

September 6, 2022

MEMORANDUM

To: Land Use Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314447 - Hugh Schaeffer, SHW Contract Rezone, 7012 Roosevelt Way NE

On September 14, the Land Use Committee (Committee) will receive a briefing and discuss Clerk File (CF) 314447, which is an application by Hugh Schaeffer, SHW, for a contract rezone of a portion of a split-zoned lot in the Roosevelt Urban Village, to facilitate development at 7012 Roosevelt Way NE (Council District 4).

This memorandum (1) provides an overview of the rezone application and procedural posture; (2) describes the type of action for the purposes of Council decision-making; and (3) describes the actions the Committee may take to approve the rezone.

Overview of the Rezone Application and Procedural Posture

Hugh Schaeffer, SHW ("Applicant") applied for a rezone of the eastern 30 feet of the lot located at 1007 NE 71st Street from Lowrise 1 with an M1 mandatory housing affordability suffix (LR1 (M1)) to Neighborhood Commercial 2-55 with an M2 mandatory housing affordability suffix (NC2-55 (M2)) and the Roosevelt Station Area Overlay. The remainder of the lot at 1007 NE 71st Street and the adjacent parcel located at 7012 Roosevelt Way NE are zoned Neighborhood Commercial 2-55 with an M mandatory housing affordability suffix (NC2-55 (M)) with the Roosevelt Station Area Overlay. The applicant proposes to develop a 91-unit multifamily building on the two lots. The site is located at the corner of NE 71st Street and Roosevelt Way NE, five blocks north of the Roosevelt Light Rail station.

On May 2, 2022, the Seattle Department of Construction and Inspections (SDCI) issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) and recommendation to approve the application with conditions. The Hearing Examiner held an open record hearing on July 6, 2022, and issued a recommendation to approve the rezone subject to conditions.

The Hearing Examiner's recommendation is as follows:

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:

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation phase of review and in the materials submitted after the Recommendation phase of review, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a SDCI assigned Land Use Planner.

Prior to Issuance of Demolition, Excavation/Shoring. or Construction Permit

2. Provide a Construction Management Plan that has been approved by Seattle Department of Transportation (SOOT). The submittal information and review process for Construction Management Plans are described on the SOOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Prior to Issuance of a Master Use Permit

3. The rezone includes a Mandatory Housing Affordability designation of M2.
4. The rezoned property shall be subject to the provisions of SMC Chapter 23.58C.
5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

Type of Action

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

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

Audio recordings of the approximately two and hearing can be accessed through the Hearing Examiner's website.³ Excerpts from the record, including a list of exhibits, the SDCI

¹ [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

² Adopted by [Resolution 31602](#) (2015).

³ [Case Details for CF-314447 \(seattle.gov\)](#).

recommendation, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [Seattle Municipal Code Chapter 23.34](#) are contained in the Legistar record for CF 314447. All exhibits are available electronically upon request.

Committee Decision Documents and Next Steps

To approve a contract rezone, the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that is added to the Clerk File and grants the rezone application, and (2) a bill amending the zoning map and accepting a Property Use and Development Agreement (PUDA) that is recorded against the properties and contains conditions applicable to future development.

The Land Use Code requires that Council act on a rezone application, which has not been appealed, within 90 days of the Hearing Examiner recommendation.⁴ Consequently, City Council action on the application should occur by November 1, 2022. I will develop draft approval documents including a council bill and PUDA for consideration by the Committee at its next meeting on September 22.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Lead Analyst

⁴ [SMC Section 23.76.005.D.3.](#)