTION  
COVENANT**

**Grantor:** Wallace Properties – Park at Northgate, LLC, a Washington limited liability company

**Grantee:** City of Seattle, a Washington municipal corporation

**Legal Descriptions:** Portion of the N 1/2 of the W 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Sec. 29, T’ship 26 N, R 4 E of W.M., King County, WA  
(Complete legal descriptions attached as Exhibits A & B.)

**Tax Parcel Number:** 292604-9626

---

THIS ENVIRONMENTALLY CRITICAL AREA PROTECTION COVENANT (“Covenant”) is made by and between Wallace Properties – Park at Northgate, LLC, a Washington limited liability company (“Grantor”), and the City of Seattle, a Washington municipal corporation (“Grantee”). Grantor and Grantee are each a Party and collectively the Parties to this Covenant. This Covenant shall be effective upon recording. In satisfaction of the terms and conditions of that certain City of Seattle site-specific rezoning, Seattle City Council File (“CF”) number 314441, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties warrant, covenant and agree as follows:

- 1. Grantor Property.** Grantor represents and warrants that it owns that certain parcel of land with King County Assessor’s Tax Parcel Number 292604-9626, whose common street address is 800 NE 106<sup>th</sup> Street, Seattle, King County, Washington, 98115 as legally described and depicted in Exhibit A hereto (“Grantor Property”).
- 2. ECA Protection Area.** Per Seattle Municipal Code (“SMC”) Chapter 29.09, a portion of the Grantor Property presently encumbered by a parking lot and associated landscaping has been designated as a riparian management area, which riparian management area is legally described and depicted (see green dashed line) in Exhibit B hereto (“ECA Protection Area”).

**3. Purpose, Scope & Restrictions.** Condition 1 of the December 3, 2021 Finding and Recommendation of the Hearing Examiner for the City of Seattle, CF-314441 states: “Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the South Site.” This Covenant is intended to satisfy this condition and preserve and provide perpetual protection for the ECA Protection Area consistent with the terms, conditions and requirements set forth in SMC Chapter 29.09. Except for and solely in conjunction with the restoration, enhancement and/or protection of the ECA Protection Area, no site-disturbing activity, development or other disturbance shall be allowed or undertaken within the ECA Protection Area. Any such restoration, enhancement and/or protection of the ECA Protection Area shall only be undertaken with the express written permission of the City of Seattle and consistent with any applicable codes, standards and permitting requirements.

**5. Term and Binding Effect.** This Covenant shall be effective upon recording. All terms and provisions herein are intended to and shall be appurtenant to the Grantor Property, shall be covenants running with the land and/or equitable servitudes and shall be binding on the Parties and their successors, heirs, devisees and assigns.

**6. Entire Covenant.** This Covenant constitutes the entire Covenant of the Parties on the subject matter herein. This Covenant may not be modified, interpreted, amended, waived or revoked orally, but only by a writing signed by all Parties and in accordance with the SMC Chapter 29.09. This Covenant supersedes and replaces all prior Covenants, discussions, and representations on these subjects, all of which are merged into and superseded by this Covenant. No Party enters into this Covenant in reliance on any oral or written promises, inducements, representations, understandings, interpretations or Covenants other than contained in this Covenant.

**7. Conflict / Interpretation.** This Covenant has been submitted to the scrutiny of the Parties hereto and their legal counsel and shall be given a fair and reasonable interpretation in accordance with the words hereof, without consideration or weight being given to its having been drafted by any Party hereto or its legal counsel.

**8. Severability.** If any term, provision or covenant of this Covenant is determined by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions and covenants shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Parties stipulate and agree that they would execute the remaining terms, provisions and covenants of this Covenant, without including any of such terms, provisions and/or covenants, which may hereafter be declared invalid, void or unenforceable.

**9. Third-Party Rights.** This Covenant is not intended to and shall not be construed in any manner whatsoever to provide rights or interests to any third party or the public as a whole.

**10. Governing Law and Venue.** This Covenant shall be construed in accordance with the laws of the State of Washington. In the event a dispute arises from this Covenant, including any exhibit hereto, the Parties shall engage in at least one (1) full day of mediation with a trained mediator prior to commencing any judicial action, which mediation shall be a condition of and prerequisite to such action. Each Party shall bear its own costs at mediation, including mediator

fees and attorneys' fees. Following mediation, should the dispute remain, any action arising out of or relating to this Covenant shall be commenced in the Superior Court for King County, Washington in Seattle, Washington.

**11. Attorney's Fees and Costs.** In the event any Party hereto files any judicial proceedings of any kind or nature to enforce or interpret the terms of this Covenant, then the substantially prevailing Party in such proceeding shall be awarded a judgment against the other Party for all reasonable attorneys' fees and costs incurred in such proceedings, whether incurred in mediation, arbitration, at trial or on appeal, or in any bankruptcy proceeding.

**12. Authority to Execute.** The Parties expressly represent and warrant that the persons executing this Covenant are duly authorized to do so. This Covenant may be executed in counterparts, and each counterpart shall have the same binding legal effect as if it were a single document containing all signatures.

**[Signatures, notary blocks and exhibits  
appear on following pages.]**

**IN WITNESS WHEREOF**, the Parties have signed and delivered this Covenant as of the last date set forth below:

**GRANTOR WALLACE PROPERTY-PARK AT NORTHGATE, LLC**

\_\_\_\_\_  
Robert C. Wallace, Governor  
Dated \_\_\_\_\_

\_\_\_\_\_  
Kevin R. Wallace, Governor  
Dated \_\_\_\_\_

**GRANTEE CITY OF SEATTLE**

\_\_\_\_\_  
Dated \_\_\_\_\_

DRAFT





STATE OF WASHINGTON )

) ss. ACKNOWLEDGMENT

COUNTY OF KING )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument on oath stated that he/she was authorized to execute the instrument on behalf of the City of Seattle as its \_\_\_\_\_ and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

(Seal or Stamp)

Notary Public - State of Washington  
Residing at \_\_\_\_\_, Washington  
My appointment expires \_\_\_\_\_

# EXHIBIT A

## Grantor Property Legal Description

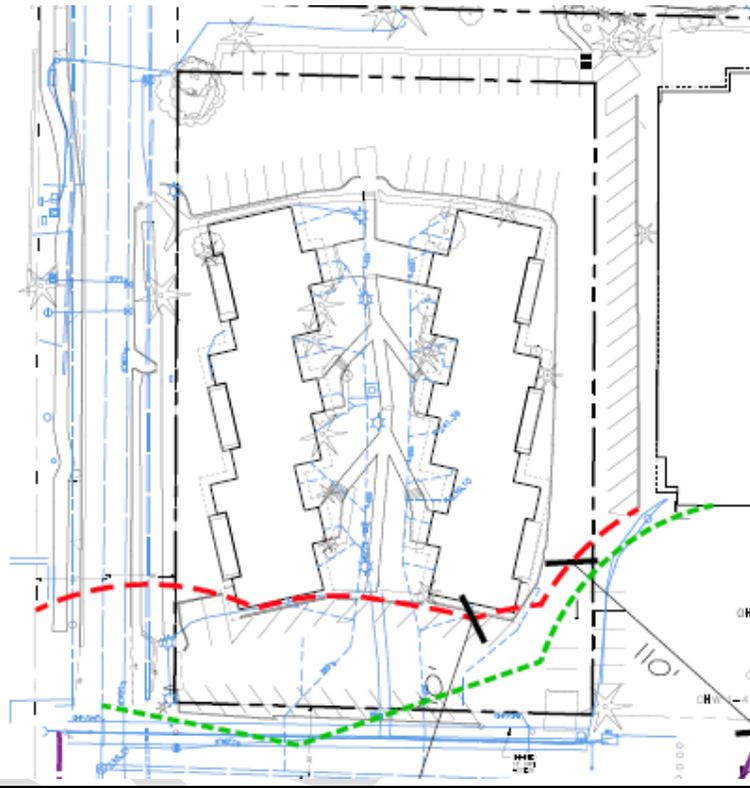
**The East 180 feet of the West 210 feet of the North Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 29, Township 26 North, Range 4 East of the Willamette Meridian, in King County, Washington.**

**Except the North 30 feet thereof.**

**And except the South 30 feet thereof for Road.**

# EXHIBIT B

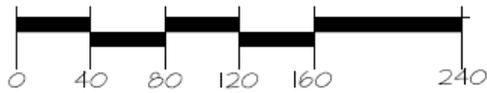
## ECA Protection Area Legal Description



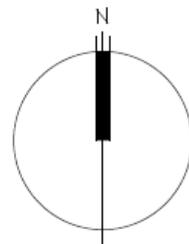
### PLAN LEGEND

- — — — — PROPERTY LINE
- — — — — ORDINARY HIGH WATER MARK
- — — — — WETLAND BOUNDARIES
- — — — — WETLAND/STREAM BUFFER
- — — — — 100' RIPARIAN MANAGEMENT AREA BOUNDARY

### GRAPHIC SCALE (IN FEET)



SCALE: 1:80



When Recorded, Return to:

**Seattle Department of Construction and  
Inspections Land Use Routing Coordinators**  
700 5th Ave., Suite 2000  
PO Box 34019  
Seattle, WA 98124-4019

CM-6107  
1st AM

**ENVIRONMENTALLY CRITICAL AREA COVENANT RUNNING WITH THE LAND**

**GRANTOR: WALLACE PROPERTIES – PARK AT NORTHGATE, LLC, A  
WASHINGTON LIMITED LIABILITY COMPANY**

**GRANTEE: THE CITY OF SEATTLE**

**LEGAL DESCRIPTION (ABBREVIATED):** Portion of the N 1/2 of the W 1/2 of the SE  
1/4 of the SW 1/4 of the SE 1/4 of Sec.  
29, T'ship 26 N, R 4 E of W.M., King  
County, WA

Complete legal description on **Exhibit A**.

**ADDRESS:** 800 NE 106<sup>th</sup> Street, Seattle, King County, Washington, 98115

**ASSESSOR'S TAX PARCEL ID NO(S).** 292604-9626

**PERMIT APPLICATION NO(S).** CF-314441

**THIS DOCUMENT IS RECORDED  
AS A COURTESY ONLY.  
FIRST AMERICAN TITLE INSURANCE CO.  
ASSUMES NO LIABILITY FOR  
SUFFICIENCY, VALIDITY OR ACCURACY**

**ENVIRONMENTALLY CRITICAL AREA COVENANT RUNNING WITH THE LAND**

This covenant (“Covenant”) is executed in favor of the City of Seattle (“Grantee”) by the undersigned Owner(s) (“Grantor”) of the real property described on **Exhibit A** (the “Property”). The undersigned warrant(s) that all owners of the Property have executed this document.

The Grantor acknowledges that a portion of the Property presently occupied by and used as a parking lot, shared access and associated landscaping is located in area designated as riparian management area, which is an environmentally critical area as described in SMC Chapter 25.09 and is subject to the provisions of SMC Chapter 25.09 and the rules and regulations adopted by the Director of Construction and Inspections. The City has conditionally recommended approval of an application for a site-specific rezone of the Property pursuant to the December 3, 2021 Findings and Recommendation of the Hearing Examiner for the City of Seattle, CF-314441 (the “Rezone”), subject to the following condition: “Submit a signed and recorded environmentally critical areas covenant restricting future development within the area designated as riparian management area on the SouthSite.”

**LIMITATION ON DEVELOPMENT AND LAND-DISTURBING ACTIVITIES;  
PERMANENT CONDITIONS**

Grantor understands and acknowledges the following:

The environmentally critical areas and any associated buffers (together referred to as the “Covenant Area”) on the Property are identified in **Exhibit B**.

Land disturbing activities (such as construction, excavation, or grading) in the Covenant Area may require City permits and may not occur except (1) to carry out the restoration, enhancement and/or protection of the Covenant Area as permitted by the City in an approved restoration plan consistent with the applicable requirements of SMC Chapter 25.09 or (2) as otherwise permitted by SMC Chapter 25.09

Development of the Property subsequent to the Rezone, including but not limited to construction of buildings and any impervious surfaces, and all associated land disturbing activity is restricted to the areas outside the Covenant Area.

The Covenant Area shall not be considered for development credit in future subdivision or development proposals for the Property.

Removal and clearing of trees and other vegetation and actions detrimental to trees, such as tree-topping, are not permitted in the Covenant Area, except as otherwise permitted by SMC Chapter 25.09.

Upon issuance of and development in accordance with a Master Use Permit (MUP) for the Property, Grantor shall install and maintain permanent visible markers delineating the Covenant Area boundaries. The locations of the required permanent markers are depicted on **Exhibit B**.

This Covenant shall not be construed as a complete disclosure of all environmentally critical areas, associated limitations, or restrictions that may apply to future use or development of the Property.

**RIGHT TO ENTER**

This Covenant shall not be interpreted to prohibit entry to, or the use and maintenance consistent with SMC Chapter 25.09 of, the Covenant Area.

**VIOLATIONS**

If the City determines that a violation of this Covenant is occurring, has occurred, or is threatened, the City may demand corrective action sufficient to cure the violation, including without limitation, restoration or remediation of the Covenant Area and removal of any improvements not permitted by the City. The City reserves its existing rights at law and equity with respect to any violation of this Covenant by the Owner.

**RECORDING**

This Covenant shall be recorded in the real estate records of the King County Recorder's Office.

**RUNNING COVENANT**

Grantor intends that this Covenant shall run with the land and be binding on the Grantor and on the Grantor's heirs, successors, and assigns.

**SEVERABILITY**

If any provision of this Covenant is held invalid, the remainder of the Covenant is not affected. If the application of this Covenant to any person or circumstance is held invalid, the application of the Covenant to other persons or circumstances is not affected.

SIGNATURES, ACKNOWLEDGEMENTS AND NOTARY

(CORPORATE OWNER, PARTNERSHIP OWNER, LIMITED LIABILITY COMPANY

OWNER/OTHER LEGAL ENTITY OWNER – attach more pages if needed)

Dated: 2/24/22

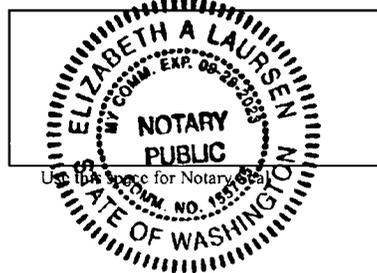
State of Washington )  
County of King ) ss

Wallace Properties – Park at  
Northgate, LLC, a  
Washington limited liability  
company  
**Owner/Grantor**

I certify that I know or have satisfactory evidence that Kevin R. Wallace is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Manager of Wallace Properties – Park at Northgate, LLC, a Washington limited liability company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

By [Signature]  
Kevin R. Wallace  
Its Manager

Date: 2/24/2022 [Signature]  
NOTARY PUBLIC in and for the State  
Residing at ISSAQUAH  
My commission expires: 7/29/2023  
PRINT NAME: ELIZABETH A LAURSEN



**EXHIBIT A TO ENVIRONMENTALLY CRITICAL AREA COVENANT**

**COMPLETE LEGAL DESCRIPTION OF PROPERTY:**

The East 180 feet of the West 210 feet of the North Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 29, Township 26 North, Range 4 East of the Willamette Meridian, in King County, Washington.

Except the North 30 feet thereof.

And except the South 30 feet thereof for Road.

**EXHIBIT B TO ENVIRONMENTALLY CRITICAL AREA COVENANT**

**ECA PROTECTION AREA LEGAL DESCRIPTION  
AND  
SITE PLAN SHOWING THE COVENANT AREA, THE LOCATION OF  
PERMANENT MARKERS, IF REQUIRED**

**[Attached on the two pages following]**

**EXHIBIT B**  
**ECA PROTECTION AREA LEGAL DESCRIPTION**

THE FOLLOWING DESCRIBED PORTION OF THE EAST 180 FEET OF THE WEST 210 FEET OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTH 30 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD;

SAID PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE-DESCRIBED PARCEL;

THENCE NORTH 88°19'30" WEST, ALONG THE SOUTH LINE OF SAID ABOVE-DESCRIBED PARCEL, 82.07 FEET;

THENCE NORTH 70°59'53" EAST 62.57 FEET;

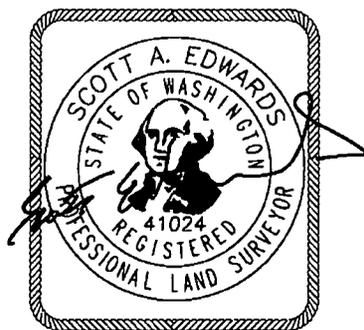
THENCE NORTH 23°20'28" EAST 10.22 FEET;

THENCE NORTHEASTERLY, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 100.00 FEET, THROUGH A CENTRAL ANGLE OF 20°01'18", AN ARC LENGTH OF 34.94 FEET, TO THE EAST LINE OF SAID ABOVE-DESCRIBED PARCEL;

THENCE SOUTH 00°16'13" WEST, ALONG SAID EAST LINE, 61.20 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,676 SQUARE FEET, MORE OR LESS.

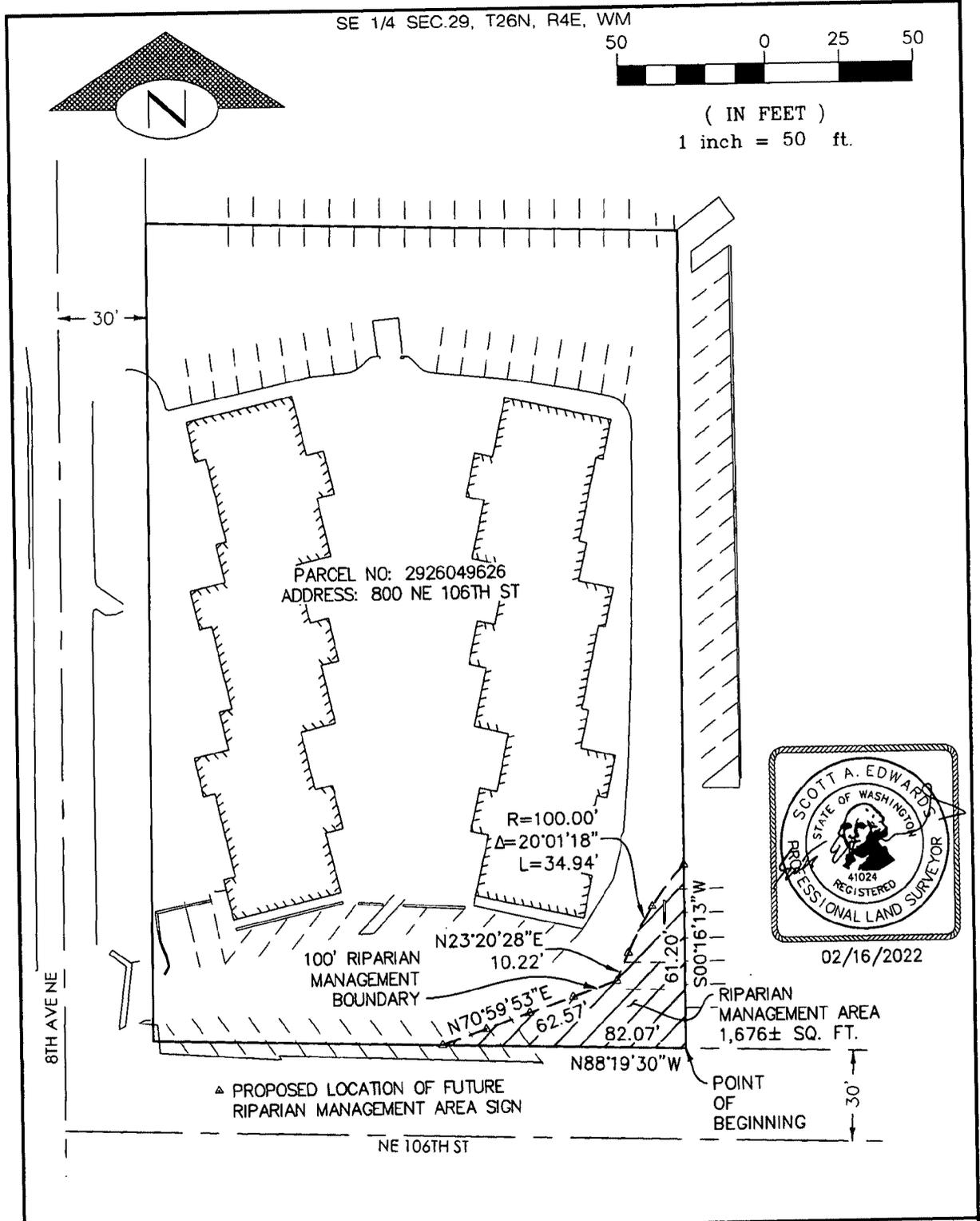
SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.



February 15, 2022

WALLACE PROPERTIES  
PARK AT NORTHGATE  
SCOTT EDWARDS, P.L.S.  
BRH JOB NO. 2016085.04  
FEBRUARY 15, 2022

BUSH, ROED & HITCHINGS, INC.  
2009 MINOR AVENUE EAST  
SEATTLE, WA 98102  
(206) 323-4144



ECA COVENANT  
 WALLACE PROPERTIES  
 PARK AT NORTHGATE  
 SEATTLE WASHINGTON

**BUSH, ROED & HITCHINGS, INC.**  
 LAND SURVEYORS & CIVIL ENGINEERS

2009 MINOR AVE. EAST (206) 323-4144  
 SEATTLE, Washington 02/16/2022  
 98102-3513 2016085.04

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

In the matter of the Petition:	)	Clerk File 314441
Application of Wallace Properties -	)	FINDINGS, CONCLUSIONS,
Park at Northgate, LLC for a contract	)	AND DECISION
rezone of a site located at 10735	)	
Roosevelt Way NE from Lowrise 3	)	
with an M Mandatory Housing	)	
Affordability (MHA) suffix (LR3 (M))	)	
to Midrise with an M1 MHA suffix	)	
(MR (M1)) (Project No. 3033517;	)	
Type IV).	)	

Introduction

This matter involves a petition by Wallace Properties – Park at Northgate, LLC (“Applicant”) for a contract rezone from Lowrise 3 multifamily residential with an M mandatory housing affordability suffix (LR3 (M)) to Midrise with an M1 mandatory housing affordability suffix (MR (M1)) of two sites – a north and south site. Wallace Properties – Park at Northgate, LLC, which also owns the sites, is a Washington limited liability company with a mailing address of 330 112<sup>th</sup> Avenue NE, Bellevue, WA 98004.

The sites are addressed as 10735 and 10713 Roosevelt Way NE and are located in the Northgate Urban Center. Both sites are currently developed with multifamily structures and associated surface parking and amenity areas. The sites are separated by a driveway, and the collective site area comprises 228,319 square feet or about 5.24 acres. The sites are located adjacent to and north of the City-owned Beaver Pond Natural Area on Thornton Creek and its associated environmentally critical areas. Attachment A shows the area to be rezoned.

On September 2021, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone, with conditions. SDCI also issued a State Environmental Policy Act threshold determination of non-significance.

The Hearing Examiner held an open record hearing on the rezone recommendation on October 6, 2021. On December 3, 2021, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On February 9 and February 23, 2022, 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 December 3, 2021, with the following additional finding of fact

30. On February 24, 2022 the Applicant submitted a recorded Environmentally Critical Areas covenant restricting future development in the Thornton Creek riparian management area on the south site.

### **Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated December 3, 2021.

### **Decision**

The Council hereby **GRANTS** a rezone of the Property from LR3 (M) to MR (M1), as shown in Exhibit A. The rezone is subject to the execution of Property Use and Development

Agreements requiring the owners to comply with the following conditions found in the Hearing Examiner’s recommendation, with the amendments shown below, which are adopted by the Council.

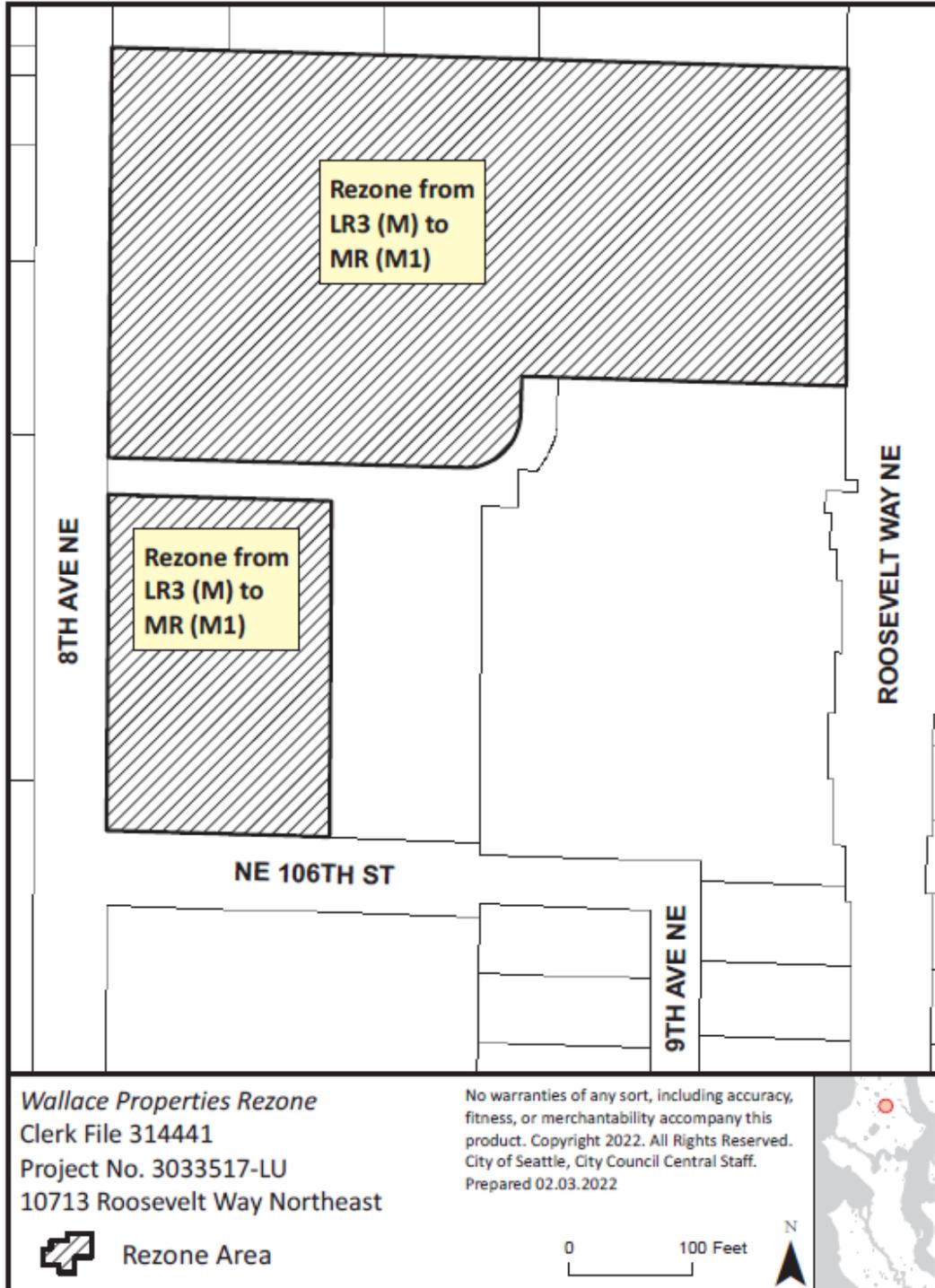
1. As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
2. Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
3. Future development of the North Site and South Site shall ~~((designate at least 20% of all residential units on-site to meet))~~ comply with the standards of the Multifamily Tax Exemption (MFTE) Program (SMC 5.73), or its successor program, and shall have the goal of providing at least 20% of all residential units on-site that meet the affordability requirements of the MFTE Program in place at the time of MFTE Program application.
4. Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
5. Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

City Council President

ATTACHMENT A





Legislation Text

---

File #: CB 120275, Version: 1

---

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 16 of the Official Land Use Map to rezone two parcels located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability Suffix (LR3 (M)) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Application of Wallace Properties - Park at Northgate, LLC, C.F. 314441, SDCI Project 3033517-LU)

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

Section 1. This ordinance rezones the following legally described properties (collectively “the Property”) commonly known as 10735, and also known as 10713, Roosevelt Way NE:

**Parcel I:**

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. EXCEPT THE EAST 38.00 FEET THEREOF. AND EXCEPT THE WEST 30.00 FEET THEREOF AND EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTH LINE OF SAID SUBDIVISION AT A POINT 30.00 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 75.00 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 270.00 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 30.00 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, THROUGH AN ANGLE OF 91°06'53" A DISTANNCE OF 71.56 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE EAST, ALONG SAID LINE, 315 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

**Parcel II:**

THE EAST 180 FEET OF THE WEST 210 FEET OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWET QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON. EXCEPT THE NORTH 30 FEET THEREOF. AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD.

Section 2. Page 16 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance, from Lowrise 3 with an M Mandatory Housing Affordability Suffix (LR3 (M)) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)). Approval of this rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved in Section 4 of this ordinance.

Section 3. The zoning designations established by Section 2 of this ordinance shall remain in effect until the Property is rezoned by subsequent Council action.

Section 4. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

Section 5. The City Clerk is authorized and directed to file the PUDA with the King County Recorder's Office; to file the original PUDA along with this ordinance at the City Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Section 6. 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 \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Monica Martinez Simmons, City Clerk

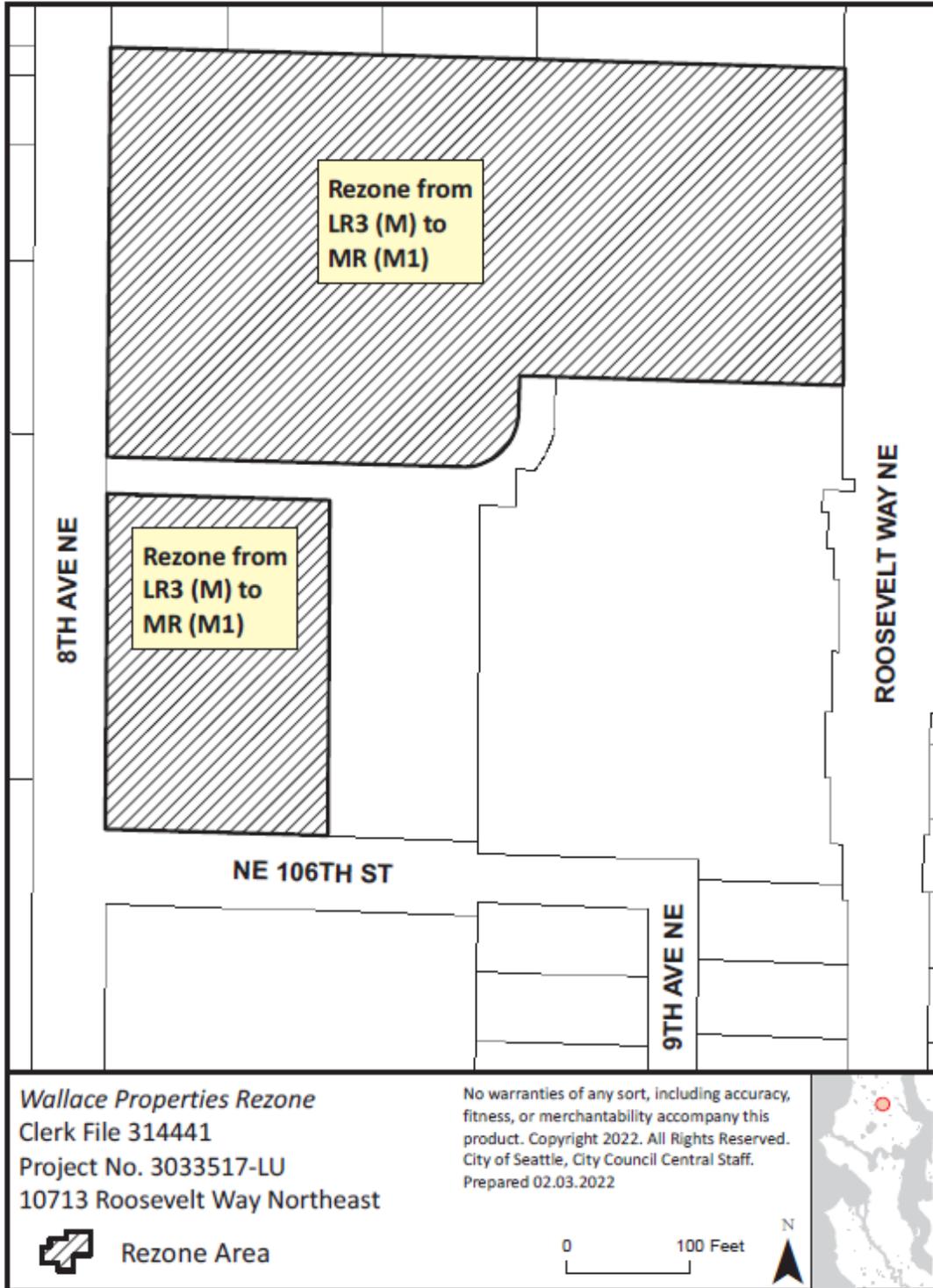
(Seal)

Exhibits:

Exhibit A - Rezone Map

Exhibit B - Property Use and Development Agreement for 10735 Roosevelt Way NE

### Exhibit A – Rezone Map



*Wallace Properties Rezone*  
Clerk File 314441  
Project No. 3033517-LU  
10713 Roosevelt Way Northeast

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2022. All Rights Reserved. City of Seattle, City Council Central Staff. Prepared 02.03.2022



Rezone Area

0 100 Feet



**Property Use and Development Agreement**

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

**PROPERTY USE AND DEVELOPMENT AGREEMENT**

<b>Grantor(s):</b>		Wallace Properties - Park at Northgate, LLC		
<b>Grantee:</b>		The City of Seattle		
<b>Legal Description</b> <i>(abbreviated if necessary):</i>	see <i>Recital A</i>			
<b>Assessor's Tax Parcel ID #:</b>	2926049617, 2926049626			
<b>Reference Nos. of Documents Released or Assigned:</b>	n/a			

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this \_\_\_ day of \_\_\_\_\_, 2022, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Wallace Properties – Park at Northgate, LLC, a Washington limited liability company ("Owner").

**RECITALS**

A. Wallace Properties – Park at Northgate, LLC, is the owner of that certain real property consisting of two parcels (collectively "Property") in the City of Seattle currently zoned Lowrise 3 multifamily residential with an M Mandatory Housing Affordability Suffix (LR3 (M)), shown in Attachment A and legally described as:

**Parcel I (North Site):**

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. EXCEPT THE EAST 38.00 FEET THEREOF. AND EXCEPT THE WEST 30.00 FEET THEREOF AND EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTH LINE OF SAID SUBDIVISION AT A POINT 30.00 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 75.00 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 270.00 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 30.00 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, THROUGH AN ANGLE OF 91°06'53" A DISTANANCE OF 71.56 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE EAST, ALONG SAID LINE, 315 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

**Parcel II (South Site):**

THE EAST 180 FEET OF THE WEST 210 FEET OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON. EXCEPT THE NORTH 30 FEET THEREOF. AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD.

B. In December 2019, the Owner submitted to the City an application under Project No. 3033517-LU for a rezone of the Property from LR3 (M) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)) (the "Rezone").

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:

- (a) As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).

- (b) Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
- (c) Future development of the North Site and South Site shall comply with the standards of the Multifamily Tax Exemption (MFTE) Program (SMC 5.73), or its successor program, and shall have the goal of providing at least 20% of all residential units on site that meet the affordability requirements of the MFTE Program in place at the time of MFTE Program application.
- (d) Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
- (e) Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

**Section 2. 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 3. 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 4. 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 5. 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 6. 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:

- 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]



SIGNED this \_\_\_\_ day of \_\_\_\_, 2022.

Wallace Properties – Park at Northgate, LLC, a Washington limited liability company

By: \_\_\_\_

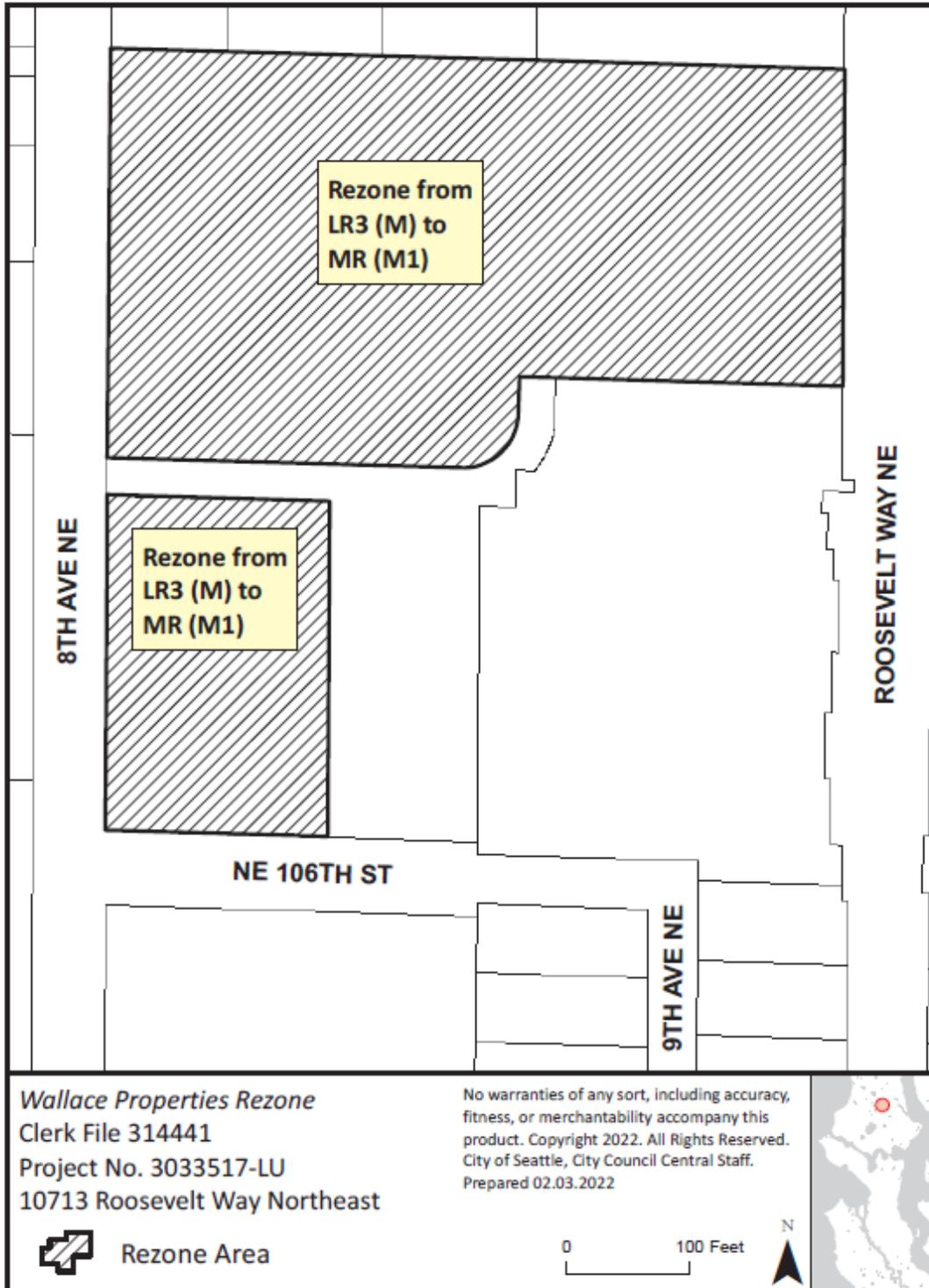
Kevin Wallace  
Manager

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 \_\_\_\_, 2022.

		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  
REZONE MAP



**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative	Ketil Freeman/206-684-8178	N/A

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 16 of the Official Land Use Map to rezone two parcels located at 10735 Roosevelt Way NE from Lowrise 3 with an M Mandatory Housing Affordability Suffix (LR3 (M)) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Application of Wallace Properties – Park at Northgate, LLC, C.F. 314441, SDCI Project 3033517-LU)

**Summary and background of the Legislation:**

This bill would rezone two sites – a north site and south site – located at 10735 Roosevelt Way NE in the Northgate Urban Centers from Lowrise 3 multifamily residential with an M mandatory housing affordability suffix (LR3 (M)) to Midrise with an M1 mandatory housing affordability suffix (MR (M1)), as described in Clerk File 314441 and shown on Exhibit A to the bill. It would also accept a Property Use and Development Agreement signed by the property owner, imposing conditions on future development of the sites.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget? \_\_\_ Yes X No

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

The bill would allow the Seattle Department of Construction and Inspections to update the City’s zoning maps and complete review of application 3033517-LU.

**b. Is a public hearing required for this legislation?**

The Seattle Hearing Examiner held an open record public hearing on October 7, 2021.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

Yes, see Exhibit A to the bill.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

None noted.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

Not applicable

**List attachments/exhibits below:**

None

**Property Use and Development Agreement**

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

**PROPERTY USE AND DEVELOPMENT AGREEMENT**

<b>Grantor(s):</b>		Wallace Properties - Park at Northgate, LLC		
<b>Grantee:</b>		The City of Seattle		
<b>Legal Description (abbreviated if necessary):</b>	see <i>Recital A</i>			
<b>Assessor's Tax Parcel ID #:</b>	2926049617, 2926049626			
<b>Reference Nos. of Documents Released or Assigned:</b>	n/a			

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this \_\_\_ day of \_\_\_\_\_, 2022, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Wallace Properties – Park at Northgate, LLC, a Washington limited liability company ("Owner").

**RECITALS**

A. Wallace Properties – Park at Northgate, LLC, is the owner of that certain real property consisting of two parcels (collectively "Property") in the City of Seattle currently zoned

Lowrise 3 multifamily residential with an M Mandatory Housing Affordability Suffix (LR3 (M)), shown in Attachment A and legally described as:

**Parcel I (North Site):**

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. EXCEPT THE EAST 38.00 FEET THEREOF. AND EXCEPT THE WEST 30.00 FEET THEREOF AND EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTH LINE OF SAID SUBDIVISION AT A POINT 30.00 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 75.00 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 270.00 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, 30.00 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, THROUGH AN ANGLE OF 91°06'53" A DISTANCE OF 71.56 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE EAST, ALONG SAID LINE, 315 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

**Parcel II (South Site):**

THE EAST 180 FEET OF THE WEST 210 FEET OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN KING COUNTY, WASHINGTON. EXCEPT THE NORTH 30 FEET THEREOF. AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD.

B. In December 2019, the Owner submitted to the City an application under Project No. 3033517-LU for a rezone of the Property from LR3 (M) to Midrise with an M1 Mandatory Housing Affordability Suffix (MR (M1)) (the “Rezone”).

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:

- (a) As part of the first permit for future development on the South Site, submit a restoration plan for the area of the South Site encumbered by the riparian management area. The restoration plan shall be consistent with the applicable requirements of the Environmental Critical Areas ordinance (SMC 25.09).
- (b) Future development of the North Site and South Site shall comply with the performance requirements of MHA (SMC 23.58B and/or 23.58C) (as opposed to paying the fee in lieu).
- (c) Future development of the North Site and South Site shall comply with the standards of the Multifamily Tax Exemption (MFTE) Program (SMC 5.73), or its successor program, and shall have the goal of providing at least 20% of all residential units on site that meet the affordability requirements of the MFTE Program in place at the time of MFTE Program application.
- (d) Future development of the North Site shall provide an east-west pedestrian connection from Roosevelt Way NE to 8th Avenue NE that is publicly accessible.
- (e) Future development of the North Site shall include study of vehicular access to the site and provide vehicular access via Roosevelt Way NE if consistent with the Land Use Code. Additional conditions may be imposed consistent with city codes and regulations.

**Section 2. 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 3. 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.

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- 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]

SIGNED this 24<sup>th</sup> day of February, 2022.

Wallace Properties – Park at Northgate, LLC, a Washington limited liability company

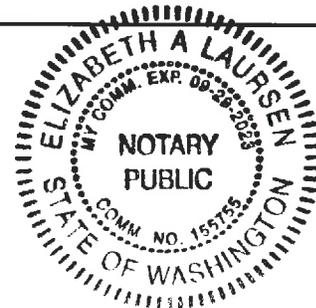
By: [Signature]

Kevin R. Wallace  
Manager

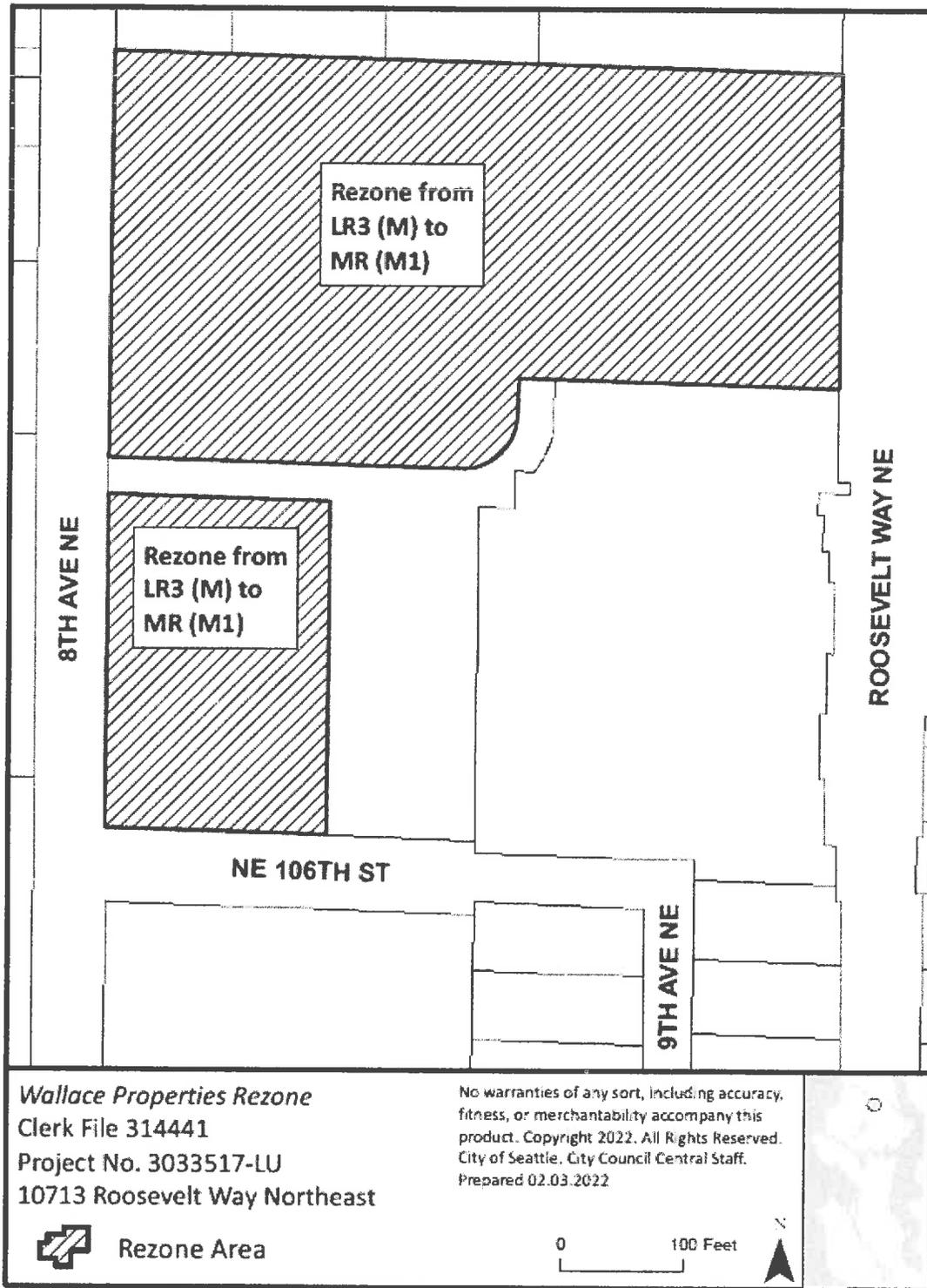
On this day personally appeared before me Kevin R. Wallace, to me known to be the Manager, of Wallace Properties – Park at Northgate LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited 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 24<sup>th</sup> day of February, 2022.

<u>Elizabeth A. Laursen</u>		Printed Name <u>ELIZABETH A LAURSEN</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>ISSAQUAH</u>
		My Commission Expires <u>9/29/2023</u>
STATE OF WASHINGTON COUNTY OF KING	}	SS.



ATTACHMENT A  
REZONE MAP





Legislation Text

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**File #:** Res 32045, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION adopting the Statements of Legislative Intent for the 2022 Adopted Budget and 2022-2027 Adopted Capital Improvement Program.

WHEREAS, the City Council of The City of Seattle reviewed the 2022 Proposed Budget and 2022-2027

Proposed Capital Improvement Program (CIP); and

WHEREAS, the City Council adopted a budget and CIP for 2022 through Ordinance 126000; and

WHEREAS, in order to indicate the intent of the City Council in adopting the 2022 Budget and 2022-2027 CIP,

the Council adopted the Statements of Legislative Intent (SLIs) included as Attachment A to this resolution; and

WHEREAS, the City Council adopted and filed Clerk File 314488, which contains preliminary versions of

SLIs for the 2022 Adopted Budget and 2022-2027 Adopted CIP; and

WHEREAS, Clerk File 314488 states that in the case of a conflict between the version of an SLI in the Clerk

File and the version adopted in this resolution, the latter controls; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

Section 1. The City Council adopts the Statements of Legislative Intent for the 2022 Adopted Budget and 2022-2027 Adopted Capital Improvement Program, contained in Attachment A (2022 Statements of Legislative Intent by Council Committee) to this resolution.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

Attachment A - 2022 Statements of Legislative Intent by Council Committee



# City of Seattle

## Seattle City Council

### Attachment A

### 2022 Statements of Legislative Intent

#### **Councilmembers**

Debora Juarez, Council President

Lisa Herbold

Andrew J. Lewis

Tammy J. Morales

Teresa Mosqueda

Sara Nelson

Alex Pedersen

Kshama Sawant

Dan Strauss

#### **Central Staff Director**

Esther Handy

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## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OED	009	A	001

**Budget Action Title:** Request that OED develop a construction impacts mitigation program for small businesses

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members: Lisa Herbold, Dan Strauss

Staff Analyst: Yolanda Ho

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Economic Development (OED) collaborate with the Seattle Department of Transportation (SDOT) to propose a strategy for funding and distributing financial assistance to small businesses that are adversely impacted during the construction of City-led transportation projects, with the goal of establishing a program in OED by late 2022 or 2023. The proposed strategy should include: potential eligibility criteria for recipients; funding options; a Racial Equity Toolkit analysis; and other relevant considerations.

A previous version of this SLI was included in the 2021 Adopted Budget, but citing a lack of capacity, OED did not provide the response as requested.

OED and SDOT should submit a response to the Community Economic Development Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Economic Development, Technology, & City Light

**Date Due to Council:** April 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SCL	002	A	001

**Budget Action Title:** Request that Seattle City Light (SCL) report on pole replacement and office space projects

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members:

Staff Analyst: Eric McConaghy

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that Seattle City Light (SCL) transmit two reports to the Transportation and Utilities Committee, or its successor, and the Central Staff Director. The reports should be transmitted at the same time and should include:

(1) A progress report on the status of SCL’s plan and results to replace and/or upgrade the system of power poles throughout the City of Seattle, with separate analysis of East Marginal Way, including:

- (a) the number of utility poles in the City of Seattle;
- (b) the number of poles replaced each quarter since January 2020;
- (c) the number of poles still remaining to be replaced;
- (d) the plan for replacing those poles;
- (e) the estimated useful life of newly-installed poles;
- (f) the capital and operating funds needed to replace those poles; and
- (g) recommendations for expediting the replacement of those poles.

(2) A progress report on the \$8.22 million appropriated to the SCL Office Furniture and Equipment Replacement project, Project ID MC-CL-XF9103, in the 2022-2027 Capital Improvement Program in the budget for 2022 for “reimagining City Light workspace” including progress on the specific goals of the workspace changes and any estimated savings from this effort that could be reallocated to SCL priorities such as the replacement of aging utility poles.

**Responsible Council Committee(s):**

Transportation & Utilities

**Date Due to Council:** March 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
CBO	013	A	002

**Budget Action Title:** Request that CBO report on a citywide hiring incentive program

Ongoing: No Has Attachment: No

Primary Sponsor: Teresa Mosqueda

Council Members:

Staff Analyst: Greg Doss

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the City Budget Office (CBO) and Seattle Department of Human Resources (SDHR) provide a report to the Finance and Housing (FH) Committee, or successor committee, on a Citywide hiring incentive program. The report should include:

- (1) An analysis of the need for a Citywide hiring incentive program, with a particular focus on staffing or vacancy issues that are:
  - a. Occurring among front line workers;
  - b. Causing a service issue with the public; or
  - c. Inhibiting a department from fulfilling a core function.
- (2) Recommendations on varied strategies to address difficulties in hiring, including but not limited to hiring bonuses; and
- (3) A race and social justice analysis on the impacts of the recommendations regarding a Citywide hiring incentive program.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:** March 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
FAS	004	A	001

**Budget Action Title:** Request that the Executive provide recommendations and draft amendments to the City's short-term rental ordinance

Ongoing: No Has Attachment: No

Primary Sponsor: Andrew Lewis

Council Members: Debora Juarez, Dan Strauss

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Department of Finance and Administrative Services (FAS) analyze, make recommendations, and draft amendments to Ordinance 125490, which regulates short-term rental (STR) businesses. This work is intended to serve the policy objective of allowing all tenants in the city to offer their primary residence as an STR.

Council requests that FAS incorporate into its legislative drafting:

- (1) A revision of Ordinance 125490's definition of "operator" to allow the operation of tenant-operated STRs outside the Downtown Urban Center (as established in the 2016 Seattle Comprehensive Plan);
- (2) An expansion of Ordinance 125490's definition of "primary residence" to include the requirement that it is a tenant's usual place of return for at least 183 days of the calendar year;
- (3) The requirement that all tenant operators of STRs obtain the prior written authorization of the unit's owner or property owner's representative; and
- (4) A definition of "property owner's representative."

Council requests that FAS's analysis include:

- (1) A timeline for operationalizing the draft legislation;
- (2) A five-year forecast of incremental revenue based on the terms of the draft legislation; and
- (3) Complete environmental review of the draft legislation prior to its transmittal to Council.

The report and legislation should be submitted to the Chair of the Finance and Housing Committee, or successor committee, and the Central Staff Director.

# 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
FAS	004	A	001

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:**

June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
FG	002	B	001

**Budget Action Title:** Express City Council's commitment to work with the Mayor to identify options for making Seattle's tax structure more equitable and generating new revenue for city priorities including the Equitable Community Initiative, Participatory Budgeting, and community safety investments in 2023 and beyond

Ongoing: Yes Has Attachment: No  
 Primary Sponsor: Teresa Mosqueda  
 Council Members: Andrew Lewis, Lorena González  
 Staff Analyst: Tom Mikesell

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would express the City Council's commitment to work with the Mayor to review Seattle's tax structure and identify ways to make it more equitable and to raise new progressive revenue. Priorities in the 2022 Proposed Budget that lack an ongoing revenue source include but are not limited to the Equitable Community Initiative (ECI) investments, the Participatory Budgeting (PB) program, community safety investments previously authorized by the Council (Community Safety RFP and Community Safety Initiative), and some homeless services, in 2023 and beyond.

The 2022 Proposed Budget includes ongoing appropriations for ECI, PB, and for a portion of the community safety investments (\$10 million of the \$14 million authorized in 2021) but does not include an ongoing revenue source to support these investments. Instead, these proposed ongoing expenditures rely on a higher-than-intended ongoing transfer-in from the JumpStart Fund to the GF in 2022 and beyond. This would mean that ongoing investments anticipated in the JS Fund policies would be significantly reduced in future years. This is demonstrated by the budget legislation transmitted with the Mayor's 2022 Proposed Budget that would change the JumpStart Fund policies for 2022 to allow for higher use of payroll expense tax revenues to support these and other GF expenditures in 2022 and would completely rescind the spending plan in 2023 and beyond.

As such, Council Budget Action FG-001-A-001 reverts these investments to one-time in 2022 and realigns 2022 JumpStart Fund expenditures with the JumpStart Fund policies. The commitment expressed in this Statement of Legislative Intent would be to collaborate with the Executive in 2022 to identify ways to equitably identify existing and new ongoing revenue for these investments, as originally intended in the 2021 Adopted Budget passed by the Council on November 23, 2020 (ORD 126237). It is expected that this process would include empanelling a task force of community experts to develop a report listing progressive revenue options.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:** July 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	004	A	002

**Budget Action Title:** Request that OH and SDCI report on the Notice of Intent to Sell policy and program development

Ongoing: Yes Has Attachment: No

Primary Sponsor: Teresa Mosqueda

Council Members: Lisa Herbold, Debora Juarez, Lorena González

Staff Analyst: Traci Ratzliff

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Housing (OH) and the Seattle Department of Construction and Inspections (SDCI) work with community housing representatives and report to the Council on the City’s Notice of Intent to Sell policy.

The City’s Notice of Intent to Sell (NOIS) ordinance requires building owners with 2 or more units to notify tenants and the City about their intention to sell residential rental property if at least one unit is rented at 80% of Area Median Income (AMI) or below. The City disseminates this information to non-profit affordable housing providers who may wish to purchase the buildings. The ordinance establishes a timeline and process for interested tenants, tenant groups, or non-profit housing organizations to indicate interest and to submit proposed offers to purchase buildings. OH’s existing Acquisition and Preservation program allows short term loans to be used to purchase buildings identified through the NOIS ordinance. However, owners are not currently required to accept such offers. There is also no right of first refusal provision in the current NOIS. At the time that the NOIS was last updated in 2019, constitutional law prevented the City from incorporating such a provision in the NOIS ordinance. In November 2019, the Washington State Supreme Court issued a ruling paving the way for the City to consider the imposition of a right of first refusal provision in the NOIS. In addition, the City’s Housing Funding Policies were modified in 2019 to allow OH’s Acquisition and Preservation program to provide short term loans to purchase buildings identified through Seattle’s Notice of Intent to Sell ordinance. In August 2021, the City Auditor’s report on NOIS implementation was released with recommendations including: strengthening enforcement, and providing technical assistance to tenants to support potential purchases of buildings. Based on these recent events, the City Council intends to update the NOIS ordinance after further policy and program development work (described below) is completed.

This SLI would request OH and SDCI to work with community housing representatives and the City Council to address the following key policy questions:

- Should enforcement of NOIS be modified? If so, how?
- Should a new, separate fund be created to support acquisitions of buildings or should additional flexibility

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	004	A	002

be provided to allow the City's existing acquisition programs to facilitate such purchases?

- Is technical and capacity support needed for tenants or community organizations who purchase buildings to assist them in owning and operating buildings after purchase?
- Should a mandatory right of first offer and/or right of first refusal be imposed?
- Are there potential incentives that could be implemented to encourage building owners to sell to tenants or non-profits?
- What are the types of buildings that have sold over the last 2 to 3 years, i.e. the size, location, age, sales prices - and how would this inform priorities for purchasing available buildings?
- Are there opportunities for OH and SDCI to increase information and education to: tenants about their rights and opportunities under NOIS; landlords about their obligations under NOIS; and housing providers about NOIS notifications?

The City Council requests OH and SDCI to submit recommendations for modifications to the NOIS ordinance and other programmatic changes to the Finance & Housing Committee, or successor, and the Central Staff Director.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:**                      June 01, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OH	005	B	001

**Budget Action Title:** Request OH to report on services funding for non-permanent supportive housing providers

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Tammy Morales, Debora Juarez, Dan Strauss, Teresa Mosqueda, Lorena González

Staff Analyst: Traci Ratzliff

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Housing (OH) provide a report to the Housing and Finance Committee, or successor committee, that includes the following information:

- \* The projected size, cause, and duration of the need for services funding for the non-Permanent Supportive Housing (PSH) affordable housing providers;
- \* Recommendations to the City Council on whether additional funding may be needed for this purpose on a one-time or ongoing basis; and
- \* Identification of potential funding sources to support services funding, if ongoing resources are recommended.

In 2021, the City adopted Ordinance 126371, allocating \$1 million of federal American Rescue Plan Act funds to support services funding for non-PSH affordable housing providers. OH completed a request for proposals process in October for this funding. It received 14 applications totaling \$2.5 million in requests. OH is in the process of reviewing the requests and making funding decisions.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OH	010	A	001

**Budget Action Title:** Request that funding decisions for OH's Fall 2021 Notice of Funding Availability (NOFA) recognize 2022 affordable housing appropriations and request that OH recommend modifications to the Housing Funding Policies

Ongoing: No Has Attachment: No

Primary Sponsor: Teresa Mosqueda

Council Members: Lisa Herbold, Kshama Sawant, Dan Strauss, Lorena González

Staff Analyst: Traci Ratzliff

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request of the Office of Housing (OH) that: (1) funding decisions for the Fall 2021 Notice of Funding Availability (NOFA) recognize proposed 2022 affordable housing appropriations; and (2) OH recommend modifications to the Housing Funding Policies to allow small, community-based developers to more easily access Acquisition and Preservation Loan Program funds.

The OH's Fall 2021 NOFA for the production and preservation of affordable rental housing has \$35 million in funding to allocate. Fourteen projects, requesting \$112 million of funding, have applied for the NOFA. The projects seeking funding include new rental housing developments and existing city-funded projects seeking rehabilitation funding. OH is in the process of reviewing the applications to determine which projects are ready to be funded and will make funding decisions in December. For context, the NOFA amounts for previous years were: \$94 million in 2020, \$110 million in 2019, \$78 million in 2018, and \$98 million in 2017.

In 2021, the State Legislature provided the State Housing Trust Fund (HTF) with the largest appropriation of funds (\$218 million) in the state's history. Typically, about 30% of HTF is allocated to projects in Seattle and King County, assuming sufficient housing sponsors apply for funding. The current limitation on available funding in OH's 2021 NOFA could result in projects being unable to access available funding from the State Housing Trust Fund since a local match improves scoring for HTF funds.

With the passage of the JumpStart Payroll Expense Tax and subsequent creation of the JumpStart Fund, which allocates two thirds of revenues to affordable housing, there is a significant new source of affordable housing dollars available beginning in 2022. The 2022 Proposed Budget includes \$88 million of additional funding for OH's Rental Production and Preservation Program from a combination of Jumpstart Payroll Expense Tax, Federal Coronavirus Local Fiscal Recovery funds, Mandatory Housing Affordability funds and Transportation Network Company Tax revenue. In future years, an estimated \$135 million could be available from JumpStart Payroll Expense Tax for affordable housing.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	010	A	001

Current funding policies governing OH's Acquisition and Preservation Loan Program require less experienced community-based organizations to partner with traditional, more experienced developers when applying for funding from that program. This can preclude some community-based organizations from accessing this program for such acquisitions.

This SLI would:

- 1) State the City Council's intent that OH may use funding appropriated in 2022 for OH's Rental Production and Preservation Program (RPPP) to make financing commitments for housing projects that applied to the 2021 Fall RPPP NOFA and are ready to receive a funding commitment; and
  
- 2) Request OH to work with the City Council to develop proposed modifications to the City's Housing Funding Policies to address policy barriers, including partnership requirements, for small, community-based developers that may have difficulty accessing the Acquisition and Preservation Loan Program and other acquisition programs funded by the Jumpstart Payroll Expense Tax. OH is requested to submit proposed legislation with such modifications to the City Council.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:**

March 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	014	A	001

**Budget Action Title:** Request that OH encourage the distribution of rental assistance through food banks and helplines

Ongoing: No Has Attachment: No

Primary Sponsor: Dan Strauss

Council Members: Lisa Herbold, Alex Pedersen, Lorena González

Staff Analyst: Amy Gore

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Housing (OH) encourage existing contracted community partners to distribute a portion of rental assistance through community-based organizations, including neighborhood helplines (\$200,000) and the Community Connector program located at food banks (\$600,000).

The 2021 Adopted Budget included \$51.5 million one-time funding for rental assistance (\$22.7 million in ORD 126307 and \$28.8 million in ORD 126406). Of these funds:

- \$16.6 million was designated for affordable housing providers,
- \$17.6 million was for United Way and community organizations to assist tenants and small landlords,
- \$15.8 million was for contracts with Community Based Organizations (CBOs) to assist tenants, and
- \$1.5 million for utilities assistance through Seattle Public Utilities and City Light.

According to the October 2021 Seattle Rescue Plan Spending Report, approximately 44 percent of the funds have been spent to date, with the remainder available to be spent in 2021 or will carry forward for spending in 2022.

**Responsible Council Committee(s):**

Finance & Housing

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SDCI	009	B	001

**Budget Action Title:** Request that SDCI convene a small landlord and tenant stakeholder group

Ongoing: No Has Attachment: No

Primary Sponsor: Andrew Lewis

Council Members: Alex Pedersen, Dan Strauss

Staff Analyst: Ketil Freeman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Seattle Department of Construction and Inspections (SDCI) convene a staff and stakeholder group to advise the City on regulatory and rental market challenges for small landlords and their tenants.

The group should consist of no more than seven members plus a moderator, who is an SDCI supervisor, and must also include: (1) two SDCI employees who either administer regulations applicable to landlords or provide services to tenants; (2) at least one landlord that rents three or fewer units; and (2) at least one member of a tenant advocacy organization, such as the Tenants Union.

The group should propose a definition of "small landlord," estimate the population of small landlords with units in Seattle, make findings about how current regulations and market trends impact small landlords and their tenants, and identify whether those impacts are disparate.

SDCI should report to the Finance & Housing Committee.

**Responsible Council Committee(s):**

Finance & Housing

**Date Due to Council:** July 5, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HSD	003	A	001

**Budget Action Title:** Request that HSD contract with a Native-led organization to provide services to the American Indian/Alaska Native community

Ongoing: No Has Attachment: No

Primary Sponsor: Debora Juarez

Council Members: Lisa Herbold, Dan Strauss, Andrew Lewis

Staff Analyst: Amy Gore

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Human Services Department (HSD) contract with a Native-led organization, such as Chief Seattle Club, to provide the American Indian/Alaska Native services identified in the 2022 Proposed Budget.

The 2022 Proposed Budget adds \$1.2 million ongoing GF to be used for homelessness services (\$901,000), gender-based violence (\$224,000), and re-entry/re-rooting services (\$75,000) focused on the American Indian/Alaska Native community. Council requests that HSD contract with a Native-led organization with the cultural expertise and experience needed to serve urban Native individuals, such as Chief Seattle Club, for these services.

**Responsible Council Committee(s):**

Governance, Native Communities, and Tribal Governments

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OED	007	A	002

**Budget Action Title:** Request that OED provide recommendations to support establishment of an indigenous pharmacy or market

Ongoing: No Has Attachment: No

Primary Sponsor: Debora Juarez

Council Members: Lisa Herbold, Alex Pedersen, Dan Strauss, Lorena González

Staff Analyst: Yolanda Ho

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislation Intent requests that the Office of Economic Development (OED), and other departments as appropriate, engage with key stakeholders, such as the Seattle Indian Health Board, to identify specific actions that could be taken to help establish a seasonal indigenous pharmacy or market in the north end of Seattle.

Efforts should focus on, but not be limited to:

- Engaging with organizations that could potentially be responsible for the day-to-day management and operations of the market, including selecting vendors, marketing, and other logistics;
- Quantifying any additional resources needed to support management and operations of the market;
- Considering potential locations; and
- Identifying if the City's current regulations present barriers to the establishment of the market and what changes would be needed to reduce these barriers.

OED should submit a report to the Public Assets & Native Communities Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Governance, Native Communities, and Tribal Government

**Date Due to Council:** September 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SPD	002	A	001-2022

**Budget Action Title:** Request that SPD report on its data collection and management practices for Missing and Murdered Indigenous Women and Girls (MMIWG) cases

Ongoing: No Has Attachment: No

Primary Sponsor: Debora Juarez

Council Members: Lisa Herbold, Tammy Morales, Kshama Sawant, Lorena González

Staff Analyst: Greg Doss

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Seattle Police Department (SPD) provide a report to the Public Assets and Native Communities (PANC) Committee, or successor committee, on the department’s collection, reporting and management of data associated with MMIWG cases. The report should include:

(1) An explanation of how the department has supplemented the work of the Data-Driven unit and the Data Administration unit with the activities performed by the Strategic Advisor 1 – Technology position that was added in 2020 CBA SPD-003-A-001.

(2) A description of how the Strategic Advisor 1 – Technology position is: (a) identifying and implementing best practices for managing MMIWG data; and (b) coordinating MMIWG cases with other units within SPD such as Crime Analysis, Forensic Support Services, Cold Case, Violent Crimes Investigations, and other investigative units including Internet Crimes against Children (ICAC), Child Exploitation and Missing Persons.

The report should be submitted to the Chair of the PANC Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Governance, Native Communities, & Tribal Governments

**Date Due to Council:** May 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
MO	001	A	002-2022

**Budget Action Title:** Request that MO provide recommendations regarding creating a chief arborist position

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members: Kshama Sawant, Dan Strauss

Staff Analyst: Yolanda Ho

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Mayor's Office (MO), in consultation with the Urban Forestry Interdepartmental Team (IDT), Urban Forestry Commission (UFC), and other departments as necessary, provide a report with recommendations for the creation of a "chief arborist" position that would promote the preservation of Seattle's tree canopy and provide independent oversight of the City's management of trees, with an initial focus on the preservation of exceptional trees. The goal would be to have this position filled no later than January 1, 2023.

Currently, there are nine City departments that have a role in managing Seattle's urban forest:

- The Office of Sustainability and Environment coordinates citywide policy development, updates the Urban Forest Management Plan and monitors its implementation, and provides administrative support for the UFC;
- Seattle Department of Transportation regulates and maintains trees in the public right-of-way;
- Department of Finance and Administrative Services, Seattle Center, Seattle Parks and Recreation, and Seattle Public Utilities (SPU) manage trees on their property;
- SPU engages community in urban forest stewardship on both private property and in the right-of-way, and incorporates trees and urban nature in its approach to green stormwater infrastructure;
- Seattle City Light maintains trees near power lines;
- Seattle Department of Construction and Inspections (SDCI) and the Office of Planning and Community Development develop policies and plans; and
- SDCI enforces regulations for trees on private property.

The report should include the following:

- Position title, classification, department, and position within the department's organization chart;
- Job responsibilities;
- Desired qualifications;
- Assessment of opportunities and challenges related to establishing the new position; and
- Description of how the proposal responds to and/or incorporates input from the Urban Forestry IDT and UFC.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
MO	001	A	002-2022

This position's duties would be expected to include reviewing and providing input on permit applications that involve the removal of exceptional trees, as long as this review does not cause any delays in the permitting process. The recommendations should also consider how the position would: (1) advance the City's environmental justice priorities; and (2) support the goals of Resolution 31902 that established the City's intent to consider strategies to protect trees and increase Seattle's tree canopy cover.

The MO should submit the report to the Land Use & Neighborhoods Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Land Use

**Date Due to Council:**

July 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OED	011	A	001

**Budget Action Title:** Request that OED, OH, and OPCD develop a plan to coordinate community investments

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members:

Staff Analyst: Yolanda Ho

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Office of Economic Development (OED), Office of Housing (OH), and the Office of Planning and Community Development (OPCD), and other departments as appropriate, create a plan to coordinate their strategies for investing in community projects.

Currently, OH provides funding for affordable housing projects throughout Seattle, and OPCD, through its Equitable Development Initiative (EDI), funds projects that address displacement and lack of access to opportunity for historically marginalized communities in Seattle. Both OH and EDI focus on high displacement risk neighborhoods, though EDI funds a wider range of projects, including commercial spaces, mixed-use affordable housing developments, education centers, and community spaces.

OED’s 2022 Proposed Budget would create a new Small Business Ownership Fund, supported by \$7,600,000 GF. This is intended to help small businesses acquire affordable ground floor commercial space in affordable housing developments located in key commercial corridors. The stated goals of this program are to support the City’s anti-displacement efforts and increase access to financial resources for Black, Indigenous, and people of color-owned small businesses, who often face barriers to financing.

While OED, OH, and OPCD have been coordinating on an ad hoc basis to support their respective bodies of work, they have not established a formal structure for coordination. With the introduction of the Small Business Ownership Fund, which intersects with the efforts of OH and EDI, the departments could benefit from a more clearly defined structure, such as an interdepartmental team, to ensure that the City’s investments are strategically aligned.

OED, OH, and OPCD should develop a plan to coordinate their approach to funding community projects, which could include a charter to clarify the goals, structure, and responsibilities of the different departments involved. The plan should also consider how to ensure that organizations applying for City funding can have a seamless experience, regardless of which department holds the appropriate funding for the project.

OED, OH, and OPCD should submit the plan to the Community Economic Development Committee, or successor committee, and the Central Staff Director.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OED	011	A	001

**Responsible Council Committee(s):**

Land Use

**Date Due to Council:**

June 3, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OPCD	004	B	001

**Budget Action Title:** Request that OPCD prepare a work program and budget for Regional Growth Centers Planning

Ongoing: No Has Attachment: No

Primary Sponsor: Dan Strauss

Council Members: Andrew Lewis, Lorena González

Staff Analyst: Lish Whitson

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Office of Planning and Community Development (OPCD) provide a work program and budget for required updates to the plans for Seattle's six regional growth centers. The work plan should include an outreach and engagement strategy to ensure equitable input into the plans. The 2022 Proposed Budget would provide \$150,000 to initiate this work.

Seattle's six urban centers (Downtown Seattle, First Hill/Capitol Hill, South Lake Union, Northgate, the University District, and Uptown) are designated as "regional growth centers" under Vision 2050, the region's plan for growth. Under the State's Growth Management Act, the City's Comprehensive Plan and Urban Centers plans are required to be consistent with Vision 2050. The City currently has plans and targets for growth for each center that respect their importance as places for significant growth of jobs and housing.

Vision 2050 requires updates to those plans by 2025, including adding policies related to social equity and climate change. OPCD intends to hire consultants to support this work. Ensuring adequate funding for this planning effort is intended to enable the department to inform their planning effort with an inclusive community engagement process.

OPCD is requested to provide a detailed work program and budget identifying the resources and schedule needed to meet the Vision 2050 requirements and ensure effective outreach and engagement to residents and other stakeholders in each of the six urban centers. The report should be sent to the Land Use and Neighborhoods Committee or successor committee.

**Responsible Council Committee(s):**

Land Use

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
OPCD	009	A	001

**Budget Action Title:** Request that OPCD report on opportunities to support Community Investment Trusts

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members:

Staff Analyst: Lish Whitson

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Planning and Community Development (OPCD) report on opportunities to support Community Investment Trusts (CITs).

A CIT is an alternative community investment mechanism that allows community members to invest relatively small amounts in capital projects that support community revitalization. This both provides an alternative source of financing for these projects and ensures that profits from the development process are returned to the community. A few of the projects that have applied for Strategic Investment Funds and Equitable Development Initiative funds have indicated an interest in using a CIT. This SLI requests that OPCD work with at least two community partners interested in using a CIT funding model and report on opportunities the City has to support these efforts. OPCD should report back to the Community Economic Development Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Land Use

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDCI	004	A	001

**Budget Action Title:** Request that SDCI report on Design Review program outcomes, process improvements, and equity

Ongoing: No Has Attachment: No

Primary Sponsor: Dan Strauss

Council Members: Tammy Morales, Lorena González

Staff Analyst: Ketil Freeman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Seattle Department of Construction and Inspections (SDCI) convene a stakeholder group and provide a report to the Council on Design Review Program outcomes.

The stakeholder group should have organizational and community representation including, but not limited to, affordable housing advocates and developers, design professionals, SDCI staff, density advocates, and individual representatives or members from neighborhood organizations that participate in Design Review Board meetings. Membership in the stakeholder group should include BIPOC professional and residents.

The group would conduct a Racial Equity Toolkit (RET) analysis of the Design Review Program and report to the Council on the outcomes of that analysis. That would include an analysis of whether the program creates barriers to participation for BIPOC residents, either as applicants, board members, or public participants, and whether the program creates or reinforces racial exclusion. In addition to the RET, the report to Council should also include the following:

- (1) Design Review Program outcomes since the program was modified in 2017, including review times by design review type and project complexity;
- (2) An analysis of departures sought through the program that quantifies the number and percentage of projects, by design review and project type, seeking departures, identification of departures sought, and whether those departures were granted;
- (3) An analysis of whether the program increases housing costs;
- (4) A review of national best practices for design review programs with significant public participation components; and
- (5) Recommendations for how the program should be modified to address the findings of the stakeholder group.

SDCI should report to the Land Use & Neighborhoods Committee, or its successor.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDCI	004	A	001

**Responsible Council Committee(s):**

Land Use

**Date Due to Council:**

June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
DON	002	A	001

**Budget Action Title:** Request that DON provide recommendations on opportunities for a more equitable economy and community wealth building

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members: Dan Strauss, Lorena González

Staff Analyst: Lish Whitson

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Department of Neighborhoods (DON), in consultation with the Office of Housing (OH), Office of Planning and Community Development (OPCD), Office for Civil Rights (OCR), Office of Economic Development (OED), Office of Sustainability and Environment (OSE), and Human Services Department (HSD), prepare a report on community wealth building and equitable economy strategies to reduce the racial wealth gap. The Council requests that DON provide a report to the City Council’s Community Economic Development Committee or successor committee.

The City has many departments that are working on aspects of community and generational wealth. This SLI asks DON to work with these other departments and consultants to be hired to support the City’s work on generational wealth, on ways that the City can provide a consistent ladder out of poverty. The report should provide a comprehensive evaluation of the City’s programs and identify where there may be gaps and opportunities to more effectively deliver programs and services to the community. This request anticipates that consultants that are experts in inclusive growth and cross-sector strategic planning processes would support this work along with other work on generational wealth.

**Responsible Council Committee(s):**

Neighborhoods, Education, Civil Rights, & Culture

**Date Due to Council:** August 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HOM	010	C	001

**Budget Action Title:** Request a report from the King County Regional Housing Authority analyzing the theory and process to integrate the homelessness services system and how peer navigators have been incorporated into homelessness outreach

Ongoing: No Has Attachment: No

Primary Sponsor: Teresa Mosqueda

Council Members:

Staff Analyst: Jeff Simms

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the King County Regional Homelessness Authority (KCRHA) provide a system-wide needs assessment discussing the theory and process underlying the proposed system integration that KCRHA will work to create in the forthcoming requests for proposals (RFPs) and parallel policy work and identify ways to incorporate or increase the use of peer navigators in contracts for homelessness outreach and other services.

KCRHA plans to issue redesigned requests for proposals (RFPs) for all homelessness services contracts in the spring of 2022. The changes made to service delivery in these RFPs would be incorporated into all contracts for homelessness services across the county beginning in 2023.

The assessment would identify service areas that have a substantial provider presence and strong service delivery, areas that lack sufficient capacity or where there is substantial vulnerability or risk for system failure, gaps in the service system, and how KCRHA will seek to advance a human-centered, anti-racist approach that allows individuals to thrive. The assessment would include the following:

- Perspectives and guidance from people with lived experience of homelessness, incarceration, sex work, mental health conditions, substance use, and other relevant experiences;
- Examination of provider challenges related to recruitment, retention, and ability to provide a living wage; and
- Interactions with other service systems such as the criminal legal system, civil commitment system, and behavioral health services.

In addition, the SLI would demonstrate the Council's expectation that RHA would seek input from the Lived Experience Coalition, KCRHA Advisory Committee, area service providers, KCRHA Implementation Board, and community partners to understand how people with lived experiences of homelessness, incarceration, sex work, substance use, and other relevant experiences are currently involved in paid and informal service delivery, particularly in roles of case management, outreach, and navigation, and how to increase or revise those roles through the RFP process, with a focus on providing one-to-one support that extends throughout an individual's journey from homelessness to housing.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HOM	010	C	001

KCRHA would incorporate into the report described above analysis on how people with lived experiences and peer navigators have been incorporated, both in paid and informal service delivery, into existing practices for homelessness outreach and how those roles are increased or changed as a result of new provisions in the RFP.

The information requested in this SLI would be provided to the Select Committee on Homelessness Strategies and Investments, or its successor, with a copy provided to the Central Staff Director and City Clerk, in advance of the posting and application period of the RFP.

**Responsible Council Committee(s):**

Public Assets & Homelessness

**Date Due to Council:** April 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HOM	018	A	001

**Budget Action Title:** Request that HSD provide a quarterly report on activities responding to unsheltered homelessness

Ongoing: Yes Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members:

Staff Analyst: Jeff Simms

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Human Services Department (HSD) provide a quarterly report to City Council that provides basic performance metrics of the Homelessness Outreach and Provider Ecosystem (HOPE), or its successor, and the collaborating departments and agencies that manage the cleanup or removal of unsanctioned encampments. This report would be similar to what was previously reported by HSD on the performance of the City’s Navigation Team in 2020 and was reported in 2021 on HOPE. These reports would ensure consistent reporting to the public by HSD, the King County Regional Homelessness Authority (KCRHA), other departments (as applicable), and contracted homelessness outreach providers to assess the outcomes and efficacy of responses to unsheltered homelessness. Reports should be submitted by January 31, April 30, July 31, and November 17, 2022. The report due January 31, 2022 should cover activities conducted from October 1 through December 31, 2021.

The quarterly reports would discuss the basic performance and outcomes of HOPE, or its successor, to provide homelessness outreach services. HSD and its partners would, at minimum, report on the performance measures reported on by HOPE in 2021 regarding the field work carried out by City or KCRHA staff and the work of contracted outreach providers.

For instances where an alternative metric would be provided, HSD would provide a justification to explain why the alternative metric better measures the impact.

The metrics to report on would convey the performance in the following areas:

- 1) Number of people experiencing unsheltered homelessness who were engaged and connected to services;
- 2) Number people experiencing unsheltered homelessness who were engaged and connected to safer spaces, including permanent housing, enhanced shelter, basic shelter, tiny home villages, or motel/hotel rooms; and
- 3) Number of hazardous and unsafe conditions stemming from, and found within, unauthorized encampments and any actions taken to address them.

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HOM	018	A	001

The reports would be submitted to the Chair of the Select Committee on Homelessness Strategies and Investments, or its successor, with a copy provided to the Central Staff Director, and copy filed with the City Clerk.

**Responsible Council Committee(s):**

Public Assets & Homelessness

**Date Due to Council:**

January 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OPCD	005	B	001

**Budget Action Title:** Request that OPCD report on options for Stone Avenue North

Ongoing: No Has Attachment: No

Primary Sponsor: Debora Juarez

Council Members: Alex Pedersen, Dan Strauss

Staff Analyst: Lish Whitson

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Planning and Community Development (OPCD), with the Seattle Department of Transportation, the Department of Parks and Recreation, Seattle Public Utilities, the Department of Finance and Administrative Services, and the Department of Neighborhoods, report to the City Council's Public Assets and Native Communities, or successor committee, on options for potential public uses of the Stone Avenue N right-of-way between N 115th Street and N 125th Street that could activate the space and provide an amenity for nearby residents.

Stone Avenue N is a block east of Aurora Avenue North. This section of Stone runs between two mobile home parks and a golf driving range. The middle section of this corridor is unpaved with a pedestrian path running through it.

OPCD is intending to kick off a neighborhood planning project with the Aurora-Licton Springs community in the next few months. This corridor is just north of that area and OPCD has indicated a willingness to look at the Stone Avenue N corridor in the context of that broader planning effort. This work would be coordinated with SDOT's SR 99/Aurora Ave N Planning and Design Study. Any improvements to the corridor should occur after connecting those living in the corridor with appropriate housing services.

**Responsible Council Committee(s):**

Public Assets & Homelessness

**Date Due to Council:** December 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SPR	012	B	001

**Budget Action Title:** Request that SPR report on potential expansion of Seattle Conservation Corps

Ongoing: No Has Attachment: No

Primary Sponsor: Dan Strauss

Council Members:

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that Seattle Parks and Recreation (SPR) provide a report on the Seattle Conservation Corps program to inform Council's analysis of the potential growth of this program. This report should include:

1. A description of the program's historical outcomes, including a list of the metrics that SPR uses to track them and a description of its survey methodology;
2. A description of SPR's current ability to conduct strategic planning for the program and correct course as necessary;
3. Options and recommendations addressing (a) how incremental resource adds could support program expansion, with any potential staff/FTE adds noted on the program's current organizational chart and (b) how the program could expand if its funding were doubled, with any potential staff/FTE adds noted on the program's current organizational chart;
4. Known opportunities for partnership and potential capacity-building that SPR currently does not have the resources to pursue (if any);
5. To the extent possible, analysis of the maximum number of annual enrollees that the program could support; and
6. Opportunities to provide additional case management or other wrap-around services for enrollees beyond what is currently provided.

The report should be submitted to the Chair of the Public Assets and Native Communities Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Assets & Homelessness

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SPR	014	B	001

**Budget Action Title:** Request that SPR report on how to improve water safety and Parks Code enforcement

Ongoing: No Has Attachment: No

Primary Sponsor: Budget Committee

Council Members:

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that Seattle Parks and Recreation (SPR) coordinate an interdepartmental workgroup to scope a Citywide plan to (a) improve and maintain water safety according to aquatics best practices and (b) increase compliance with the Parks Code in parks, on shorelines, and on the portions of waterways where the City has jurisdiction. This plan should analyze and take into account the impacts that global warming has had and will continue to have on recreational practices. To develop the plan, SPR should work with the Seattle Fire Department (SFD), the Office of Sustainability and Environment (OSE), and any other departments with input into the area of study.

Council requests that the plan include:

- (1) An inventory of all current SPR recreational programming that supports water safety and an estimate of the number of people annually served by it;
- (2) An inventory of the number and FTE of City positions that support water safety and/or Parks Code compliance in some capacity and the estimated proportion of time that each one is focused on these bodies of work;
- (3) An analysis of the additional programming and water safety/compliance staff that SPR believes would be responsive to current and forecasted recreational practices, and the estimated cost of such hypothetical investment;
- (4) An analysis of how the need for water-safety staff varies seasonally, based on available data; and
- (5) Any relevant contextual information that is based on SPR's experience developing and staffing water-safety programs.

The report should be submitted to the Chair of the Public Assets and Native Communities Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SPR	014	B	001

Public Assets & Native Communities

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
CBO	001	A	001-2022

**Budget Action Title:** Request that the City Budget Office (CBO) report on the Community Service Officer (CSO) program

Ongoing: No Has Attachment: No

Primary Sponsor: Lorena González

Council Members: Tammy Morales, Andrew Lewis

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the City Budget Office (CBO)'s Office of Innovation and Performance Management and the Seattle Police Department (SPD) provide a report to the Public Safety & Human Services Committee, or successor committee, about whether it is feasible for the Community Service Officer (CSO) program to (a) take on, as a body of work, response to certain 9-1-1 calls that a call taker has determined do not involve criminal or potentially criminal activity and (b) prioritize work that is initiated through the public safety response system. This SLI requests that CBO and SPD work with community stakeholders to prepare the report. The report should include:

(1) Recommendations about whether CSO duties can/should be expanded to include response to non-criminal 9-1-1 calls, including administrative calls for service such as taking accident reports or certain other clerical calls that would not require interaction with individuals in crisis;

(2) Recommendations about whether the CSO program should focus on activities that directly alleviate the workload of SPD 9-1-1 response officers, such as assisting with the Crisis Solutions referral process, including transportation as needed; helping to locate missing persons, including children; and/or facilitating "warm handoffs" to community service partners such as the Let Everyone Advance with Dignity (LEAD) program; and

(3) An analysis of these proposed expanded functions of the CSO program in terms of whether the program is housed in SPD or another City department and a recommendation to this effect that considers community input and priorities.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
CBO	002	A	001

**Budget Action Title:** Request that CBO develop models, costs, and timelines for citywide 24/7 mental/behavioral health response

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members: Lisa Herbold, Debora Juarez, Andrew Lewis

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the City Budget Office (CBO)'s Office of Performance and Innovation (OPI), with assistance from the Seattle Fire Department (SFD), Human Services Department (HSD), Community Safety Communications Center (CSCC), and Seattle – King County Public Health (SKCPH), analyze the aggregate service provision of all City and City-contracted emergency and non-emergency services that respond to incidents/calls for service in the field with a mental/behavioral health nexus, compare it to the aggregate need for these services, and specify how best to serve those remaining needs. This analysis will include the costs and staffing levels that would be required to sustain 24-hour response capacity by trained mental/behavioral health professionals, a funding plan for the full implementation of this capacity within three years, and the Executive's assessment of a set of performance metrics for the regular evaluation of a 24-hour response system and course correction as necessary.

This SLI response is intended to help frame policy and budgetary decisions about how to implement a citywide response to behavioral health crises in the field as policymakers also consider the various "upstream"/preventative investments in meeting the needs of community members who have behavioral/mental health concerns and do not have ready access to care and service providers. Many of those community members are Black, indigenous, or people of color (BIPOC) and/or are experiencing homelessness or are at risk of displacement from housing.

Council requests that the SLI response include the following:

- (1) A baseline for analysis of aggregate need and the gap of behavioral health services in the field within Seattle that takes into account existing responses;
- (2) A quantitative analysis of the degree to which the need in such field services might grow in the future and the reasons for such growth (if applicable); and
- (3) Cost, model, and timeline options for implementing a citywide 24-hour behavioral health response system as described above which could include revenue sources that are new or reallocated and which

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
CBO	002	A	001

would ideally reduce calls for service for behavioral health emergencies currently responded to by the Seattle Police Department.

The report should be submitted to the Chair of the Public Safety and Human Services Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:**

June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
FAS	003	B	001

**Budget Action Title:** Request that FAS report on increased efficiencies in animal control patrolling

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members:

Staff Analyst: Eric McConaghy

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Department of Finance and Administrative Services (FAS) provide a report on potential increases in efficiencies that would increase the time spent by, and total number of Animal Control Officer II positions dedicated to, the enforcement of relevant City ordinances in City parks.

The report should include sufficient information to allow Council to evaluate potential means to increase parks enforcement by Animal Control Officers while minimizing negative impacts on other duties, including those benefiting homeless and underserved communities and responding to animal cruelty and aggressive animal issues. The report should also include an evaluation of the potential outcomes of increased use of informational materials and expansion of community-based services. Overall, the report would be useful to the extent that it helps inform future Council decisions supporting better enforcement of leash and scoop laws in City parks.

The report should be submitted to the Chair of the Public Safety and Human Services Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
HSD	026	A	001

**Budget Action Title:** Request that HSD report on availability of state and federal funding for food programs

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Tammy Morales, Alex Pedersen, Debora Juarez

Staff Analyst: Amy Gore

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Human Services Department (HSD) provide a report to Council on the availability of state or federal funding for food programs.

The 2021 Adopted Budget included \$18.2 million for food and nutrition programs, including meal programs in shelter and permanent supportive housing, childcare nutrition and children and youth summer meals, home food delivery, food banks, and other food system supports. During 2021, an additional \$9.1 million was added to these programs, primarily using one-time COVID relief funds. The 2022 Proposed Budget does not include these one-time funds and therefore total program funding is reduced. HSD-005-B-001 would add \$5.1 million to sustain funding for nine months, however Council anticipates that additional funding for food programs may become available in 2022, such as from the Washington State Department of Agriculture (WSDA).

The Council requests that the Executive provide a report to Public Safety and Human Services Committee, or its successor committee, to inform Council of the availability of additional funding for food and nutrition programs, including a proposal for how these funds will be spent. The Council requests that this report be submitted by June 1, 2022, or before the transmittal of the mid-year supplemental budget legislation, whichever occurs first.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** June 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
LAW	003	A	001

**Budget Action Title:** Request that LAW work with HSD to plan for transfer of community-based diversion contracts

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members:

Staff Analyst: Asha Venkataraman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the City Attorney's Office (LAW) work with the Human Services Department (HSD) to plan for the transfer of funding and contracts with community-based organizations that currently support the existing pre-filing diversion program from LAW to HSD. The Council anticipates taking action to move these funds and the associated contracts with Choose 180 and Gay City to HSD in the 2022 mid-year supplemental but wants to ensure that such a transfer takes place without service disruption and in consultation with the existing service providers to ensure a smooth transition.

**Responsible Council Committee(s):**

Public Safety & Human Services

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	013	A	001

**Budget Action Title:** Request that OH and SMC work with the King County Regional Homelessness Authority and Seattle Housing Authority to report on prioritizing housing vouchers for individuals involved in the criminal legal system

Ongoing: No Has Attachment: No

Primary Sponsor: Andrew Lewis

Council Members: Lisa Herbold, Dan Strauss

Staff Analyst: Asha Venkataraman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Housing (OH) and the Seattle Municipal Court (SMC) work collaboratively with the King County Regional Homelessness Authority (KCRHA) and the Seattle Housing Authority (SHA) to provide a report to the Public Safety and Human Services committee or its successor about prioritizing individuals with involvement in the criminal legal system (CLS) for housing vouchers. This SLI was previously presented as HSD-023-B-001 but is modified to reflect a revision that has the Office of Housing and Seattle Municipal Court performing the requested work and not the Human Services Department.

The report should include the following elements:

1. The universe of housing vouchers and homelessness services available to the region through the federal, state, or City government or any other source (i.e., Section 8 vouchers, 498 emergency housing vouchers, new vouchers becoming available through federal legislation, state vouchers, City vouchers, and vouchers for rapid rehousing, diversion, and prevention) for individuals involved with the CLS;
2. Out of the universe of available housing vouchers in item 1, if there are any types that the City has the authority to prioritize or change eligibility criteria for and if so, which ones can be changed to serve individuals involved in the criminal legal system, including the type of voucher (i.e., if they are temporary/emergency, rapid rehousing, permanent, or permanent supportive);
3. The types of vouchers best suited to this population both generally and specifically based on the level of involvement with the CLS (i.e., criminal history; any CLS involvement; participation in a community court; participation in any court; coming out of short-term custody; or coming out of longer-term custody, etc.);
4. If the City has previously prioritized vouchers for individuals involved in the criminal legal system, which vouchers were used for the program, how many people the program served, data collected or used for evaluation of this program, and under what conditions vouchers were made available and/or prioritized for this population (i.e., level of involvement in the CLS, eligibility, and requirements to fulfill to access vouchers);
5. Any existing data and research on the efficacy of prioritizing access to housing vouchers through the CLS to connect this population to housing;

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OH	013	A	001

6. Any existing data and research on the impact of housing the broader houseless population when conditioning access to housing vouchers on different levels of CLS involvement (i.e., criminal history; any CLS involvement; participation in a community court; or participation in any court; coming out of short-term custody; or coming out of longer-term custody, etc.), and whether conditioning vouchers on some level of CLS involvement incentivizes participation in the CLS to get access to these vouchers;
7. Policy proposals for better connecting individuals with CLS involvement to housing vouchers, affordable housing, and homelessness services and policies to serve this population through homelessness prevention and diversion; and
8. If vouchers do end up being prioritized for individuals with CLS involvement at some point in the future, recommended metrics to assess the effectiveness of the program.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:**

July 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SFD	002	B	001

**Budget Action Title:** Request that the Seattle Fire Department (SFD) report on cost and schedule to expand Health One program

Ongoing: No Has Attachment: No

Primary Sponsor: Budget Committee

Council Members:

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Council Budget Action would request that the Seattle Fire Department report to Council on the schedule on which it could deploy a fourth and fifth Health One unit and the estimated incremental costs of doing so. This report should include:

- 1) For each unit, the separate identification of per-year one-time and ongoing costs;
- 2) Options for deploying the fourth and fifth units simultaneously and in sequence, and timelines for each option that include process milestones (e.g., specifying and ordering vehicles, initiating the hiring process for new positions).
- 3) A proposal for the locations of the two new units or for an approach to identifying those locations, a description of each new unit’s likely service area, and a description of the aggregate coverage area once all five units are in service; and
- 4) Recommendations for the hours of operation for the fourth and fifth Health One units that expand the program’s current hours of operation; and
- 5) A plan for the operation of all five Health One units that will maximize coverage citywide.

The report should be submitted to the Chair of the Public Safety and Human Services Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** June 30, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SFD	004	A	001

**Budget Action Title:** Request that SFD report on its work and costs to launch the Triage One program

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members:

Staff Analyst: Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) requests that the Seattle Fire Department (SFD), in collaboration with the Community Safety and Communications Center (CSCC), submit a series of progress reports on the launch of the Triage One program. In addition to the narrative elements listed below, each report should also include a spending report that associates each expenditure with an identified milestone.

Reports should include a narrative description of SFD's work to meet each of the following milestones listed below, including a clear statement of how close the department is to completing each milestone.

The report due on January 31, 2022 should include information related to:

1. The development of any required new job classifications
2. The outcome of stakeholder meetings including with Firefighters Local 27, the Seattle Police Officers' Guild (SPOG), and others
3. The development of program policies and protocols
4. Alignment with other response teams including SFD Health One, the Seattle Police Department's Crisis Response Team (CRT), King County's Emergency Services Patrol (ESP), the Mobile Crisis Team (MCT) at the Downtown Emergency Service Center (DESC), and any others, including identification of the call types to which each response team will respond
5. The acquisition and preparation of office space for Triage One staff
6. SFD's planning for data collection, quality assurance, and research associated with Triage One response

The report due on March 31, 2022 should include updates to the previous report, as appropriate, and information related to:

1. A report on hiring for new Triage One positions
2. The acquisition of vehicles, equipment and supplies to support Triage One operations
3. The training of dispatchers for Triage One response, including the development of any new dispatch protocols
4. The coordination of SFD's Triage One implementation with the Community Safety and

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SFD	004	A	001

Communication Center (CSCC) as the CSCC develops an implementation plan and response protocols for contracted low-acuity 9-1-1 emergency response. This report should include a report from CSCC on the implementation of its new dispatch protocol system including the RFP process and expected launch of the dispatch protocol system.

The report due on June 30, 2022 should include updates to the previous reports, as appropriate, and information related to:

1. A report on hiring for new Triage One positions and any training of those staff
2. Program launch

The reports should be submitted to the Chair of the Public Safety and Human Services Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** January 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SMC	001	A	002

**Budget Action Title:** Request that SMC report on all fees and fines imposed on a court-involved individual and analyze associated disproportionality

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Asha Venkataraman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Seattle Municipal Court (SMC) review and provide a report to the Public Safety and Human Services Committee, or its successor committee, on all fines and fees imposed by SMC or other City departments because of an individual’s involvement with SMC and applied due to the individual’s SMC pre-trial or post-trial status. The SLI would not require analysis of parking, red light, or infraction fines and fees.

In 2021, the City Auditor’s Office issued an "Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality." The report found that though SMC waives or suspends most criminal case related fines and fees it imposes, even after they are reduced, some groups with high rates of indigence pay more than other groups. In addition, the report found that SMC should continue to its work to eliminate discretionary and administrative fines and fees due to the large portion of the court population experiencing indigency and homelessness. The report recommended that SMC should continue to examine the purpose and outcomes of its fines and fees and apply the City of Seattle Racial Equity Toolkit to eliminate discretionary and administrative fines and fees, given that as of September 2021, SMC will have had a full year worth of data for its new fine and fee structure. However, it was outside of the audit’s scope to determine which criminal fines and fees that the City has the authority to eliminate are being applied disproportionately by race and ethnicity. This SLI requests that SMC analyze its data to make that determination. In addition, in 2017, the court published an “Inventory of Criminal and Infraction Fines and Fees at the Seattle Municipal Court,” a report in response to Resolution 31637. The SLI response should use the 2017 report data regarding criminal fines and fees as a baseline for comparison.

The report should include all criminal case related fines and fees imposed on an individual because of their involvement with SMC and applied due to the individual’s SMC pre-trial or post-trial status, including but not limited to legal financial obligations, administrative fines and fees, and discretionary fines and fees. The purpose of the report is to determine which fines and fees associated with an individual’s SMC obligations the City has the authority to waive or suspend and whether the payments owed to the City disproportionately affect individuals by race and ethnicity.

In the report, SMC should identify all criminal case related fines and fees imposed on individuals resulting

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SMC	001	A	002

from SMC proceedings mandated by State or County law, fines and fees the City has self-selected to impose through legislation, or other means, and fines and fees the Court has imposed (outside of direct legislative authority).

Finally, the SLI would request that SMC do a proportionality analysis for each criminal case related fine and fee the City has the authority to impose and waive or suspend. Along with the report, SMC should provide the data to the Seattle City Council on the fines and fees used in the report.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** July 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SPD	001	A	001-2022

**Budget Action Title:** Request that SPD report on police staffing, overtime, finances and performance metrics

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Alex Pedersen, Lorena González

Staff Analyst: Greg Doss

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Seattle Police Department (SPD) provide quarterly reports to the Public Safety and Human Services (PSHS) Committee, or successor committee, on police staffing, overtime, finances, and performance metrics. The quarterly reports should be submitted on April 15, July 15, and October 5 and include:

- (1) Staffing data including: (a) the “SPD Sworn Staffing Model;” (b) the “Precinct Staffing Report;” and (c) demographic data on hires and separations. The data should be provided in a format consistent with the format used to report on 2021 SLI SPD-003-A-003.
- (2) Overtime data including two years of actual and planned expenditures at the bureau and program level and account for both dollars spent and hours worked. The data should be provided in a format consistent with the format used to report on 2021 SPD-002-B-003.
- (3) Financial data including three years of General Fund expenditures for: (a) salary and benefits; (b) inter-fund charges; (c) overtime; (d) personnel contracts, including consultants; (e) training and travel, including conferences; and (f) discretionary expenditures. The data should be provided in a format consistent with the format used to report on 2021 SLI SPD-001-A-003.
- (4) Performance data including: (a) 911 call response time metrics; (b) priority call handling metrics; and (c) an explanation of how changes to patrol and department staffing have affected SPD’s ability to meet its response time and call handling goals. The data should be provided in a format consistent with the format used to report on 2021 SPD-006-A-003.

All reports should be submitted to the Chair of the PSHS Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** April 15, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SPD	017	A	001

**Budget Action Title:** Request that SPD report on National Institute for Criminal Justice Reform report recommendations

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members:

Staff Analyst: Greg Doss / Ann Gorman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Seattle Police Department (SPD) provide quarterly reports to the Public Safety and Human Services Committee (PSHS) Committee, or successor committee, on the department's efforts to identify a potential non-sworn response for 911 call types that the National Institute for Criminal Justice Reform (NICJR) categorized as appropriate for a civilian response. The quarterly reports should be submitted on April 1, July 1 and October 1 and address:

- (1) the NICJR report's 29 call types (see background), including a specific list of calls that can be handled without SPD's involvement;
- (2) the NICJR report's 12 percent of calls that could be handled without SPD involvement (see background), including a specific list of such calls;
- (3) misdemeanor criminal calls that could be handled without SPD involvement, including a specific list of such calls;
- (4) misdemeanor criminal calls or other calls (e.g., armed suicidal individuals) that could be handled with a co-response, including those where a mental health professional would take a lead role while an officer remains available on-site for safety purposes, including a specific list of such calls; and
- (5) any other call type that would not require a sworn response (e.g., administrative calls such as traffic collision reports).

The first quarterly report should provide recommendations for items 1-5 above. The second quarterly report should include an implementation plan for the recommendations. The third quarterly report should include a plan for expanding the alternative 911 response programs in the 2023 Proposed Budget.

All reports should be submitted to the Chair of the PSHS Committee, or successor committee, and the Central Staff Director.

**Background:**

The 2021 NICJR Seattle Calls for Service Analysis report found that between 2017 and 2019, out of 1.2 million calls, six percent of calls to SPD's call center were associated with felonies, 14 percent were

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SPD	017	A	001

associated with misdemeanors, and the remainder were not associated with criminal activity. The report recommended that alternative response options should be developed for the 70 percent of calls for service that do not require a law enforcement response or are appropriate for co-response and suggested that, in the near term, up to 12 percent of calls for service could be handled without SPD involvement.

SPD staff are analyzing 29 call types, comprising approximately seven percent of officer service hours, to identify which of these types are appropriate for alternate responses while prioritizing the safety of the community and those who would be responding in lieu of sworn officers. The analysis is expected to determine that for at least some of the 29 call types under review, civilians may feasibly respond rather than sworn officers. These call types include requests to take an accident report at the scene of a non-injury vehicular collision and to perform a welfare check. The 2022 Proposed Budget for SFD seeks to transfer jurisdiction for a subset of the 29 call types to that department for response by a new Triage Team.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:**

April 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SPD	018	A	001

**Budget Action Title:** Request that SPD report on the specific activities of the officers that serve on a number of inter-jurisdictional task forces

Ongoing: No Has Attachment: No

Primary Sponsor: Teresa Mosqueda

Council Members:

Staff Analyst: Greg Doss

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Seattle Police Department (SPD) provide a report to the Public Safety and Human Services (PSHS) Committee, or successor committee, on the specific activities of the SPD officers that serve on a number of inter-jurisdictional task forces. The report should include the specific activities performed by officers who work on the following task forces:

- (1) The Federal Bureau of Investigation (FBI) Safe Streets Task Force;
- (2) The FBI Seattle Sound Regional Violent Crime Task Force;
- (3) The FBI Homeland Security Investigations Task Force;
- (4) The US Drug Enforcement Agency Organized Crime Drug Enforcement Task Force; and
- (5) The US Department of Justice Drug Enforcement Administration Task Force.

It is the intent of the Council to review the report and seek community input on the specific task force activities before determining whether to provide appropriation authority that reimburses SPD for its work on the task forces.

All reports should be submitted to the Chair of the PSHS Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Public Safety & Human Services

**Date Due to Council:** February 15, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OSE	003	B	001

**Budget Action Title:** Request that OSE and SPR develop a plan to phase out the use of gas-powered leaf blowers

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members:

Staff Analyst: Yolanda Ho

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the Office of Sustainability and Environment (OSE), Seattle Parks and Recreation (SPR), and other departments as needed, develop a plan to phase out the use of all gas-powered leaf blowers in Seattle within two years. Following implementation of the two-year plan, the goal would be for the City to ban the use of gas-powered leaf blowers. While gas-powered leaf blowers do not contribute substantially to Seattle's overall greenhouse gas emissions, they can cause localized air pollution and the low-frequency sounds they produce are particularly disturbing to the human ear, negatively impacting people within the proximity of someone using a gas-powered leaf blower.

The plan should build off of the response in 2014 to SLI 70-1-A-1 (Department of Planning and Development Leaf Blower Recommendations) and consider the approach other jurisdictions have taken to prohibit the sale and use of gas-powered leaf blowers, such as California. The plan should include, but not be limited to, the following:

- Evaluation of available commercial-grade electric leaf blowers on the market (e.g., battery life, charging time, and efficacy as compared to gas-powered leaf blowers);
- Costs associated with transitioning all City-owned leaf blowers to electric (e.g., labor, equipment, and charging infrastructure) and potential strategies for reducing these costs;
- Identification of key external stakeholders who should be engaged in discussions related to the use of leaf blowers, such as major institutions and landscaping company owners, as well as community groups or other organizations concerned about the noise and air pollution caused by gas-powered leaf blowers;
- Creation of a buy-back program for privately-owned gas-powered leaf blowers;
- Considerations regarding health and safety impacts on workers who use gas-powered leaf blowers as compared to other methods of leaf removal;
- Racial Equity Toolkit (RET) analysis; and
- Timeline for implementation, with specific steps, that takes into consideration the needs of businesses, City departments, residents, and other stakeholders; general availability, cost, and efficacy of commercial-grade electric leaf blowers; racial equity; enforcement; program costs and administration; and potential risks. Key external stakeholders and others identified through the RET should be engaged in the

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
OSE	003	B	001

development of the proposed timeline.

To develop this plan, OSE and SPR are requested to convene an interdepartmental team consisting of departments that currently use gas-powered leaf blowers and those that would be involved in administering the buy-back program for privately-owned gas-powered leaf blowers.

OSE and SPR should submit a report to the Sustainability & Renters' Rights Committee, or successor committee, and the Central Staff Director.

**Responsible Council Committee(s):**

Sustainability & Renters' Rights

**Date Due to Council:**

September 2, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SDOT	006	A	001

**Budget Action Title:** Request that SDOT report on pedestrian and bicycle safety improvements to MLK Jr Way S

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Calvin Chow

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Seattle Department of Transportation (SDOT) provide a written report to the Transportation and Utilities Committee, or successor committee, detailing SDOT's efforts to improve pedestrian and bicycle safety along MLK Jr Way S from Rainier Avenue S to S Henderson Street. The report should include, but is not limited to, efforts to provide safer pedestrian spaces in the right-of-way, pedestrian and bicycle crossings of MLK Jr Way S, and protected bike lanes serving the corridor.

The report should identify (1) safety improvements already completed, (2) the status of work underway or currently funded in the CIP, and (3) SDOT's future plans and next steps to improve pedestrian and bicycle safety in the corridor, including known unfunded needs. The report should identify cost estimates, if known, for any unfunded work.

**Responsible Council Committee(s):**

Transportation & Utilities

**Date Due to Council:** September 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDOT	009	A	002

**Budget Action Title:** Request that SDOT report on the impact of over-weight vehicles

Ongoing: No Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members:

Staff Analyst: Calvin Chow

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	8	X	X	X	X	X	X	X		X
	No	1								X	
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Seattle Department of Transportation (SDOT) provide a written report to the Transportation and Utilities Committee, or successor committee, assessing the impact of over-weight vehicles on Seattle's streets and bridges. For the purposes of this report, over-weight vehicles include all vehicles operating at heavier weight than authorized by state law because of (1) federal or state categorical exemptions, (2) permitted over-weight uses, and (3) non-compliant uses in violation of state law.

At a minimum, the report should: (1) identify the types of over-weight vehicles operating in Seattle and the types of SDOT assets impacted (e.g., arterials, non-arterials, bridges, sidewalks, areaways); (2) estimate the impact and cost to repair the identified assets; (3) identify best practices and recommendations for reducing damage or minimizing Seattle's costs to repair assets; (4) assess the City's enforcement capacity of non-compliant uses; and (5) recommend federal or state legislative changes for consideration as part of the City's legislative agenda.

The report should rely on transportation literature review, SDOT's engineering judgment, and available asset condition assessments and cost estimates. If additional studies or assessments are necessary to answer any of these questions, the report should provide a cost estimate for the necessary work.

**Responsible Council Committee(s):**  
Transportation & Seattle Public Utilities

**Date Due to Council:** September 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDOT	010	A	001

**Budget Action Title:** Request that SDOT report on traffic safety analysis and incident reporting

Ongoing: No Has Attachment: No

Primary Sponsor: Tammy Morales

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Calvin Chow

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that the Seattle Department of Transportation (SDOT) provide a written report to the Transportation and Utilities Committee, or successor committee, describing the status of SDOT's analysis of pedestrian and bicycle safety and implementation of the next steps outlined in SDOT's 2020 Bicycle and Pedestrian Safety Analysis - Phase 2 report. The Council requests that the report explain how community-raised safety concerns are encouraged to be reported and evaluated by SDOT, especially for community members who may choose not to report traffic safety incidents to the Seattle Police Department due to concerns with police interaction.

**Responsible Council Committee(s):**

Transportation & Utilities

**Date Due to Council:** September 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDOT	011	A	001

**Budget Action Title:** Request that SDOT provide monthly reporting on the West Seattle Bridge Immediate Response program

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members:

Staff Analyst: Calvin Chow

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	9	X	X	X	X	X	X	X	X	X
	No	0									
	Abstain	0									
	Absent	0									

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) requests that the Seattle Department of Transportation (SDOT) provide monthly reporting to the Council regarding the West Seattle Bridge Immediate Response (MC-TRC110) CIP Project, which includes the West Seattle Bridge repair and the Reconnecting West Seattle program. The Mayor directed SDOT to provide a monthly report to the Council as part of the Mayoral Proclamation of Civil Emergency for the West Seattle Bridge (CF 321750), and the Council requested monthly reporting through a 2021 SLI (SDOT-009-B-002). This 2022 SLI would request continued monthly reporting through the completion of the project and the reopening of the bridge to general traffic.

The Council requests that SDOT's report include spending to date and progress on:

- (1) West Seattle Bridge activities
  - (a) Monitoring and testing of structural stability
  - (b) Bridge repair, planning design and construction
  - (c) Bridge replacement planning and design
- (2) Lower Spokane Swing Bridge activities
  - (a) Bridge repairs
  - (b) Bridge strengthening and enhancements
- (3) Maintenance of other bridges in the corridor
- (4) Reconnect West Seattle activities
  - (a) Transit improvements (including waterborne service)
  - (b) Capital and traffic mitigation improvements
  - (c) Mobility Access Plan implementation
  - (d) Home Zones
  - (e) Low Bridge Access Policy and implementation

The Council expects that SDOT alert Councilmembers as soon as possible about any change to the schedule for mid-2022 completion of the West Seattle Bridge repair and reopening of the bridge to general

## 2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SDOT	011	A	001

traffic.

**Responsible Council Committee(s):**

Transportation & Seattle Public Utilities

**Date Due to Council:**

January 31, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SPU	004	A	001

**Budget Action Title:** Request that SPU perform an assessment of potential drainage improvements for Phinney Avenue North

Ongoing: No Has Attachment: No

Primary Sponsor: Debora Juarez

Council Members: Alex Pedersen, Dan Strauss

Staff Analyst: Brian Goodnight

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent would request that Seattle Public Utilities (SPU), in coordination with the Seattle Department of Transportation (SDOT), perform an assessment of potential drainage improvements for Phinney Avenue North between North 125th Street and North 130th Street.

Phinney Avenue North does not have sidewalks on either side of the street in this area and experiences flooding and standing water on the roadsides due to rainfall, impeding the ability of pedestrians to use informal roadside pathways.

The Council requests that SPU, in collaboration with SDOT, provide a report to the Council's Transportation and Utilities Committee, or its successor committee, that contains an assessment of the conditions on Phinney Avenue North between North 125th Street and North 130th Street, multiple drainage improvement options (including at a minimum low-cost, medium-cost, and high-cost options), and a recommendation on how to proceed.

The Council further requests that appropriate SPU and SDOT staff be made available for a public meeting with interested stakeholders following the conclusion of the report.

**Responsible Council Committee(s):**

Transportation & Utilities

**Date Due to Council:** June 1, 2022

## 2022 Seattle City Council Statement of Legislative Intent

**Council Budget Action: Agenda**

Tab	Action	Option	Version
ITD	003	A	001

**Budget Action Title:** Request that CBO report on Internet for All in 2022 Adopted Budget and future proposed budgets

Ongoing: Yes Has Attachment: No

Primary Sponsor: Alex Pedersen

Council Members: Debora Juarez, Lorena González

Staff Analyst: Lise Kaye

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
11/18/2021	Yes	7	X	X			X	X	X	X	X
	No	0									
	Abstain	1				X					
	Absent	1			X						

**Statement of Legislative Intent:**

This Statement of Legislative Intent (SLI) would request that the City Budget Office (CBO) include in the 2022 Adopted Budget and all future Executive proposed budgets a table reporting on Internet for All and any other digital equity programs that includes, at a minimum, actual expenditures for the previous two years and proposed expenditures (by department) related to the Action Plan requested by City Council in 2020 (pursuant to Resolution 31956) to increase access to and adoption of affordable and reliable internet service.

**Responsible Council Committee(s):**

Select Budget Committee

**Date Due to Council:** February 1, 2022

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative Department	Paddy Wigren, 386-1381	n/a

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

### 1. BILL SUMMARY

**Legislation Title:**

A RESOLUTION adopting the Statements of Legislative Intent for the 2022 Adopted Budget and 2022-2027 Adopted Capital Improvement Program.

**Summary and background of the Legislation:**

This resolution formally adopts the Statements of Legislative Intent (SLIs) the City Council approved during its review of the 2022 Proposed Budget and 2022-2027 Proposed Capital Improvement Program (CIP). The SLIs reflect the Council's policy intent as it applies to the 2022 Adopted Budget and 2022-2027 Adopted CIP.

SLI committee assignments and due dates are reviewed by Central Staff at the beginning of each calendar year. Any changes are reflected in Attachment 1 to the resolution.

### 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes X No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget? \_\_\_ Yes X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This resolution, in and of itself, does not have any financial implications. The City Council expects that the analyses requested through this resolution and the responses requested from the Executive will require significant city staff time and resources for which no specific or additional appropriation was made in the 2022 Adopted Budget.

c. Is there financial cost or other impacts of *not* implementing the legislation?

No

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

### 4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes. This resolution requires the cooperation of the Mayor's Office, the City Budget Office and many other City departments, which are already aware of their responsibilities.

**b. Is a public hearing required for this legislation?**

No

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

**d. Does this legislation affect a piece of property?**

No

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation establishes the Council's intent to explore a variety of programs and policies, many of which are intended to address the effects of institutionalized racism and increase opportunities for vulnerable or historically disadvantaged communities. However, the legislation, in and of itself, does not establish new programs or policies. Those programs and policies would need to be established through future legislation or budget appropriations that would be subject to the legislative process.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation establishes the Council's intent to explore a variety of programs and policies, many of which may address Seattle's resiliency to climate change in a material way. However, the legislation, in and of itself, does not establish new programs or policies. Those programs and policies would need to be established through future legislation or budget appropriations that would be subject to the legislative process.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A



Legislation Text

**File #:** Res 32046, **Version:** 1

**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION adopting the Seattle City Council 2022 Work Program.

WHEREAS, each year the Seattle City Council adopts a work program for the year to identify major projects in

the various committees of the City Council and to plan assignments of staff time; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

Section 1. The Seattle City Council 2022 Work Program, attached to this resolution as Attachment A, is adopted. The 2022 Work Program may be updated throughout the year and staff and committee resources are not limited to matters contained in the Work Program.

Section 2. Where conflicts exist between the attached work program and the duties of standing committees outlined in Resolution 32037, Attachment A to this resolution will be advisory to the Council president, but not dispositive, in assigning legislation.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by  
me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

Attachment A - Seattle City Council 2022 Work Program



# City of Seattle

## Seattle City Council

### Attachment A

# Seattle City Council 2022 Work Program

#### **Councilmembers**

Debora Juarez, Council President

Lisa Herbold

Andrew J. Lewis

Tammy J. Morales

Teresa Mosqueda

Sara Nelson

Alex Pedersen

Kshama Sawant

Dan Strauss

#### **Central Staff Director**

Esther Handy

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# ECONOMIC DEVELOPMENT, TECHNOLOGY & CITY LIGHT COMMITTEE

SARA NELSON, CHAIR

YOLANDA HO, CENTRAL STAFF COORDINATOR

## **DEPARTMENT OVERSIGHT**

City Light; Economic Development; Information Technology

## **CITY LIGHT - OPERATIONS**

### **CAPITAL PROJECTS**

Monitor City Light's progress on major capital projects.

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### **LOW INCOME ASSISTANCE**

Monitor the City's progress on enrolling eligible customers in low income assistance programs and recommend changes as appropriate.

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## **CITY LIGHT - POLICY AND FINANCIAL OVERSIGHT**

### **CITY LIGHT REVIEW PANEL**

Consider and implement as appropriate the recommendations of the City Light Review Panel in its work to address important trends in the industry that may impact City Light and its customers and possible policy responses to those trends.

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### **ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE**

Facilitate and promote the expansion of electric vehicle charging infrastructure throughout Seattle on public and private property.

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### **FINANCIAL POLICIES**

Review the performance of the new and existing financial policies and recommend changes to the Council as appropriate.

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### **RATE PILOT PROGRAMS**

Monitor City Light's rate pilot programs, leading to possible recommendations for changes in the rate structure: commercial vehicle charging, industrial demand response, energy equity, and residential time of day.

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## **REGIONAL/NATIONAL ISSUES**

Monitor regional and national developments in electric industry markets and regulations and recommend actions the Council should consider to protect the utility and its customers. Address emerging issues related to the Bonneville Power Administration, Federal Energy Regulatory Commission, California Energy Imbalance Market, or other regional/national issues, as appropriate.

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## **SKAGIT RIVER HYDROELECTRIC PROJECT RELICENSING**

Monitor City Light's ongoing process of relicensing the Skagit River Hydroelectric Project. The project is a series of three dams on the Skagit River that provide 20 percent of City Light's power, licensed under the Federal Energy Regulatory Commission.

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## **STRATEGIC PLAN AND RATE PATH**

Review and consider the proposed rate path and Strategic Plan for 2023 - 2028 as well as the recommendations of Seattle City Light Review Panel and General Manager for the updated Strategic Plan and rate design.

## **ECONOMIC DEVELOPMENT - NEIGHBORHOOD BUSINESS DISTRICTS**

### **BUSINESS DISTRICT SUPPORT**

Monitor programs and initiatives to support neighborhood business districts and Business Improvement Areas (BIAs), including Only in Seattle. Identify opportunities to provide additional support to business districts.

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### **BUSINESS IMPROVEMENT AREAS (BIAS)**

Consider proposed legislation for new or modified BIAs.

## **ECONOMIC DEVELOPMENT - RECOVERY & WORKFORCE DEVELOPMENT**

### **ECONOMIC RECOVERY**

Monitor the City's recovery efforts and explore strategies to accelerate a racially-equitable recovery for small businesses and workers impacted by the COVID-19 pandemic.

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### **ECONOMIC RECOVERY - DOWNTOWN**

Support strategies that bring workers and businesses back to Seattle's urban core, such as development of a business recruitment plan.

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### **FILM AND MUSIC**

Implement strategies to strengthen Seattle's film and music industries with a focus on increasing access to family-wage jobs for underrepresented populations, creating community wealth, and diversifying Seattle's economy.

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## **WORKFORCE DEVELOPMENT**

Review OED's ongoing policy and programmatic work in workforce development. Identify opportunities to facilitate connections between City departments and organizations engaged in workforce development in the region. Oversee development and implementation of the Workforce Development Strategic Plan, which will include strategies to reduce the racial wealth gap; support the Creative Industry Cluster Strategy; and ensure a just transition for workers whose jobs depend on the fossil fuel industry and prepare new workers to support the transition to a renewable energy economy.

## **ECONOMIC DEVELOPMENT - SMALL BUSINESSES**

### **SMALL BUSINESS ADVISORY COUNCIL & CITYWIDE BUSINESS ADVOCACY TEAM**

Monitor implementation of Executive Order 2018-06 (Support for Seattle's Small Businesses) and recommendations from the Small Business Advisory Council and the Citywide Business Advocacy Team, and review/develop legislation, as needed.

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### **SMALL BUSINESS ASSISTANCE**

Monitor implementation of strategies to support, retain, and grow small businesses, including technical assistance, grants, and other financial assistance, with an emphasis on businesses located in areas identified as being at high risk of displacement. Consider strategies to (1) increase small business access to capital and (2) help mitigate impacts of City-funded construction projects on small businesses.

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### **SMALL-SCALE RENTAL HOUSING PROVIDERS**

Explore strategies to support small-scale rental housing providers.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the Seattle City Light Review Panel, the Community Surveillance Working Group, the Community Technology Advisory Board, Special Events Committee, and other boards and committees as needed.

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### **BUDGET AND ROUTINE LEGISLATION**

Oversee department budget. Consider routine legislation.

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### **DEPARTMENT HEAD APPOINTMENTS OR REAPPOINTMENTS**

Review qualifications of individuals nominated by the Mayor. Recommend confirmation of the appointments to City Council, as appropriate

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## EXTERNAL COMMITTEES

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including: Economic Development Council of Seattle and King County, Investment Committee for the New Market Tax Credits Program, Puget Sound Regional Council (PSRC) Economic Development Board, and Visit Seattle (formerly Seattle Convention and Visitors Bureau).

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## RSJI

Review annual department RSJI reports.

## TECHNOLOGY - INTERNAL IT OPERATIONS

### INFORMATION SECURITY

Monitor Information Security programs, including strategies to protect the City from cybersecurity threats to preserve the ability to deliver City services.

## TECHNOLOGY - INTERNET ACCESS

### 5G DEPLOYMENT

Monitor interdepartmental policy and processes to support effective deployment of fifth generation (“5G”) wireless networks.

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### DIGITAL EQUITY

Review policy and measurements for City efforts to increase digital equity and examine where access to technology may be disproportionately denied. Monitor implementation of digital equity strategies, including the Technology Matching Fund and Internet for All.

## TECHNOLOGY - PRIVACY

### PRIVACY INITIATIVE

Monitor the Privacy Initiative and the implementation of its policies and principles throughout the City organization. Review and take action on proposed budget or other legislation as needed.

---

### SURVEILLANCE TECHNOLOGIES

Consider legislation to approve Surveillance Impact Reports on technologies that are currently in use or proposed for use by the City. Review annual Surveillance Usage Reports from the City Auditor and (for SPD technologies), the Inspector General for Public Safety, and the Chief Technology Officer's Equity Impact Assessment.

# FINANCE & HOUSING COMMITTEE

TERESA MOSQUEDA, CHAIR

TOM MIKESELL, CENTRAL STAFF COORDINATOR

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## DEPARTMENT OVERSIGHT

City Budget Office; Economic and Revenue Forecasts; Employees Retirement System; Finance and Administrative Services; Housing

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## BUDGETARY AND FINANCIAL REPORTING AND OVERSIGHT

### ANNUAL ACTION PLAN

Monitor adoption of the 2022 Annual Action Plan and Five-Year Consolidated Plan for Housing and Community Development, which guide the allocation of federal grant and program revenue funds, including CDBG, HOME, ESG AND HOPWA. Monitor required public hearing for the Draft 2023 Annual Action Plan in December.

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### CAPITAL PROJECTS QUARTERLY REPORTS

Review Executive's capital projects quarterly reports as contemplated in Resolution 31853.

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### CITY REVENUE, DEBT AND INVESTMENT REPORTING

Review quarterly reports by the Director of Finance, required under Seattle Municipal Code (SMC) Section 3.39.035, on revenues, the City's cash pool, investments, interfund loans, debt, debt service, and debt guarantees. Review reports on socially responsible banking.

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### CURRENT YEAR BUDGET LEGISLATION

Review budget-related legislation including supplemental requests, grant acceptance requests, carry-forward requests, capital abandonment, fund closures, exceptions, and other bills.

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### DEBT AND PUBLIC FINANCE

Review and consider action on anticipated Limited Tax General Obligation bond sales and issuance of miscellaneous debt. Attend and monitor monthly Debt Management Policy Advisory Committee (DMPAC) meetings.

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### DISAGGREGATED DATA AND PROGRAM EFFECTIVENESS

Monitor City efforts to measure and evaluate the impacts of the City's recovery investments, the data disaggregation pilot, the cohesive common application tool for new and existing City recovery investments; and the centralized marketing and compensation for Community-Based Organizations (CBOs) funded in Ordinance 126371.

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## **VOTER-APPROVED PROPERTY TAXES**

Monitor delivery of capital projects, programs, and services funded through voter-approved property tax levy lid lifts.

## **FINANCIAL MANAGEMENT**

### **FINANCIAL OVERSIGHT OF RETIREMENT SYSTEMS**

Serve on the Seattle Employees' Retirement System Board of Administration (Chair) and Firefighters' Pension Board.

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### **JUDGMENT AND CLAIMS**

Review Judgment and Claims Fund annual briefing on settlements over \$200,000 and semi-annual reports on claims and lawsuits against the City. Monitor quarterly meetings of the Judgment and Claims Finance Committee.

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### **SEATTLE CITY EMPLOYEES' RETIREMENT SYSTEM (SCERS)**

Provide general oversight of SCERS. Review any assumption changes and other policy recommendations related to the Actuarial Experience Study and Valuation and the Environmental, Social, and Governance policies. Coordinate budget implications with the City Budget Office and the Finance and Administrative Services Department. Monitor possible State review of First-Class Cities' retirement plans, support review as needed, and develop related City proposals as appropriate.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the: Payroll Tax Oversight Board, Housing Levy Oversight Committee, Seattle Housing Authority Board, Seattle Investment Fund LLC – Advisory Board, Seattle Investment Fund LLC – New Markets Tax Credit Investment Committee, Seattle Retirement Savings Plan Board, Sweetened Beverage Tax Community Advisory Board, Burke-Gilman Place Preservation and Development Authority Governing Council, and the Capitol Hill Housing Improvement Program Governing Council. Review annual work plans as appropriate.

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### **DEPARTMENT HEAD APPOINTMENT - CITY BUDGET OFFICE**

Review qualifications of individual(s) nominated by the Mayor. Recommend confirmation of the appointments to City Council, as appropriate

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### **DEPARTMENT HEAD APPOINTMENT - OFFICE OF HOUSING**

Review qualifications of individual(s) nominated by the Mayor. Recommend confirmation of the appointments to City Council, as appropriate.

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## EXTERNAL COMMITTEES

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including: City Employees' Retirement System Board of Administration; Debt Management Policy Advisory Committee; Economic and Revenue Forecast Advisory Committee; Firefighters' Pension Board; Seattle King County Public Health Board; Affordable Housing Committee (AHC) of the Growth Management Planning Council (GMPC).

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## FAS PROGRAMS MONITORING

Monitor FAS programs, including Customer Service, Business Licensing, Financial Services, Operational Services and the Seattle Animal Shelter.

## HOUSING

### ADDITIONAL FUNDING FOR AFFORDABLE HOUSING

Monitor implementation of King County's Health through Housing program and the allocation of Sales Use Tax for housing for City priorities, including: funding for operations and maintenance (O & M), and services for Permanent Supportive Housing (PSH); and acquisition and development of new housing serving those at or below 30% of AMI, etc.

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### AFFORDABLE HOUSING ON PUBLICLY OWNED LAND

Review the ongoing work of Enterprise Community Partners on the pre-development and related analyses of publicly owned lands appropriate for development of affordable housing in the City. Review other proposals, and adopt legislation, as needed, to facilitate development of affordable housing on publicly owned lands, including Sound Transit and the University of Washington Laundry Site and South Park.

---

### EVALUATION OF STRATEGIES TO ADVANCE LABOR AND EQUITY OUTCOMES IN AFFORDABLE HOUSING DEVELOPMENT

Review report prepared by the Office of Housing and the Department of Finance and Administrative Services that evaluates strategies to advance labor equity outcomes in affordable housing development in Seattle. This report will include a comprehensive evaluation of the "K" site affordable housing project pilot that complied with Priority Hire requirements, including: apprentice utilization, preferred entry to apprenticeship programs, utilization of workers from economically distressed areas, etc. The report is expected to be submitted in the 4th Quarter of 2021.

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### FORT LAWTON

Monitor activities related to the redevelopment of Fort Lawton.

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### HOMEOWNERSHIP PROGRAMS

Monitor and review implementation of the City's first-time homebuyer assistance, homeowner stabilization, and homeownership development programs, including the Rainier Valley Homeownership Initiative. Examine strategies to increase the effectiveness of such programs.

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## **HOUSING ACQUISITION FUNDING POLICIES**

Review the Office of Housing's (OH) response to SLI 010-A-001, which requests modifications to the City's Housing Funding Policies to address policy barriers for small, community-based developers that may have difficulty accessing the Acquisition and Preservation Loan Program and other acquisition programs funded by the Jumpstart Payroll Expense Tax.

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## **HOUSING LEVY AND LEVY OVERSIGHT COMMITTEE**

Review the annual report on Housing Levy programs and the City's Housing Investments. Monitor OH's work on development of the 2023 Housing Levy Renewal proposal.

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## **MULTI-FAMILY TAX EXEMPTION (MFTE) PROGRAM**

Review the semi-annual report and annual report on MFTE program including: number of applications, project types, sizes, locations, unit mixes and MFTE set-asides. In addition, the annual report will also include: rent data for both market-rate and MFTE Units in approved projects; the value of the tax exemptions granted; changes in the housing market; and changes to State law related to the MFTE program.

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## **NOTICE OF INTENT TO SELL**

Review the Seattle Department of Construction and Inspections (SDCI) and the Office of Housing (OH) response to SLI 004-A-002 requesting a report that includes recommendations concerning modifications to the Notice of Intent to Sell (NOIS) Ordinance and other programmatic changes related to this ordinance.

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## **SEATTLE HOUSING AUTHORITY (SHA) HOUSING PROJECTS**

Review reports on the Yesler Terrace Redevelopment project and Seattle Senior Housing Program. Consider legislation, as necessary, related to these and other SHA-owned properties that include City funding and/or restrictions. Review and adopt proposed Memorandum of Agreement for the Northgate Commons Redevelopment Project.

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## **SERVICES FUNDING FOR NON-PERMANENT SUPPORTIVE HOUSING (PSH) PROVIDERS**

Review the Office of Housing's response to SLI 005-B-001 requesting a report on the need for services funding for the non-Permanent Supportive Housing (PSH) affordable housing providers.

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## **SURPLUS PROPERTIES**

Review and monitor implementation of the City's Surplus Property Disposition policies (as amended by Resolution 31837) as it relates to the authorization of the sale, transfer or lease of City-owned property for development of affordable rental or homeownership housing. Consider modifications to these policies, as warranted.

## OTHER - FINANCE

### **CITY CONTRACTING POLICIES AND PRACTICES**

Review City contracting policies and practices, including requirements and technical assistance for women and minority owned enterprises, priority hiring, etc. Monitor implementation of Executive Order 2019-06 (Economic Inclusion and Contracting Equity).

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### **MUTUALLY OFFSETTING BENEFIT LEASES**

Review the purchase and sale agreements for transfer of Mutually Offsetting Benefit Lease properties to tenant organizations.

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### **SHORT-TERM RENTAL ANALYSIS AND LEGISLATION**

Monitor Statement of Legislative Intent FAS-004-A-001, which requests that the Executive provide recommendations and draft amendments to the City's short-term rental ordinance by June 30, 2022.

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### **SURPLUS PROPERTY**

Review all parcels proposed for sale or transfer, except those covered in other Council committees, and ensure that all parcel sales or transfers comply with Resolution 31837 to preserve public property for public good.

## TAX AND FISCAL POLICY

### **CANNABIS EQUITY**

Consider legislation related to taxation in the cannabis industry to invest in improved standards, pathways into the workforce, and expunge criminal records.

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### **CITY TAXES**

Support development and evaluation of any proposals for new or revised City taxes.

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### **FINANCIAL POLICIES**

Review technical changes to Citywide financial policies submitted by the City Budget Office.

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### **MONITOR THE WORK OF THE INDEPENDENT OFFICE OF ECONOMIC AND REVENUE FORECASTS**

Review and monitor the work of Office of Economic and Revenue Forecasts and the recommendations from the Forecast Council.

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## **REVENUE GENERATION STRATEGIES**

Review report from a collaborative process with the Executive to identify existing and new ongoing revenue for investments in the 2022 budget, as described in SLI FG-002-B-001. It is expected that this process would include empaneling a task force of community experts to develop a report listing progressive revenue options. This report would be due to the Finance and Housing Committee by July 1, 2022.

## **TAXI, FOR-HIRE, AND TRANSPORTATION NETWORK COMPANIES**

### **TAXI AND FOR-HIRE REGULATIONS**

Examine issues and regulatory policies related to regionalization of taxi, for-hire and TNC licensing and regulations. Review proposed legislation regarding regulation to the industry.

# GOVERNANCE, NATIVE COMMUNITIES & TRIBAL GOVERNMENTS

## COMMITTEE

DEBORA JUAREZ, CHAIR

KARINA BULL, CENTRAL STAFF COORDINATOR

### DEPARTMENT OVERSIGHT

Auditor; Civil Service Commission; Ethics and Elections; Hearing Examiner; Human Resources; Intergovernmental Relations; Labor Standards\*; Legislative Department; Mayor's Office; Ombud

\*Some legislation related to the Office of Labor Standards may be directed to the Finance and Housing Committee as needed.

### AMERICAN INDIGENOUS, ALASKA NATIVE, AND NATIVE HAWAIIAN COMMUNITIES

#### IMPROVING PARTNERSHIPS WITH NATIVE COMMUNITIES

Consider efforts, strategies and partnerships to make the City more affordable and hospitable for American Indigenous, Alaska Native, and Native Hawaiian people. Review data collection and reporting efforts for Missing and Murdered Indigenous Women and Girls casework, the results of which guide policy and program development.

#### INDIGENOUS ADVISORY COUNCIL

Review the annual workplan and annual report of the Indigenous Advisory Council, including its goals, policy recommendations, action steps, and challenges. Develop opportunities to build the capacity of tribal, urban Indian, and Indigenous-led organizations to engage in City budget and policy processes. Consider and pursue efforts, strategies, and partnerships with City departments regarding issues, policies, budgets, and potential projects that affect American Indigenous, Alaska Native, and Native Hawaiian people living in Seattle.

#### TRIBAL SUMMIT

Partner with the Indigenous Advisory Council in developing opportunities to engage City leadership, local Tribal Nations, and urban Indigenous-serving organizations through a Tribal Summit, meetings, or events.

### AUDIT AND ACCOUNTABILITY

#### CITY AUDITOR - GENERAL OVERSIGHT

Ongoing oversight of the City Auditor function. Review reports as appropriate, including recommendations from the Working Group for Performance Audits.

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## **STATE AUDIT REVIEW AND COORDINATION**

Review audits conducted by the Washington State Auditor's Office and facilitate necessary follow-up with other Council Committees, the City Auditor, and City Departments.

## **ETHICS AND ELECTIONS**

### **ETHICS AND ELECTIONS**

Monitor and review any proposed regulations or supplemental budget changes related to the Seattle Ethics and Elections Commission, including the Democracy Voucher program.

### **REDISTRICTING COMMISSION**

Support the work of the redistricting commission consistent with the requirements of the City Charter and State law to create a districting plan for new City Council district boundaries.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the Civil Service Commission, Domestic Workers Standard's Board, Ethics and Elections Commission, Indian Services Commission, Indigenous Advisory Council, Joint Apprenticeship Training Committee, Labor Standards Advisory Commission, and Seattle International Affairs Advisory Board.

### **BUDGET AND ROUTINE LEGISLATION**

Oversee department budgets and consider routine legislation.

### **DEPARTMENT HEAD APPOINTMENTS AND REAPPOINTMENTS**

Review qualifications of individual(s) nominated by the Mayor. Recommend confirmation of the appointments to Full Council, as appropriate.

### **EXTERNAL COMMITTEES**

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the Association of Washington Cities Board, King County Regional Policy Committee, Labor-Management Leadership Committee, and Seattle International Affairs Advisory Board.

### **RACE AND SOCIAL JUSTICE INITIATIVE (RSJI)**

Review annual department RSJI reports.

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## **REGULAR REPORTING REQUIREMENTS**

Review required reports related to the establishment of an Indigenous pharmacy or market (SLI OED-007-A-002) and the Seattle Police Department's data associated with Missing and Murdered Indigenous Women and Girls cases (SLI SPD-002-A-001). Review other reports as directed to the committee.

## **GOVERNANCE**

### **COVID-19 RESPONSE**

Monitor the regional response to the COVID-19 pandemic, including the distribution of vaccines and the City's role in ensuring a fair and equitable distribution process. Oversee coordination with federal, state, and regional partners as necessary.

### **REVIEW OF COUNCIL RULES**

Review and consider amendments to Council Rules.

## **HEARING EXAMINER**

### **OFFICE OF HEARING EXAMINER**

Monitor issues or legislation related to the Office of Hearing Examiner.

## **HUMAN RESOURCES**

### **HUMAN RESOURCES LEGISLATION**

Oversight and review of legislation related to City employment, including: quarterly employment ordinances, the annual pay zone ordinance, annual position list, potential ordinances for annual wage increases, and other human resources legislation proposed by the Executive.

### **WORKFORCE EQUITY**

Monitor development and implementation of initiatives to achieve workforce equity by the Office of Employee Ombud and the Seattle Department of Human Resources, such as Citywide Workforce Equity Strategic Plan, the Human Resources Investigation Unit, and Citywide anti-discrimination and anti-harassment training programs. Review and update, as necessary, the workplace expectations of the Legislative Department code of conduct.

## **INTERGOVERNMENTAL - REGIONAL ISSUES**

### **MAJOR EVENTS**

Review implementation of Resolution 30340 for major events in Seattle.

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## **OFFICE OF INTERGOVERNMENTAL RELATIONS**

Participate in the development of City priorities for local, regional, tribal, state, and federal governments to develop the partnerships needed to successfully advance common interests.

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## **SISTER CITIES PROGRAM**

Monitor existing Sister Cities Program affiliations.

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## **STATE AND FEDERAL LEGISLATIVE AGENDA**

Coordinate development of the City's state and federal legislative agendas.

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## **WORKERS' RIGHTS**

### **BENEFITS AND PROTECTIONS**

Collaborate with the Chair of the Standing Committee on Finance and Housing to consider any proposed legislation to establish and/or strengthen worker protections and benefits, such as addressing certain minimum wage exemptions, improving job posting transparency, advancing workforce development in particular for historically marginalized communities, and streamlining labor standards enforcement.

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### **CONSTRUCTION EMPLOYEE PARKING REIMBURSEMENTS**

Collaborate with the Chair of the Standing Committee on Finance and Housing to consider legislation that would require construction employers to provide construction employees with parking reimbursements for work in Seattle.

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### **DOMESTIC WORKERS**

Collaborate with the Chair of the Standing Committee on Finance and Housing to review and respond to Domestic Workers Standards Board work plan and policy recommendations, including their collaboration with the Office of Labor Standards to develop a portable paid time off policy for domestic workers.

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### **OFFICE OF LABOR STANDARDS**

Collaborate with the Chair of the Standing Committee on Finance and Housing to monitor the implementation of Seattle's labor standards, contracts with community organizations for worker and business outreach, recommendations by the Office of City Auditor to improve enforcement and outreach, and support for the Labor Standards Advisory Commission and Domestic Workers Standards Board.

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### **SECURE SCHEDULING**

Collaborate with the Chair of the Standing Committee on Finance and Housing to monitor the Office of City Auditor's implementation of the Secure Scheduling Year Two Evaluation.

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## **TEMPORARY PROTECTIONS DURING THE COVID-19 PANDEMIC**

Collaborate with the Chair of the Standing Committee on Finance and Housing to monitor implementation of ordinances establishing temporary protections for workers for the duration of the COVID-19 civil emergency, including the Hazard Pay for Grocery Employees Ordinance, Paid Sick and Safe Time for Gig Workers Ordinance, and Premium Pay for Gig Workers Ordinance. Examine the health, safety, and economic risks facing workers during the COVID-19 pandemic.

# LAND USE COMMITTEE

DAN STRAUSS, CHAIR

LISH WHITSON, CENTRAL STAFF COORDINATOR

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## **DEPARTMENT OVERSIGHT**

Planning and Community Development; Construction and Inspections (excludes Tenant/Landlord policy work regulations)

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## **CITYWIDE PLANNING**

### **ACCESSORY DWELLING UNITS/BACKYARD COTTAGES**

Monitor the implementation of legislation to facilitate the construction of accessory dwelling units and backyard cottages.

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### **AFFORDABLE HOUSING**

Review legislation to implement the recommendations of the Affordable Middle-income Housing Advisory Council and other Land Use Code amendments to support housing affordability.

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### **CHILD CARE**

Monitor the implementation of legislation to facilitate child care facilities.

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### **CITYWIDE DESIGN REVIEW**

Review the response to SLI SDCI-004-A-001, the 2017 Design Review Program Improvements, and 2020 coronavirus response legislation and consider any improvements to the program, including opportunities to improve design outcomes, increase equity, and reduce review times.

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### **CORONAVIRUS LAND USE REGULATION RELIEF**

Monitor legislation modifying Land Use Code regulations to support small businesses, property owners, and developers impacted by the coronavirus civil emergency. Consider adopting permanent changes as appropriate.

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### **GROWING GRACEFULLY**

Consider tools to manage the impacts of growth in areas with high risk of displacement and support neighborhoods that provide opportunities to live, work, play, and visit.

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## **INDUSTRIAL AND MARITIME LANDS POLICIES AND REGULATIONS**

Monitor the development of policies and regulations related to industrial and maritime lands to implement the recommendations of the Industrial and Maritime Strategy Council. Review legislation as appropriate.

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## **MANDATORY HOUSING AFFORDABILITY IMPLEMENTATION**

Monitor implementation of the Mandatory Housing Affordability program and consider changes to the program, as appropriate.

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## **MARITIME POLICIES**

Consider additional strategies to support the maritime sector.

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## **SOLID WASTE STORAGE FOR NEW DEVELOPMENT**

Update development standards to promote solid waste separation and collection in new commercial, multifamily, and mixed-use development.

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## **TRANSPORTATION IMPACT FEES**

Consider imposing transportation impact fees as permitted by State law to mitigate for the impacts of growth.

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## **COMMUNITY PLANNING**

### **130TH AND 145TH STATION AREA PLANNING**

Monitor planning efforts around the N. 130th St. and N. 145th St. future light rail stations and review legislation related to these areas.

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### **CAPITOL HILL PUBLIC LIFE STUDY**

Review the recommendations of the Capitol Hill Public Life Study and consider implications for other parts of the city.

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### **COMMUNITY PLANNING**

Monitor OPCD's community planning efforts.

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### **LID I-5 FEASIBILITY STUDY**

Review the recommendations of the I-5 LID Feasibility Study and consider implications for other segments of I-5.

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### **NEIGHBORHOOD DESIGN GUIDELINES**

Review legislation to adopt or update neighborhood design guidelines to implement area plans.

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## **UNIVERSITY DISTRICT MHA**

Review legislation to implement the Mandatory Housing Affordability program in the University District.

## **COMPREHENSIVE PLANNING**

### **COMPREHENSIVE PLAN DOCKET**

Review legislation in response to the 2021-2022 Comprehensive Plan docketing process and manage the 2022-2023 Comprehensive Plan docketing process.

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### **MAJOR UPDATE**

Monitor work on the 2024 Comprehensive Plan major update, including work on outreach and engagement, scoping and drafting of an Environmental Impact Statement (EIS), and development of a Racial Equity Toolkit. Review efforts to incorporate EIS alternatives in proviso OPCD-001-B-001 related to new housing types in single-family areas, planning for 15-minute neighborhoods, and anti-displacement measures.

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### **REGIONAL GROWTH CENTERS PLANNING**

Review the proposed work program and funding proposal for planning for Regional Growth Centers developed in response to SLI OPCD-004-B-011.

## **EQUITABLE DEVELOPMENT**

### **COMMUNITY INVESTMENT TRUSTS**

Consider measures the City can take to support Community Investment Trusts as identified in response to SLI OPCD-009-A-001.

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### **EQUITABLE DEVELOPMENT INITIATIVE**

Monitor implementation of the Equitable Development Initiative (EDI) and projects funded by the EDI Fund, and efforts to coordinate with related community investments in the Office of Housing and Office of Economic Development. Identify additional funding for EDI.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the Equitable Development Initiative Advisory Board, the Seattle Design Commission, Seattle Planning Commission, Construction Codes Advisory Board, and Design Review Boards.

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## **BUDGET AND ROUTINE LEGISLATION**

Oversee department budgets. Consider routine legislation.

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## **DEPARTMENT HEAD APPOINTMENT OR REAPPOINTMENT**

Review qualifications of individuals nominated by the Mayor. Recommend confirmation of the appointments to City Council, as appropriate

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## **EXTERNAL COMMITTEES**

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the Growth Management Planning Council (GMPC) of King County; Puget Sound Regional Council (PSRC) Executive Board; PSRC Growth Management Policy Board; and Association of Washington Cities (AWC) Board.

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## **RSJI**

Review annual department RSJI reports.

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## **OTHER LAND USE AND ENVIRONMENTAL REGULATIONS**

### **FLOOD PLAIN REGULATIONS UPDATE**

Review legislation replacing interim flood plan development regulations with permanent floodplain development regulations.

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### **LOADING REGULATIONS**

Consider amendments to off-street loading regulations to reduce conflicts in alleys in denser neighborhoods.

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### **MISC. LAND USE LEGISLATION**

Review land use legislation related to emergent issues identified by the Council and Executive departments. Legislation could include amendments clarifying or correcting the text of the Land Use Code or amendments to address minor policy changes.

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### **OMNIBUS**

Review legislation amending the Land Use Code to make technical clarifications, correct errors, and make other minor amendments to facilitate code administration and interpretation.

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### **REDEVELOPMENT OF PUBLIC SCHOOLS**

Consider amendments to the Land Use Code to facilitate redevelopment by the Seattle School District, including changes to the development standard departure process for public schools.

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## **SEPA REGULATIONS**

Consider improvements to State Environmental Policy Act (SEPA) regulations, including opportunities to track, prevent, and mitigate displacement of residents and small businesses.

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## **SHORELINES AND CLIMATE CHANGE**

Consider changes to shoreline regulations and opportunities to build resiliency in shoreline areas in the face of climate change.

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## **SUBDIVISION REGULATIONS**

Consider opportunities to improve subdivision regulations for townhouse development.

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## **TECHNICAL CODES**

Review amendments to Building, Electrical, and other technical codes.

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## **TREE REGULATIONS**

Monitor progress on the development of strategies to protect trees and increase Seattle's tree canopy cover as described in Resolution 31902 and review legislation. Consider recommendations for a Chief Arborist position pursuant to SLI MO-001-A-002 and legislation to create a tree service provider registry.

## **OVERSIGHT OF SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS (SDCI) AND OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT (OPCD)**

### **ENFORCEMENT COMPLAINT RESPONSE TIMES**

Review Seattle Department of Construction and Inspections (SDCI) quarterly reports on enforcement complaint response time.

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### **PERMIT REVIEW TIMES AND THE PERMIT REVIEW PROCESS**

Review SDCI quarterly reports on turnaround times for permit review, identify and support opportunities to decrease permit review turnaround times.

## **PROJECT SPECIFIC ACTION (TYPE III, IV AND V DECISIONS)**

### **SUBDIVISIONS (TYPE III)**

Review full subdivision applications and council bills.

## PROJECT SPECIFIC ACTIONS (TYPE III, IV AND V DECISIONS)

### MODIFICATIONS FOR CITY FACILITIES (TYPE V)

Review applications by City departments for modifications and waivers to development standards for City facilities.

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### QUASI-JUDICIAL (QJ) ACTIONS (TYPE IV)

Review Major Institution Master Plans, contract rezone petitions, and other quasi-judicial land use matters. Update the Quasi-judicial Notebook as needed and serve as a resource for ad hoc questions about quasi-judicial process.

# NEIGHBORHOODS, EDUCATION, CIVIL RIGHTS & CULTURE COMMITTEE

TAMMY J. MORALES, CHAIR

LISH WHITSON, CENTRAL STAFF COORDINATOR

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## **DEPARTMENT OVERSIGHT**

Arts and Culture; Civil Rights; Education and Early Learning; Immigrant and Refugee Affairs; Neighborhoods and Neighborhood Matching Fund

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## **ARTS**

### **AFFORDABLE CULTURAL SPACE**

Monitor implementation of "The CAP Report: 30 Ideas for the Creation, Activation, and Preservation of Cultural Space" and the "Structure for Stability Report," and review related legislation.

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### **ARTS & CULTURAL DISTRICTS**

Monitor implementation of Arts & Cultural Districts; consider proposals for the creation of new art districts; and review related legislation.

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### **CREATIVE ADVANTAGE**

Monitor expansion and implementation of Creative Advantage and workforce development.

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### **CULTURAL SPACE AGENCY**

Monitor implementation of the Cultural Space Agency Public Development Authority, consider providing funds to seed it, and review related legislation.

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### **FUNDING FOR CAPITAL FACILITIES**

Monitor new capital facilities fund grants for non-City owned arts and cultural facilities, and consider potential amendments to program provisions.

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### **RECOVERY EFFORTS**

Monitor federal and state funding the City receives and allocates to support the survival of creative industries as they deal with the COVID-19 pandemic and associated impacts.

## CIVIL RIGHTS

### CITYWIDE RSJI EFFORTS

Work with the RSJI network to continue development of an RSJI ordinance.

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### ENFORCEMENT AND OUTREACH

Monitor investigation and enforcement outcomes. Monitor employment bias and fair housing testing results and community education and outreach efforts.

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### LEGISLATIVE DEPARTMENT RACE AND SOCIAL JUSTICE INITIATIVE (RSJI)

Develop the change team to support and provide accountability for the Legislative Department as it fully integrates RSJI principles into the department's policies, procedures, culture, and work.

---

### PARTICIPATORY BUDGETING

Work with community and Executive departments to implement a robust participatory budgeting process with a focus on funding projects identified by communities disproportionately impacted by police violence. Receive departmental updates, consider associated legislation, and monitor funding for participatory budgeting.

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### STRUCTURE AND FUNCTION

Develop legislation to govern Seattle Office of Civil Rights (SOCR) director appointments starting in 2023.

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### WORKPLACE HARASSMENT AND BIAS

Work with SOCR to examine how current sexual harassment policies and practices impact people experiencing sexual harassment. Consider an audit of experiences of racial bias in departments and examine strategies to address hiring and retention of Black and Brown individuals and women in the workplace.

## EDUCATION

### EARLY LEARNING & CHILD CARE

Monitor the implementation of the City's investments in birth-to-three early learning strategies including, but not limited to, ParentChild+ and the Nurse-Family Partnership. Additionally, assess recommendations for increasing the affordability of child care and explore options for increasing the child care supply.

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### FAMILIES, EDUCATION, PRESCHOOL, AND PROMISE LEVY

Monitor the overall implementation and investments of the Families, Education, Preschool, and Promise (FEPP) Levy, including fidelity with the adopted Implementation and Evaluation Plan, performance measurement and reporting, and Racial Equity Toolkit processes and recommendations. Consider legislation regarding potential improvements and adaptations to Levy programs and policies.

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## **SCHOOL DISTRICT AND CITY COOPERATION**

Oversee the working relationship between the City and Seattle Public Schools, including working collaboratively on joint projects and issues to advance the quality of public education.

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## **SEATTLE K-12 PROGRAM**

Monitor K-12 school- and community-based investments as part of the FEPP Levy, focusing on students not yet meeting grade level expectations and those from families and communities that are underserved. Additionally, monitor the City's investments directed toward restorative justice; Black and Brown students; and culturally responsive programming.

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## **SEATTLE PRESCHOOL PROGRAM**

Monitor expansion of the Seattle Preschool Program (SPP) as part of the FEPP Levy, focusing on affordability, quality, and equitable access for families.

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## **SEATTLE PROMISE**

Monitor implementation of the Seattle Promise program as part of the FEPP Levy, including ensuring equity in the program design and resource allocation.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the Seattle Arts Commission; Seattle Disability Commission; Seattle Human Rights Commission; Seattle Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Commission; Seattle Women's Commission; Seattle-King County Advisory Council on Aging & Disability Services; Seattle Youth Commission; Community Involvement Commission; Landmarks Preservation Board; Ballard Avenue Landmark District Board; International Special Review District Board; Pike Place Market Historical Commission; Pioneer Square Preservation Board; Cultural Space Agency Public Development Authority; Historic Seattle Preservation and Development Authority; Pike Place Market Preservation and Development Authority; and the Seattle Chinatown International District Preservation and Development Authority.

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### **BUDGET AND ROUTINE LEGISLATION**

Oversee department budgets and the Families, Education, Preschool, and Promise Levy. Consider routine legislation.

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### **DEPARTMENT HEAD APPOINTMENT OR REAPPOINTMENT**

Review qualifications of individuals nominated by the Mayor. Recommend confirmation of the appointments to City Council, as appropriate.

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## EXTERNAL COMMITTEES

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the Families, Education, Preschool, and Promise Levy Oversight Committee.

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## RSJI

Review annual department RSJI reports.

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## NEIGHBORHOODS

### DEPARTMENT OF NEIGHBORHOODS' PROGRAMS

Monitor Seattle Department of Neighborhoods' (DON's) programs including the Neighborhood Matching Fund, Healthy Food Fund, Your Voice Your Choice, Engage Seattle, Community Engagement Coordinators, and Community Liaisons. Consider legislation as appropriate.

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### GUARANTEED BASIC INCOME (GBI)

Review proposals for a GBI program pursuant to Council Budget Action DON-003-B-001, and evaluate resources and funding necessary to stand up such a program.

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### HISTORIC PRESERVATION

Review landmark controls and incentives legislation. Monitor and take action as needed on issues related to historic districts and City landmarks.

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### REIMAGINATION AND RECOVERY

Monitor DON's work on Reimagination and Recovery, including work supporting generational wealth and community wealth-building, outreach and Racial Equity analysis for the WSBLE project, support for planning in the Chinatown/International District, and living systems workgroups.

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## NEW AMERICANS

### DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Analyze local policy issues and programs related to protecting the DACA program, including DACA and Temporary Protected Status (TPS) application support.

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### IMMIGRATION

Address policy and programming adopted in the Welcoming City Resolution (Resolution 31730). Monitor City compliance with Seattle Municipal Code Chapter 4.18 regarding enforcement of federal immigration laws.

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**OFFICE OF IMMIGRANT AND REFUGEE AFFAIRS (OIRA)**

Monitor implementation efforts related to the mission of OIRA and its programs, including the legal defense fund and rapid response programs; and evaluate the resources and funding of OIRA to perform its ongoing work program.

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**SUPPORT FOR IMMIGRANT AND REFUGEE WITNESSES, SURVIVORS, AND VICTIMS OF CRIME**

Review and implement as necessary recommendations requested in Resolution 31775. Continue monitoring Executive implementation of Resolution 31775, strengthening public safety by affirming the City's support for immigrant and refugee witnesses, survivors, and victims of crime.

# **PUBLIC ASSETS & HOMELESSNESS COMMITTEE**

ANDREW J. LEWIS, CHAIR

TRACI RATZLIFF, CENTRAL STAFF COORDINATOR

## **DEPARTMENT OVERSIGHT**

King County Regional Homelessness Authority; Libraries; Parks and Recreation; Seattle Center; Waterfront

## **AQUARIUM**

### **CITY AND SEATTLE AQUARIUM SOCIETY (SEAS) AGREEMENT**

Monitor agreement between the Seattle Aquarium Society (SEAS) and the City to operate the Aquarium. Monitor the planning and funding of the Aquarium expansion project.

## **CENTRAL WATERFRONT PROGRAM**

### **CENTRAL WATERFRONT PROGRAM**

Monitor, review, and consider plans, strategies, partnerships, agreements, and implementation activities relating to the Central Waterfront Program and the Office of the Waterfront, including reviewing and acting on proposed legislation, as needed. This includes: monitoring progress on the multiple projects that comprise the Central Waterfront, including the expansion of the Seattle Aquarium; legislation authorizing a long term operating agreement with Friends of the Waterfront Seattle for operation and management of public spaces on the Central Waterfront, including partnerships; and other agreements.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the: Board of Park and Recreation Commissioners; Pacific Hospital Preservation and Development Authority; Seattle Center Advisory Commission; Seattle Public Library Board of Trustees; Zoo Board; Washington State Convention Center Public Facilities Board; Central Waterfront Oversight Committee; and the Arboretum and Botanical Garden Committee.

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### **DEPARTMENT HEAD APPOINTMENT - SEATTLE PARKS AND RECREATION**

Review qualifications of the individual nominated by the Mayor. Recommend confirmation of appointments to City Council, as appropriate.

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**EXTERNAL COMMITTEES**

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including: King County Regional Policy Committee; King County Regional Homelessness Authority Governing Committee; Puget Sound Regional Council (PSRC) Executive Board; PSRC Growth Management Policy Board; PSRC Operations Committee.

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**PARKS, SEATTLE CENTER, LIBRARIES AND WATERFRONT EMERGING ISSUES**

Review of emerging Parks, Seattle Center, Seattle Public Library, and Office of the Waterfront issues.

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**RACE AND SOCIAL JUSTICE INITIATIVE (RSJI)**

Review annual department RSJI reports.

**HOMELESSNESS****EMERGENCY SHELTER**

Receive regular reports and updates on the expansion of emergency shelter programs and efforts to provide shelter and housing to people experiencing unsheltered homelessness, including the opening of new tiny home villages as provided for in the 2022 Adopted Budget and potential closure of hotel sheltering programs.

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**KING COUNTY REGIONAL HOMELESSNESS AUTHORITY**

Monitor, assess, and review the process for developing the King County Regional Homelessness Authority's first budget submission, county-wide rebidding of homelessness services contracts, emergency response to severe weather and poor air quality, and five-year plan for the delivery of homelessness services.

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**PROGRAM EFFECTIVENESS**

Monitor and review King County Regional Homelessness Authority (KCRHA) and HSD's homelessness investments, including periodic updates on the performance of homelessness investments. Assess effectiveness and explore opportunities for alternate strategies as needed.

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**RACIAL EQUITY**

Monitor data on racial inequities in the experience of homelessness and receipt of homelessness services.

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## **UNSHELTERED HOMELESSNESS**

Monitor efforts to provide public hygiene services, respond to trash accumulation, and address public health concerns related to homelessness, such as the Clean Cities Initiative.

Review reports on the Homelessness Outreach Provider Ecosystem, including quarterly reports pursuant to HOM-018-A-001, and examine changes that may improve the City's response to unsheltered homelessness.

Monitor the support of programs to connect people experiencing homelessness who reside in vehicles with services and housing, including funds provided in the 2022 Adopted Budget.

## **LIBRARY**

### **LIBRARY LEVY OVERSIGHT**

Monitor implementation of the Library Levy and how levy proceeds are being used to restore, maintain, and improve core library services. In addition, monitor SPL's efforts to increase access to reliable and affordable broadband internet service for city residents, consistent with the recently adopted Internet for All Resolution (Resolution 31956).

## **PARKS**

### **CONSERVATION CORPS PERFORMANCE**

Receive and review a report from SPR regarding the Seattle Conservation Corps, including outcomes to date and opportunities to expand the program, as requested in SPR-012-B-001. This SLI also requested SPR to analyze current resource gaps and work towards an understanding of the program's maximum annual enrollment. The report is due on June 30, 2022.

### **PARK FACILITIES**

Receive and review a report from SPR in its role as the coordinator of an interdepartmental workgroup (including SFD and OSE) to improve and maintain water safety according to aquatics best practices and in the context of trends with a nexus to global warming, as requested in SPR-014-B-001. Taking the same trends into account, the SLI also requests SPR's analysis of how to increase compliance with the Parks Code in parks, on shorelines, and on the portions of waterways where the City has jurisdiction. The report is due on June 30, 2022.

### **TRANSFER OF CITY HALL PARK TO KING COUNTY**

Review proposed legislation to transfer City Hall Park to King County in exchange for thirteen other parks and open space related properties.

## **PARKS - OTHER**

### **WOODLAND PARK ZOO**

Monitor agreement between the Woodland Park Zoological Society and the City.

## **PARKS - SEATTLE PARKS AND RECREATION**

### **CAPITAL IMPROVEMENT PROGRAM (CIP)**

Review CIP projects on a quarterly basis to evaluate progress on project completion.

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### **SEATTLE PARK DISTRICT**

Review Cycle End report and other information on performance of Park District during first six- year spending plan period including recommendations for potential changes in next spending plan. Monitor development of next six-year spending plan. Review and approve next six year spending plan for 2023-2028.

## **SEATTLE CENTER**

### **SEATTLE CENTER CONTRACTS AND LEGISLATION**

Review and consider miscellaneous Seattle Center legislation and contracts, including those related to campus tenants and events. Monitor any updates to, and implementation of, the Century 21 Master Plan, including campus redevelopment activities. Monitor the relationship and the development of potential agreements with Seattle Public Schools regarding the replacement of Memorial Stadium.

# **PUBLIC SAFETY & HUMAN SERVICES COMMITTEE**

LISA HERBOLD, CHAIR

GREG DOSS, CENTRAL STAFF COORDINATOR

## **DEPARTMENT OVERSIGHT**

Community Police Commission; Community Safety and Communications Center; Emergency Management; Fire Department; Human Services Department; Inspector General; Law Department; Municipal Court; Office of Police Accountability; Police Department; Public Health - Seattle and King County

## **ALTERNATIVES TO CURRENT 911 RESPONSE**

### **BEHAVIORAL HEALTH CRISIS RESPONSE**

Monitor the expansion of behavioral health crisis response programs, including implementation of Council Budget Action HSD-053-B-001 to expand mobile crisis response teams and creation of the 988 behavioral health crisis line, and continued gaps in providing services.

### **COMMUNITY SAFETY OFFICER WORK DUTIES**

Review response to Statement of Legislative CBO-001-A-001, which requires the City Budget Office (Office of Innovation and Performance) to transmit a report that examines the possible expansion of CSO work duties to include (1) response to noncriminal 9-1-1 calls and/or (2) activities that alleviate the workload of SPD staff who respond to 9-1-1 calls. SLI CBO-001-A-001 is due on June 30, 2022.

### **CRISIS RESPONSE**

Monitor programs and investments related to crisis response, including the OneCall Pilot and the implementation of the 988 crisis response line, and ensure crisis response is coordinated with human services and behavioral health supports.

### **MONITOR DEVELOPMENT OF TRIAGE ONE CALL TYPES**

Monitor the Seattle Police Department, Seattle Fire Department and Seattle Community and Communications Center inter-departmental workgroup risk assessment analysis for alternate response to some 9-1-1 calls and the call types proposed for SFD Triage One response.

### **SCOPING AND PLANNING FOR EXPANDED MENTAL/BEHAVIORAL HEALTH RESPONSE**

Receive response to CBO-002-A-001, which requires the City Budget Office (Office of Innovation and Performance) to scope the aggregate unmet need for response to service calls with a mental/behavioral health nexus, quantify the financial and personnel gap, and make recommendations for filling and funding it within a three-year timeframe. The report is due on June 30, 2022.

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## **SPD 911 CALL ANALYSIS**

Hold quarterly public hearings on the recommendations resulting from Executive Order 2020:10, which ordered City departments to support the citywide, community-led process to reimagine policing and community safety by centering the voices of Black, Indigenous, and People of Color communities. As part of the EO, the Seattle Police Department is conducting an analysis of 129 call categories to identify a potential non-sworn response for 911 call types that the National Institute for Criminal Justice Reform (NICJR) identified as potentially not needing an officer to respond. The department is paying particular attention to 12% of calls where it agrees that civilians could be used for alternative response. Statement of Legislative Intent SPD-017-A-001 requests that SPD report quarterly on its progress with this analysis (April 1, July 1 and October 1).

## **COMMUNITY SAFETY AND COMMUNICATIONS CENTER**

### **911 CALL-TAKING AND DISPATCH FUNCTIONS**

Monitor response to Council Budget Action CSCC 002-B-001, including the development by the Community Safety and Communications Center of a new dispatch protocol and consideration of potential additional dispatch functions, which may include alternatives to police response, such as Triage One.

### **AGENCY START UP**

Monitor implementation of new Community Safety and Communications Center, including appointment of a new director, vacancy levels, and potential additional civilian public safety functions, and consider any related legislation.

### **E911 STRATEGIC PLAN**

Monitor implementation of the King County Regional E911 Strategic Plan, including the Platform Modernization Project and other issues related to governance, technology and finance.

### **STAFFING LEVELS**

Monitor staffing-related issues at the Community Safety and Communications Center, including potential new positions, vacancy levels, and potential hiring incentives in 2022. Monitor implementation of Council Budget Action CSCC-001-A-001, which added \$1.8 million and 26 FTEs starting July 1, 2022 to meet the CSCC's existing dispatch operational needs.

## **CRIMINAL LEGAL SYSTEM POLICY REFORM FOR BETTER PUBLIC SAFETY OUTCOMES**

### **BAIL REFORM**

Monitor efforts to reform bail practices and pre-trial release strategies with a racial equity lens.

### **CRIMINAL LEGAL SYSTEM ALIGNMENT**

Review the criminal legal system strategic plan to help determine whether and how to implement recommendations regarding Seattle's criminal legal system.

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## **DOMESTIC VIOLENCE WORKGROUP**

Consider recommendations from a work group convened by the Office for Civil Rights regarding alternatives to incarceration for individuals accused of misdemeanor domestic violence, as described in CBA OCR-002-A-001.

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## **ENTHEOGENS**

Monitor progress of State legislation that proposes frameworks for (1) the supported adult use of psilocybin under the supervision of a trained and licensed psilocybin service facilitator and (2) the legal manufacture of psilocybin products and the provision of psilocybin services to persons 21 years of age and older; work with City Attorney's Office and other departments to reflect any new RCW in the SMC and to scope the City's implementation and administration of any new regulatory requirements. Monitor, assess, and provide updates on SPD's actions in response to Resolution 32021.

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## **GUN SAFETY**

Advance the conversation on gun safety and interlocal coordination and gun trace data; monitor State legislative activity. Participate on King County Gun Violence Prevention Leadership Group and monitor recommendations for future implementation in City policy. Explore legislation to pursue improvements in gun safety. Should the State Legislature fail to pass meaningful reform of gun restrictions at public events statewide, but provides local municipalities authority to enact restrictions, consider City legislation that would improve gun safety.

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## **HATE AND BIAS CRIMES**

Monitor data on the incidence of hate and bias crimes, the evolution of best practices to address them, and funding to organizations working on community safety initiatives related to hate and bias crimes.

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## **KING COUNTY JAIL**

Monitor and participate in efforts to reinvest jail funding in supporting people most impacted by incarceration and an internal jail contract advisory group. Evaluate King County Jail contracts and consider all recommendations for improvements in jail operations, the charges and fees paid by individuals during their incarceration, and the services provided to incarcerated individuals.

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## **LESS LETHAL WEAPONS**

Monitor the Executive's implementation of Ordinance 126422, restricting the use of less lethal weapons, including compliance with the consent decree process. Monitor related proposed State Legislation, including legislation, which may clarify that police departments may use less-lethal munitions launchers.

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## **REENTRY FOR PERSONS FORMERLY INCARCERATED**

Monitor and participate in, as appropriate, implementation of recommendations in the Reentry Report, which was intended to coordinate and strengthen the City's efforts to assist the reentry process for people returning from incarceration (Resolution 31637). Continue to monitor progress on the response to Statement of Legislative Intent CJ-921-A-1-2021 (requesting Executive Departments to report on reentry recommendations on increasing economic opportunities), most of which has been delayed in 2021 due to pandemic response.

## **EMERGENCY MANAGEMENT**

### **EXTREME WEATHER EVENTS**

Monitor the Executive's planning for extreme weather events, including OEM's development of a community climate resilience plan and establishing resilience hubs throughout Seattle and operating temporary warming/cooling shelters and centers.

### **PLANNING AND PREPAREDNESS**

Monitor progress on citywide emergency management strategic plan. Briefing on earthquake preparedness focus for 2022 and revised approach to Cascadia Rising Exercise). Briefing on the COVID After Action Report Monitor Seattle Hazard Identification and Vulnerability Assessment update.

### **UNREINFORCED MASONRY BUILDINGS**

Monitor the State Legislature's progress in developing policy and implementing regulations to address the safety of unreinforced masonry buildings. Consistent with Resolution 32022, contribute to quarterly reports, as needed, on progress made toward implementation of a mandatory URM seismic retrofit program.

## **FIRST RESPONDERS**

### **OFFICER AND FIREFIGHTER RECRUITMENT DIVERSITY / PREFERENCE POINTS**

Monitor SFD and SPD diversity recruitment efforts, including any efforts to implement Community Service Preference Points.

## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments including the Community Police Commission and Fire Code Advisory Board. Support the local board of health in recruiting diverse and skilled members to meet revised state requirements for Board of Health membership.

### **BUDGET AND ROUTINE LEGISLATION**

Oversee department budget and levies and consider routine legislation such as the annual legislation that updates the Municipal Code traffic and criminal titles for consistency with State law, as appropriate.

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## **DEPARTMENT HEAD APPOINTMENT OR REAPPOINTMENT**

Consistent with Resolution 31868, when appropriate, review qualifications of individual(s) nominated by the Mayor, including recommending confirmation of the appointments to City Council, as appropriate, for Seattle Municipal Court judges, the Human Services Department Director, the Public Health Director, the Seattle Police Department Chief, Seattle Fire Department Chief, Seattle Community Safety and Communications Center Director, Community Police Commission Executive Director, Office of Police Accountability Director, and Inspector General for Public Safety.

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## **EXTERNAL COMMITTEES**

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the Public Safety Civil Service Committee, Regional Domestic Violence Initiative and the Domestic Violence Prevention Council, the Advisory Council on Aging and Disability Services and the Puget Sound Emergency Radio Network, funded by a countywide levy passed by voters in 2015.

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## **RACE AND SOCIAL JUSTICE INITIATIVE**

Review annual department RSJI reports for departments that fall within the Committee's subject matter area. Review reports identifying impacts of the criminal legal system and policing on communities of color/vulnerable communities.

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## **REGULAR REPORTING REQUIREMENTS**

Review required annual reports for departments that fall within the Committee's subject matter area as well as regarding/related to (1) reviewing reports regarding quarterly case outcomes, annual pre-filing diversion data, and scope of the LEAD positions as required by Ordinance 126520 and monitor associated issues and (2) monitoring baseline and ongoing quarterly data requested in CBA SMC-003-A-001 regarding the use of subsidies for indigent individuals on electronic home monitoring.

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## **HUMAN SERVICES - AGING AND DISABILITY SERVICES**

### **AGE FRIENDLY SEATTLE**

Monitor the Human Services Department's (HSD) continued efforts to take action on the City's Age Friendly designation and provide grant-funded case management and home care services to Medicaid-eligible older adults, including investments in community living connections and community transportation. Follow up on impacts of Stay Connected Pilot Program and programs to address social isolation in seniors.

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### **AREA AGENCY ON AGING**

Monitor the Area Agency on Aging and the Seattle-King County Advisory Council on Aging and Disability Services.

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## HUMAN SERVICES - HEALTH

### BEHAVIORAL HEALTH

Explore ways to expand the availability and accessibility of mental health and substance use disorder services to support ongoing healing and recovery and prevent behavioral health crises, including implementation of programs funded by Council Budget Action HSD-050-C-001 and DEEL-006-A-001 in the 2022 Adopted Budget to expand school-based behavioral health services, steps to address the shadow pandemic of mental crises and violence, services for children and youth, services that specialize in serving the LGBTQ population, and crisis stabilization services.

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### HARM REDUCTION OUTREACH FOR PEOPLE WHO USE DRUGS

Monitor the awarding by Public Health – Seattle and King County of funds first provided in 2021 by Council Budget Actions HSD-009-B-002 and HSD-050-B-002 to provide harm reduction services for people who use drugs actively, the implementation of those programs, and lessons learned from the early implementation that can shape ongoing investments in these services.

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### PUBLIC HEALTH

Monitor the ongoing response to the COVID pandemic, other diseases, and emerging public health concerns, such as: actions to address the disproportionate effects of the pandemic on communities of color; expenditure of federal funds to offset the effects of the pandemic; continuing efforts to build culturally-informed testing, vaccination, treatment, and other health system structures; stabilizing and bolstering the healthcare system; helmet enforcement policies; and trends and responses to drug overdoses.

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## HUMAN SERVICES - LEADERSHIP AND ADMINISTRATION

### DEPARTMENT OVERSIGHT

Monitor the Human Services Department's operations, including the implementation of the recommendations from Alvarez and Marsal regarding staffing and technical improvements to HSDs financial and accounting practices, as well as recommending confirmation of Department directors to City Council, as appropriate.

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### TRACKING INVESTMENTS

Monitor status of Human Services Department (HSD) budget appropriations, including Council additions to the 2022 budget, appropriations of COVID-19 relief funding and the recommendations of the Equitable Communities Initiative, including re-entry programs, Farm to Table, and culturally responsive and inclusive healthcare investments. Review funding processes and impacts for equitable outcomes.

## HUMAN SERVICES - SAFE AND THRIVING COMMUNITIES

### GENDER-BASED VIOLENCE

Monitor the Human Services Department's domestic violence and sexual assault prevention work plan and the Gender-Based Violence Victim Services and Legal Services Requests for Proposals. Monitor implementation of the domestic violence firearms forfeiture program. Participate in the regional Domestic Violence Initiative and the Domestic Violence Prevention Council and actions that result from their quarterly meetings. Draft legislation and provide policy guidance, as appropriate.

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### HUMAN SERVICES WAGES

Monitor the impact of automatic annual contract escalation on provider wages and turnover. Monitor the comparable worth analysis for Human Service providers funded through CBA 002-B-001.

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### LEAD EXPANSION AND CASELOADS

Review the effect of expanding Let Everyone Advance with Dignity (LEAD, formerly Law Enforcement Assisted Diversion) in 2022 with \$3.9 million appropriated in Council Budget Action HSD-051-C-001 with a special focus on caseloads and the prioritization of referrals.

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### SAFETY INVESTMENTS

Monitor establishment of the Safe and Thriving Communities Division, including, investments in community safety programs, such as the Seattle Community Safety Initiative, Community Safety Capacity Investments, and the Regional Peacekeepers. Specifically examine Community Safety Initiative work including deescalating hotspots or critical incidents through rapid response; providing mediation to resolve conflicts peacefully; providing immediate support, connection to services, and case management; and tracking data on deployment; leading to decreased involvement in violence and crime, and increased feelings of safety.

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## HUMAN SERVICES - YOUTH AND FAMILY EMPOWERMENT

### FOOD ACCESS

Monitor Council Budget Action HSD-026-A-001, which requested a report on federal and state funding for food programs. to be submitted by HSD by June 1, 2022, or before the transmittal of the mid-year supplemental budget legislation, whichever occurs first.

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### SWEETENED BEVERAGE TAX (SBT) FUNDING

Monitor and review HSD programs funded by SBT.

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### UTILITY DISCOUNT PROGRAM

Monitor policies and strategies to increase enrollment in the Utility Discount Program. Review program changes implemented in 2020 and 2021 and their impacts on enrollment. Monitor implementation of the City-wide affordability portal.

## **PAY-UP CAMPAIGN**

### **PAY-UP CAMPAIGN**

Develop policies and consider legislation to establish minimum payment requirements and other labor standards for app-based workers.

## **PUBLIC SAFETY STAFFING ON CITY WATERWAYS**

### **DEVELOPMENT AND MONITORING OF CONSULTANT CONTRACT**

Monitor Council Budget Action FAS-001-A-001, which added \$200,000 for a study of comparable cities' public-safety staffing levels on city waterways, an evaluation of Seattle's level-of-service needs, and development of recommendations that would protect the City's waterways while preserving public safety.

## **SEATTLE CITY ATTORNEY**

### **CLIENT SERVICES**

Monitor implementation of the pre-filing diversion program by the City Attorney's Office and monitor associated issues. Monitor transfer of existing pre-filing diversion contracts to HSD, expansion of pre-filing diversion program to individuals 25 and over, and funds under proviso for use in pre-filing diversion. Monitor progress and results of a racial equity toolkit on expanding pre-filing diversion opportunities to those over the age of 25, and any recommendations from the City Attorney's Office to implement expansion based on the RET results.

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### **VICTIM COMPENSATION FUND**

Convene working group to make recommendations regarding the parameters for eligibility and restitution amounts for the victim compensation fund. Review report responding to issues raised by the Community Task Force on Criminal Legal System Alignment and the Cities & Counties for Fine and Fee Justice work group as described in CBA FAS-005-C-001.

## **SEATTLE FIRE DEPARTMENT**

### **BEHAVIORAL HEALTH COORDINATOR**

Monitor the implementation and impacts of Council Budget Action SFD-005-A-003-2021, which added funding for a Behavioral Health Coordinator to provide referrals for trauma-informed counseling services for firefighters, oversight of SFD's Peer Support Team, referrals, and training that would focus on de-escalation strategies to keep firefighters safe and increase positive interactions with persons in crisis or suffering with mental illness. To the extent possible, monitor the impacts of City funding for counseling resources that are provided via Local 27.

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**CONSULTING NURSE**

Monitor the implementation and impacts of Council Budget Action SFD-004-A-001-2021, which funded a consulting nurse to help triage incoming calls to the Fire 911 Center, provide medical advice, and help dispatch determine what kind of services would be needed.

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**FIREFIGHTER SAFETY**

Examine issues affecting the health, mental health, and safety of SFD first responders and staffing needs for safe and effective working conditions.

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**HEALTH ONE AND TRIAGE ONE PROGRAM MONITORING**

Clarify and document the data classifications that SFD uses in each of these programs and understand how these may change as alternate dispatch protocols are implemented. Clarify and document the department's understanding of dispatched responses vs. non-dispatched responses vs. outreach vs. on-scene education for high utilizers of the 9-1-1 system vs. assistance with the Vulnerable Adult program vs. the provision of transportation and ensure that work on CBO-002-A-001 is based on the appropriate use of these SFD-collected statistics.

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**HEALTH ONE PROGRAM EXPANSION**

Monitor, assess, and provide updates on SFD's deployment of a third Health One unit, anticipated in early 2022. Review SFD report on the cost and schedule options with milestones for the deployment of a fourth and fifth Health One unit, including their locations, service area, and hours of operation that expand the program's current hours of operation. The report was requested in Statement of Legislative Intent SFD-003-A-001; the report is due June 30, 2022. Monitor SFD's efforts to provide enhanced service to individuals calling with lower acuity complaints.

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**SAFETY SYSTEMS**

Examine the steps SFD has been taking to boost inspection completion rates, including moving high-rise inspections to FPD, implementing a nuisance alarm reduction program, and an IT systems replacement project (currently in process) to move toward mobile inspections. Monitor legislation that created citation authority for SFD to provide additional tools regarding compliance and violations. Monitor SFD efforts to flag vacant, unsecured, unsafe buildings flagged for inclusion in the Vacant Building Monitoring Program under the Seattle Department of Construction and Inspections, to improve the safety of vacant buildings.

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**SFD RECRUIT CLASS**

Monitor Council Budget Action SFD 001-A-001, which restored \$1.5 million in funding for pre-employment testing, recruitment, salaries and benefits, personal protective equipment, and other operating costs associated with 20 additional firefighter recruits.

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## **SFD STAFFING LEVELS AND THEIR IMPACTS**

Monitor, assess, and provide updates on SFD firefighter staffing levels as reported and forecast by the department and the impacts of these levels, including any potential or actual service brownouts, trends in firefighter use of paid leave, payouts to retiring firefighters and the net potential liability for this expense, and the progress of recruits through 2022 training classes.

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## **STAFFING, PAYROLL AND TIMEKEEPING SYSTEM IMPLEMENTATION**

Monitor SFD's ongoing implementation and troubleshooting of the Orion staffing/payroll system and the volume and disposition of filed grievances related to this new system.

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## **TRIAGE ONE PROGRAM LAUNCH**

Receive and review a series of reports from SFD that describe progress towards the launch of the Triage One program; monitor milestones and target dates provided by SFD in September 2021. Statement of Legislative Intent SFD-004-A-1 provides specific information about the narrative and financial information each report should contain. Reports are due on January 31, March 31, and June 30, 2022.

## **SEATTLE MUNICIPAL COURT**

### **CAPITAL OVERSIGHT**

Oversee progress related to replacement of the Seattle Municipal Court Information System.

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### **CLIENT SERVICES**

Monitor, review, and analyze the criminal legal system, including implementation of Seattle Municipal Court pre-trial diversion programs such as domestic violence court, and mental health court, as well as the Court Resource Center. Consider legislation to enhance assistance to persons involved with the criminal legal system pre-adjudication and post-adjudication, including bail reform and civil legal defense.

---

### **COMMUNITY COURT**

Monitor whether SMC Community Court is achieving the outcomes intended, including exiting people with misdemeanor charges from the criminal legal system, reducing time in jail both pre-trial and in sentencing, and referring them to services within the community to address root causes of the behavior driving commission of misdemeanors.

---

### **ELECTRONIC HOME MONITORING**

Monitor baseline and ongoing quarterly data requested in CBA SMC-003-A-001 regarding the use of subsidies for indigent individuals on electronic home monitoring. After provision of initial baseline data, subsequent data will be provided on a quarterly basis.

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**FINES AND FEES**

Monitor Statement of Legislative Intent SMC-001-A-002, which requests SMC provide a report on fines and fees related to an individual's involvement with the court by July 31, 2022.

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**PROBATION**

Work with the Seattle Municipal Court to implement recommendations from the City Auditor's assessment of SMC probation's racial and ethnic proportionality and the findings of the 2020 Vera Report.

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**SEATTLE POLICE DEPARTMENT****CATALYTIC CONVERTER THEFT**

Monitor state legislation and work on creating a local, regional, and possible state regulatory response to the national dramatic increase in catalytic converter theft. Per establishment of state regulatory authority, develop enhancements to documentation of those attempting to sell the devices and/or restrict the ability to buy the devices to licensed retailers.

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**CHARGE BY OFFICER PROGRAM**

Monitor Statement of Legislative Intent SPD-1-B-1-2021, which requested that SPD, in conjunction with other City departments, lead an examination of the Charge By Officer (CBO) program, including analysis of whether the CBO program decreases or contributes further to involvement in the criminal legal system in the long term. Continue to monitor the Seattle Municipal Court's efforts to identify the data necessary to fully evaluate the CBO program.

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**CONSENT DECREE**

Monitor the Court-appointed Monitor's work to establish and file a 2022 Monitoring Plan, including community outreach in the areas of Crisis Intervention, Stops and Detentions and Use of Force, including Crowd Management.

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**COPPER WIRE**

Monitor the City's ongoing efforts to implement an asset loss methodology and regulatory controls over copper wire recyclers as outlined in Statement of Legislative Intent SPD-9-A-2-2021 and SPD 10-A-2-2021. Monitor State legislative efforts to regulate recyclers who accept copper wire.

---

**EVIDENCE STORAGE DISCLOSURE BACKLOG**

Monitor the Executive's efforts to identify and secure additional evidence storage space. The Office of the Inspector General for Public Safety reported in December 2020 that overcrowding at SPD's evidence storage warehouse resulted in failed fire inspections in 2016 and 2017 and in the agency mistakenly destroying 107 DNA samples. The 2021 Supplemental Budget included \$500,000 for additional storage needs that the Executive indicated may be carried over into 2022 for space contracts.

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## **HOMELAND SECURITY GRANTS PROCESS**

The Committee may consider stand-alone grant legislation for the State Homeland Security Program (SHSP) and the Urban Areas Security Initiative (UASI). SPD is the regional administrator for these grants, which have historically been addressed in the Fourth Quarter Supplemental Budget.

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## **OFFICER RETENTION AND WELLNESS**

Monitor department initiative to retain sworn personnel and ensure the wellness of SPD officers, including SPD's Precinct-based MHP Program, which contracts with a mental health professional (MHP) to coordinate and/or provide services ranging from peer support to substance abuse counseling, family counseling, acute crisis care, trauma response, and spiritual care for police employees.

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## **RELATIONAL POLICING PROGRAM**

Monitor the development of SPD's Relational Policing Program funded with a \$250,000 proviso in SPD-006-B-001-2021. The Relational Policing Program a 45-day program to immerse recruits in community-based, peer-based, and introspective experiences that provides them a lens through which to receive their Academy training.

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## **RETAIL THEFT**

Monitor SPD's efforts to deter and respond to retail theft in the downtown core and in neighborhood business centers. Monitor the City Auditor's Audit of the City's approach to Organized Retail Crime (ORC) and highlight Auditor and Community recommendations to combat retail theft and address upstream root causes of poverty driven crimes.

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## **REVIEW PUBLIC SAFETY AND CRIME TRENDS**

Review public safety and crime trends, including data listed on the Seattle Police Department dashboards, including the Crime Dashboard, Computer-Aided Dispatch Dashboard, Arrest Dashboard, Crisis Contacts Dashboard and Bias Crimes Dashboard.

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## **SEATTLE POLICE OFFICER'S GUILD (SPOG) AND SEATTLE POLICE MANAGEMENT ASSOCIATION (SPMA) NEGOTIATIONS**

A Central Staff member will attend and participate as a member of the City bargaining teams in Seattle Police Management Association (SPMA) and Seattle Police Officer's Guild (SPOG) negotiations to help achieve new bargaining agreements that are in the best interests of the City and advance police accountability. The Select Labor Committee will have primary responsibility for this work.

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## **SPD FINANCES, STAFFING, AND SERVICE METRICS**

Hold quarterly public hearings on the responses to Statement of Legislative Intent SPD-001-A-001-2022, which requests quarterly reports on SPD's:

- Financial data including grants and contracts and training and travel consistent with SPD-001-A-003-2021;
- Reports on use of overtime and progress towards implementing recommendations from the City Auditor's SPD overtime off duty work, Executive Order 2017-09 and special events reports; consistent with SPD-001-A-003-2021; including off duty work.
- 911 call times, Priority Call Response Days and potential changes to patrol staffing, consistent with SPD-001-A-003 and SPD-006-A-003-2021.
- Sworn staffing, precinct staffing and demographic data on sworn hires and separations, consistent with SPD-003-A-001.

Reports are due on April 15, July 15 and October 5, 2022.

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## **TASK FORCE REVIEW**

Review the report required in SPD-018-A-001, due February 15, 2022, that requests SPD report on the specific activities of the officers that serve on a number of inter-jurisdictional task forces. Such Task forces would include those operating for the Federal Bureau of Investigation, the US Drug Enforcement Agency, and the US Department of Justice. SPD-018-A-001 indicates that it is the intent of the Council to review the report and seek Community input on the specific task force activities before determining whether to provide appropriation authority that reimburses SPD for its work on the task forces.

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## **TRAFFIC STOPS AND RACIAL DISPARATIES**

Monitor SPD's updated traffic stop guidelines in relation to Chief Diaz's announcement that SPD will no longer make some low level stops and CJ-26-A-2 and Statement of Legislative Intent SPD-004-B-002-2021, which requests SPD to report on: (1) traffic stops made for criminal and non-criminal purposes; and (2) racial disparities as requested in Ordinance 125358. The reporting requires recommendations on training and policy changes, consistent with the Consent Decree, to address bias and racial disparities found in the reports.

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## **USE OF TECHNOLOGY**

Monitor implementation, data collection and benefits derived from the Data Analytics Platform (DAP) sustainment support project; Officer Accountability and Trust Hub (OATH) project; Risk Managed Demand and Research Triangle project; and Transfer of Force Reporting & Assessment to Mark43 (Records Management System) project. In particular, assess the benefits that these projects have for improving officer wellness and helping SPD to determine which 911 calls should receive an alternative response.

**ACCOUNTABILITY ORDINANCE AND REPORTING REQUIREMENTS**

Monitor and provide oversight of SPD, the Community Police Commission (CPC), the Office of Inspector General for Public Safety (OIG), and the Office of Police Accountability (OPA) when providing regular reports pursuant to the Accountability Ordinance (Ord. 125315), including annual reports and annual workplans. Continued monitoring and oversight of police accountability matters and legislation implementation. Consider legislation from policy recommendations from OPA, OIG, and CPC resulting from review of 2020 complaints of misconduct resulting from 2020 protests in wake of the murder of George Floyd, including but not limited to OPA recommendation to change municipal law to expand the use of body-worn video at protests, to update the Observers’ Bill of Rights, and to clarify the Municipal Code as it relates to limit applicability trespass orders during civil unrest on members of the media, and the role of OPA as it relates to investigations into the Chief of Police.

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**CODIFICATION OF THE ACCOUNTABILITY ORDINANCE (ORD. 125315)**

Central Staff and Committee members will work with the City Code Reviser and Labor Relations to codify sections of the Accountability Ordinance that are not dependent on collective bargaining, including sections that establish the Office of Police Accountability, Inspector General for Public Safety and Community Police Commission and govern the appointment and reporting processes therein.

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**COMMUNITY POLICE COMMISSION**

Monitor staffing-related issues at the CPC, including potential new positions, vacancy levels, and potential hiring incentives in 2022.

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**EXTENDING THE OFFICE OF THE INSPECTOR GENERAL AUDITING WORK TO THE SEATTLE COMMUNITY SAFETY AND COMMUNICATIONS CENTER (SCSCC) AND THE OFFICE OF EMERGENCY MANAGEMENT.**

The Office of the Inspector General for Public Safety will work with the Community Police Commission, Office of Police Accountability and Council to pass legislation that extends OIG oversight of public safety functions that have moved outside the scope of SPD.

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**REVIEW OF ACCOUNTABILITY SYSTEM**

Consider recommendations of the City Auditor’s 2017 report, “Five Recommendations for Evaluating Seattle’s New Police Oversight System” and potential review of accountability system.

# **SUSTAINABILITY & RENTERS' RIGHTS COMMITTEE**

KSHAMA SAWANT, CHAIR

ASHA VENKATARAMAN, CENTRAL STAFF COORDINATOR

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## **DEPARTMENT OVERSIGHT**

Sustainability and Environment; Construction and Inspections (Tenant/Landlord policy work regulations); Office for Civil Rights (Tenant/Landlord policy work regulations)

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## **GENERAL COMMITTEE RESPONSIBILITIES**

### **BOARDS AND COMMISSIONS**

Monitor and make recommendations on appointments to the Seattle Renters Commission and the Green New Deal Oversight Board.

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### **BUDGET AND ROUTINE LEGISLATION**

Oversee department budgets. Consider routine legislation.

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### **DEPARTMENT HEAD APPOINTMENT OR REAPPOINTMENT**

Review qualifications of individual(s) nominated by the Mayor. Recommend confirm of appointment(s) to City Council, as appropriate.

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### **EXTERNAL COMMITTEES**

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the King County Regional Water Quality Committee, the Advisory Council on Aging and Disability Services, and the King County Regional Policy Committee.

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### **RSJI**

Review annual department RSJI reports.

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## **RENTERS' RIGHTS**

### **CIVIL LEGAL AID**

Monitor funding and implementation of direct representation of King County Department of Public Defense's criminal defense clients in civil proceedings, particularly with respect to housing matters.

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**COMMUNITY-PROPOSED LEGISLATION**

Develop legislation to implement proposals regarding Renters' Rights that are made by the Seattle Renters Commission, community organizations, and renter activists.

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**CREDIT CHECKS IN RENTER HISTORIES**

Consider legislation banning the use of credit checks in tenant screening reports.

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**EVICITION BY DEFAULT**

Consider legislation to protect renters from default judgments against them entered in eviction proceedings.

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**EVICITION MORATORIUM**

Monitor local, state, and federal emergency orders placing a moratorium on evictions due to the COVID-19 public health emergency. Consider legislation extending the local eviction moratorium as necessary.

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**EXISTING PROTECTIONS**

Monitor the implementation and enforcement of renter's rights ordinances. Consider legislation strengthening the enforcement of renters' rights ordinances and housing codes in rental housing properties.

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**LEGAL REPRESENTATION FOR EVICTION PROCEEDINGS**

Monitor funding and implementation of funding to the Seattle Department of Construction and Inspections to contract with the Housing Justice Project and other legal providers to provide legal representation to renters facing eviction.

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**RENT CONTROL**

Consider rent control legislation in Seattle and monitor statewide efforts to repeal the Washington State prohibition on rent control (RCW 35.21.830).

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**RENTAL REGISTRATION AND INSPECTIONS**

Consider legislation expanding data collected under the rental registration and inspections ordinance (RRIO).

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**STANDARD TERMS IN RENTAL AGREEMENTS**

Review required reports related to 2021 SLI-SDCI-006-A-003 regarding a draft of standard terms appropriate for all residential leases. Develop legislation requiring standard terms in residential leases.

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## TENANT SCREENING

Review required reports related to 2021 SLI-SDCI-005-A-003 regarding a proposed design for an administrative structure and an estimate of associated costs for the City to maintain transferable rental history background check reports. Develop legislation to require that landlords use portable tenant screening reports.

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## TENANTS' RIGHTS TRAINING

Explore community tenant rights training and outreach efforts.

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## SUSTAINABILITY - CLIMATE ACTION AND GREEN NEW DEAL

### BUILDING DECARBONIZATION

Explore strategies and monitor efforts to decarbonize existing buildings, including the establishment of Building Performance Standards, and review related legislation.

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### CLIMATE ACTION PLAN

Monitor and review the City's progress on implementing the Seattle Climate Action Plan. Monitor development and implementation of the Climate Impact Assessment Toolkit for major capital projects and purchasing decisions.

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### COMMUNITY-PROPOSED LEGISLATION

Develop legislation to implement proposals regarding the Green New Deal that are made by the Green New Deal Oversight Board, community organizations, and activists.

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### DIVESTMENT FROM FOSSIL FUEL INFRASTRUCTURE

Consider legislation empowering the Green New Deal Oversight Board to rate insurance companies and financial institutions bidding on City contracts based on those companies ties to fossil fuel infrastructure projects.

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### GAS-POWERED LEAF BLOWERS

Review required reports regarding/related to SLI OSE-003-B-001, which requested that OSE and Seattle Parks and Recreation develop a plan to phase out the use of gas-powered leaf blowers.

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### GREEN JOBS

Explore legislation to fund a Green Jobs program building infrastructure to transition society away from the use of fossil fuels by increasing the payroll expense tax.

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## **IMPLEMENTATION OF EXECUTIVE ORDER**

Monitor implementation of Executive Order 2020-01 (Advancing a Green New Deal for Seattle) and Executive Order 2021-09 (Driving Accelerated Climate Action), including actions to eliminate the use of fossil fuels in municipal buildings and affordable housing projects, and reduce transportation-related greenhouse gas emissions.

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## **OIL HEAT CONVERSION**

Monitor implementation of programs and activities related to the Heating Oil Tax, including outreach prior to the effective date of the tax.

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## **TRANSPORTATION ELECTRIFICATION**

Monitor and consider legislation supporting transportation electrification.

## **SUSTAINABILITY - ENVIRONMENTAL JUSTICE**

### **DUWAMISH ACTION PLAN**

Monitor and review the City's progress on implementing the Duwamish Action Plan.

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### **EQUITY AND THE ENVIRONMENT**

Monitor and review the City's progress on implementing the Equity and the Environment Agenda, including the Environmental Justice Fund.

## **SUSTAINABILITY - HEALTHY FOOD ACCESS**

### **FOOD ACTION PLAN**

Review update to the Food Action Plan and consider associated legislation.

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### **HEALTHY FOODS INITIATIVE**

Monitor and review the City's progress on expansion of the Fresh Bucks program to address those in the "food security gap."

# TRANSPORTATION & SEATTLE PUBLIC UTILITIES COMMITTEE

ALEX PEDERSEN, CHAIR  
CALVIN CHOW, CENTRAL STAFF COORDINATOR

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## DEPARTMENT OVERSIGHT

Public Utilities; Transportation

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## GENERAL COMMITTEE RESPONSIBILITIES

### BOARDS AND COMMISSIONS

Monitor and make recommendations on appointments to SPU Customer Review Panel, the Levy to Move Seattle Oversight Committee, the Seattle Bicycle Advisory Board, the Seattle Freight Advisory Board, the Seattle Pedestrian Advisory Board, the Seattle Transit Advisory Board, the Seattle School Traffic Safety Committee, and other boards and committees as needed. Consider ways to improve coordination and efficiencies with the transportation advisory and oversight bodies to foster a holistic approach to transportation and mobility.

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### BUDGET AND ROUTINE LEGISLATION

Oversee department budget and voter-approved measures (including the Move Seattle Levy and Seattle Transportation Benefit District Proposition). Consider routine legislation, including street-use term permits and street vacation petitions.

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### DEPARTMENT HEAD APPOINTMENTS

Review qualifications of individual(s) nominated by the Mayor. Recommend confirmation of appointments to City Council, as appropriate.

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### EXTERNAL COMMITTEES

Monitor and coordinate as appropriate with external committees that have subject matter overlap, including the King County Regional Transit Committee, the Puget Sound Regional Council Transportation Policy Board, the SeaShore Transportation Forum, the King County Flood Control District Advisory Committee, the King County Regional Water Quality Committee, the Water Resource Inventory Area 7, and Water Resource Inventory Area 8.

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### RACE AND SOCIAL JUSTICE INITIATIVE (RSJI)

Review department RSJI reports.

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## **REGULAR REPORTING REQUIREMENTS**

Review required reports related to pedestrian and bicycle safety on MLK Jr Way S (SLI SDOT-006-A-001), overweight vehicles (SLI SDOT-009-A-002), traffic safety analysis and reporting (SLI SDOT-010-A-001), the West Seattle Bridge Immediate Response program (SLI SDOT-011-A-001), and Phinney Ave drainage improvements (SLI SPU-004-A-001). Review other reports as directed to the committee.

## **SPU - DRAINAGE AND WASTEWATER**

### **DRAINAGE AND WASTEWATER ISSUES**

Address Drainage and Wastewater issues, including: combined sewer overflow program, stormwater code updates, green stormwater infrastructure, capital program implementation, grant acceptance, land transactions, state and federal stormwater requirements, rates and rate design proposals, bond sales, regional wastewater management/governance proposals, and wastewater system plan updates.

### **SUPERFUND**

Continue to monitor efforts to assess and manage potential liabilities and clean-up activities at several sites in the city, including the Duwamish River, East Waterway, and Gas Works Park.

## **SPU - SOLID WASTE**

### **CLEAN CITY PROGRAMS**

Review and monitor the implementation of the Clean City suite of programs, including: Encampment Trash (Purple Bags), Graffiti Control, Litter Abatement, Public Hygiene, Recreational Vehicle (RV) Wastewater, RV Remediation, and Sharps Collection.

### **SOLID WASTE ISSUES**

Address Solid Waste issues, including: contract renewals, capital improvement implementation, land transactions, rates and rates design proposals, and the Solid Waste Management Plan update.

## **SPU - WATER**

### **WATER ISSUES**

Address Water issues, including: regional water management relations, rates and rate design proposals, easements, grant agreements, water system plan updates, Cedar River Habitat Conservation Plan implementation, bond sales, watershed management, and sale of surplus property.

## SPU-WIDE, REGIONAL, AND OTHER ISSUES

### SPU-WIDE ISSUES

Address SPU-wide issues, including audits, Strategic Business Plan implementation, public opinion surveys, SPU implementation of race and social justice programs, grants/loans, efficiency of SPU customer service, and practices for customers who get behind in their bills.

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### SYSTEM DEVELOPMENT CHARGES

Evaluate the implementation of system development charges, including the development of a formal policy proposal to update water connection charge calculations and establish new sewer and drainage connection charges.

## TRANSPORTATION - CAPITAL PROJECT OVERSIGHT

### BRIDGE PROGRAM

Monitor SDOT's development of a \$100 million bridge rehabilitation capital program as established in the 2022 Adopted Budget (CBA SDOT-505-A-002-2022) and Ordinance 126480.

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### DELIVERY OF TRANSPORTATION PROJECTS

Monitor SDOT's delivery of projects in the Pedestrian, Bicycle, Freight, and Transit Master Plans, as well as maintenance, repair, and replacement of key infrastructure such as City-owned bridges and the Northlake retaining wall. Review evaluation methodologies and metrics, including before and after monitoring of outcomes, such as impacts to small neighborhood businesses. Monitor appropriate prioritization of projects and foster holistic approach to transportation networks, such as emphasizing preference to move the most people in the most environmentally friendly ways. Facilitate potential expansion of City's "Street Ends" program to provide additional pedestrian access to our waterways.

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### FAUNTLEROY FERRY TERMINAL PROJECT

Monitor planning by Washington State Ferries of the Fautleroy Ferry Terminal Project.

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### FEDERAL AND STATE GRANT OPPORTUNITIES

Monitor opportunities to leverage external transportation grants and funding, including the Infrastructure Investment and Jobs Act, the Washington State transportation budget, and other granting opportunities as they arise.

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### STREETCAR OVERSIGHT

Monitor operations of the First Hill and South Lake Union streetcar lines. Review SDOT's proposal for constructing and operating the Center City Streetcar, if applicable.

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## **WEST SEATTLE BRIDGE**

Monitor progress of repair of the West Seattle Bridge, the Reconnecting West Seattle traffic mitigation program, and the anticipated reopening of the bridge in mid-2022 (Statement of Legislative Intent SDOT-011-A-001).

## **TRANSPORTATION - POLICIES AND PROGRAMS**

### **EMERGING TRANSPORTATION ISSUES**

Monitor emerging technological changes and cultural shifts with implications for the City's transportation network. Potential issues include encouraging vehicle electrification, monitoring performance of private bike and scooter sharing companies, and exploring the potential impacts of autonomous vehicles.

### **MULTIMODAL TRANSPORTATION PLANNING**

Monitor development of SDOT's Citywide Integrated Transportation Plan update as well as the Puget Sound Regional Council's regional transportation plan. Explore opportunities to facilitate a holistic approach to transportation network planning.

### **SEATTLE TRANSPORTATION BENEFIT DISTRICT OVERSIGHT**

Monitor SDOT's management of Seattle Transportation Benefit District Proposition 1 funding for increased transit service. Incorporate "first and last mile" solutions as part of transit restructuring oriented to Sound Transit light rail stations.

### **VISION ZERO AND PEDESTRIAN SAFETY**

Review SDOT proposals for implementing the Vision Zero safety program. Review safety data collection procedures and after-action follow-up. Review Sidewalk Maintenance Repair Program audit.

## **TRANSPORTATION - REGIONAL PROJECTS**

### **SOUND TRANSIT LIGHT RAIL**

Monitor Sound Transit's environmental review and development of the preferred alignment for the West Seattle and Ballard light rail extension projects, including impacts in and adjacent to West Seattle, Ballard, and Seattle's downtown neighborhoods.

### **SR-520 OVERSIGHT**

Review legislation and agreements related to the Washington State Department of Transportation's SR-520 project. Monitor final design and construction activities related to the Montlake Lid, Portage Bay Bridge, Delmar Lid, and Montlake Cut crossing.

### LOW INCOME ASSISTANCE

Monitor the City's progress on enrolling eligible customers in low-income assistance utility programs and recommend changes as appropriate. Consider opportunities for assistance programs to reach more customers, including automatic enrollment through other social services programs and housing projects subsidized by the City.

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### RATE PATH SAVINGS

Consider cost savings to slow the growth in utility rates over time. Potentially develop an audit scope with City Auditor related to cost savings.

# SELECT BUDGET COMMITTEE

TERESA MOSQUEDA, CHAIR

TOM MIKESELL, CENTRAL STAFF COORDINATOR

## BUDGET

### **BUDGET DEVELOPMENT & MANAGEMENT**

Management and oversight of the Fall 2022 budget review process and review and development of the 2023/2024 budget and 2023-2027 Capital Improvements Program. Facilitate budget process, including schedule, instructions, training, templates, questions to City Budget Office (CBO), public hearing notices, agendas, compiling action sheets, summary of Council actions, and solicit input from Seattle residents regarding priorities for the 2023/2024 budget.

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### **BUDGET LEGISLATION**

Review budget legislation, including supplemental budget legislation, grant acceptance ordinances, and legislation regarding City tax policies, including new tax proposals, tax waivers, exemptions, and administrative practices.

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### **JUMPSTART SPENDING PLAN**

Review 2023/2024 budget's use of payroll expense tax revenues for compliance with JumpStart Fund policies. Review the Economic Revitalization Implementation Plan as called for in Resolution 31957 and funded in the 2022 Adopted Budget as described in Council Budget Action (CBA) FG-001-D-001.

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### **VARIOUS BUDGET ISSUES**

Work with CBO and the City Attorney's Office to address various budget issues including transfer of appropriations, adoption of the Capital Improvement Program (CIP), threshold for CIP changes, sunset positions, position lists, and recognizing new revenue.

## **SELECT LABOR COMMITTEE**

DEBORA JUAREZ, CHAIR

KARINA BULL, CENTRAL STAFF COORDINATOR

### **LABOR CONTRACT NEGOTIATIONS**

#### **LABOR CONTRACT NEGOTIATIONS**

Deliberate and make recommendations on legislative matters relating to planning or adopting strategies and positions to be taken during the course of collective bargaining, professional negotiations, and grievance or mediation proceedings, and review proposals made in the negotiations or proceedings. Per RCW 42.30.140(4)(b), collective bargaining strategy sessions are not subject to the Open Public Meetings Act and these meetings will not be open to the public.

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative	Pennucci / 4-8148	n/a

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

### 1. BILL SUMMARY

**Legislation Title:** A RESOLUTION adopting the Seattle City Council 2022 Work Program.

**Summary and Background of the Legislation:** This resolution adopts the Council's 2022 work program for standing and select committees. The Council adopts a work program annually. The work program is updated periodically as circumstances and priorities changes.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**      \_\_\_ Yes   x   No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?**      \_\_\_ Yes   x   No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

No

**Are there financial costs or other impacts of *not* implementing the legislation?**

No

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

No.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation establishes the Council's intent to explore a variety of programs and policies many of which are intended to address the effects of institutionalized racism and increase opportunities for vulnerable or historically disadvantaged communities. However, the legislation, in and of itself, does not establish new programs or policies. Those programs and policies would need to be established through future legislation or budget appropriations that would be subject to the legislative process.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

N/A

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

N/A