

June 1, 2026

MEMORANDUM

To: Land Use and Sustainability Committee
From: Ketil Freeman, Analyst
Subject: Clerk File 314549 - Application of Eagle Rock Ventures and 5201 Rainier, LLC, for an extension of the contract rezone of the property at 5201 Rainier Avenue South. Original contract rezone application approved through CF 314311 and Ordinance 125632 (Project No. 3018378-LU; Type IV).

On June 3rd, the Land Use and Sustainability Committee (Committee) will hear public comment, discuss, and may vote an application by Eagle Rock Ventures and 5201 Rainier, LLC, to extend a contract rezone approved by the City Council in 2018. Materials related to the requested extension are filed in [Clerk File \(CF\) 314459](#). Council Bill (CB) 121220, which would effectuate the requested rezone extension, is scheduled for introduction on June 2nd.

This memorandum (1) provides background information on the rezone and extension request; (2) describes the type of action and criteria the Council uses in considering a rezone extension; and (3) discusses next steps for Committee action on CF 314549.

Background

In 2018 the Council passed [Ordinance 125632](#), which:

- Rezoned a site in the Columbia City neighborhood from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to Neighborhood Commercial 3 with a 65-foot height limit and a M1 suffix (NC3-65(M1)); and
- Accepted a Property Use and Development Agreement (PUDA) that imposes conditions on future development of the site.

The rezone application included an associated Master Use Permit (MUP) to develop the site with a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 square feet of restaurant space. In 2019, the applicant applied for a building permit ([6692365-CN](#)), which is still active and ready for issuance. That building permit application extends the life of the MUP, if the building permit is issued.¹

Type of Action and Extension Criteria

A Council decision on contract rezone extensions is quasi-judicial. However, unlike most quasi-judicial decisions, for which the Hearing Examiner holds an open record hearing and establishes a record for the Council's review, for extension requests SDCl first determines whether the request is for a major or minor amendment to a PUDA. If SDCl determines the request is for a minor amendment, SDCl's recommendation is submitted directly to the Council without review

¹ [Seattle Municipal Code \(SMC\) Section 23.76.030.B](#).

by the Hearing Examiner or opportunity for appeal. SDCI issued its recommendation on April 8, 2026. Because there is no open record hearing at the Hearing Examiner, the Council may hear comment on the rezone extension.

The SDCI recommendation and comments received by SDCI are contained in CF 314549.

[Seattle Municipal Code Section 23.76.060.E](#) provides three criteria for Council consideration of contract rezone extensions:

1. The reason or basis for the application for the extension and whether it is reasonable under the circumstances;
2. Whether changed circumstances in the area support an extension;
3. Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the Council land use decision.

The SDCI recommendation to approve the extension is based on (1) how the pandemic has negatively impacted the real estate industry and (2) the changed circumstance for the neighborhood from passage of the Mandatory Housing Affordability implementation legislation, which increased height and density for most adjacent properties.

Committee Decision Documents

To approve the rezone extension the Committee must pass a bill that extends the term of the rezone and amends the associated PUDA.

CB 121220 would (1) extend the term of the rezone by two years from the bill's effective date and (2) accept an amended PUDA that sets out a new expiration date. Other rezone conditions memorialized in the PUDA initially approved by Ordinance 125632 would remain unchanged. While the rezone extension is in effect, those requirements would apply whether the site was developed under the MUP associated with the 2018 Council approval or some future application.

Next Steps

The Committee will discuss and may vote on the rezone extension request at its June 3, 2026, meeting. Approval of the extension would require an ordinance extending the contract rezone term and accepting an amended PUDA.

cc: Lish Whitson, Director
Calvin Chow, Deputy Director