



SEATTLE CITY COUNCIL

Land Use and Sustainability Committee

Agenda

Wednesday, May 6, 2026

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Eddie Lin, Chair
Dan Strauss, Vice-Chair
Dionne Foster, Member
Joy Hollingsworth, Member
Alexis Mercedes Rinck, Member

Chair Info: 206-684-8802; Eddie.Lin@seattle.gov

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SEATTLE CITY COUNCIL
Land Use and Sustainability Committee
Agenda
May 6, 2026 - 9:30 AM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://seattle.gov/council/land-use-and-sustainability>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Please register in advance in order to be recognized by the Chair. Details on how to register for Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

Members of the public may address items on the agenda and matters within the purview of the committee. Please register in advance to be recognized by the Chair.

D. Items of Business

1. [CB 121171](#) **AN ORDINANCE relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within the Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code.**

Attachments: [Att 1 – Signed Ordinance 127191](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Director Report and Recommendation](#)

Briefing, Discussion, and Possible Vote

Presenter: H.B. Harper, Council Central Staff

2. [CB 121195](#) **An ordinance relating to land use and zoning; adopting interim provisions to expand the capacity of transitional encampments; and amending Sections 23.42.054 and 23.42.056 of the Seattle Municipal Code.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)
[Mayor's Office Presentation \(4/15/26\)](#)
[Central Staff Presentation \(4/15/26\)](#)
[Director's Report](#)
[Amendment 1 v2](#)
[Amendment 2 v2](#)
[Amendment 3 v2](#)
[Amendment 4 v2](#)
[Amendment 5 v2](#)

Briefing, Discussion, and Possible Vote

Presenters: Ketil Freeman and Jennifer LaBrecque, Council Central Staff; Jon Grant, Mayor's Office

3. [CF 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).**

Attachments:

[Extension Request](#)
[Land Use Planner Correspondence](#)
[Statement of Financial Responsibility](#)
[SDCI Recommendation](#)
[Submitted Public Comment](#)

Briefing and Discussion

Presenter: Ketil Freeman, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 121171, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within the Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code. WHEREAS, on March 18, 2025, the City Council passed Ordinance 127191, amending the text of the Land

Use Code to allow residential use as an ancillary and conditional use within a portion of the Stadium Transition Area Overlay District; and

WHEREAS, the adoption of Ordinance 127191 was appealed by the Port of Seattle to both the King County Superior Court and to the Growth Management Hearings Board (Growth Board); and

WHEREAS the Growth Board challenge was assigned Case No. 25-3-0009 and alleged procedural and substantive violations of the Growth Management Act and the State Environmental Policy Act; and

WHEREAS, on November 10, 2025, the Growth Board issued its Final Decision and Order and found procedural deficiencies with the adoption of Ordinance 127191 and determined the ordinance to be invalid; and

WHEREAS, the Growth Board also found that Ordinance 127191 was noncompliant with the Growth Management Act because it determined the ordinance was inconsistent with both the Land Use Element of the Seattle Comprehensive Plan and the King County Countywide Planning Policies; and

WHEREAS, on December 10, 2025, The City of Seattle filed an appeal challenging the Growth Board's substantive holdings, but the City did not challenge the procedural holdings or the Growth Board's order of invalidity based on those procedural holdings; and

WHEREAS, the Growth Board ordered that The City of Seattle take action before May 11, 2026 to comply with the Growth Board's Final Decision and Order and order of invalidity; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 127191 (included as Attachment 1 to this ordinance), which allowed residential use as a conditional use within a portion of the Stadium Transition Area Overlay District, is repealed.

Section 2. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2026, and signed by me in open session in authentication of its passage this _____ day of _____, 2026.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2026.

Katie B. Wilson, Mayor

Filed by me this _____ day of _____, 2026.

Scheereen Dedman, City Clerk

(Seal)

Attachments:
Attachment 1 - Signed Ordinance 127191

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CITY OF SEATTLE
ORDINANCE 127191
COUNCIL BILL 120933

AN ORDINANCE relating to land use and zoning; amending Sections 23.74.002 and 23.74.008 of the Seattle Municipal Code to allow residential uses in the Stadium Transition Area Overlay District.

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.2, which states that the City will “Preserve industrial land for industrial uses, especially where industrial land is near rail- or water-transportation facilities to allow marine- and rail-related industries that rely on that transportation infrastructure to continue to function in the city.” and

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.3, which states that the City will “Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in industrial land use designation. There should be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated comprehensive study and review of industrial land use policies or as part of a major update to the Comprehensive Plan.” and

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.8, which states that the City will “Prohibit new residential development in industrial zones except for certain types of dwellings, such as caretaker units and, in urban industrial zones, dwellings for workers, that are related to the industrial area and that would not restrict or disrupt industrial activity.” and

WHEREAS, additional new housing in industrial areas outside of the limited industrial-related housing currently allowed could have significant impacts on the City’s industrial areas; and

1 WHEREAS, the Council intends to further strengthen the City’s policies and regulations to
2 further limit changes to the boundaries of industrial areas, and further limit rezones to
3 non-industrial uses in the Urban Industrial zone within Manufacturing/Industrial Centers;

4 NOW, THEREFORE,

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

6 Section 1. Section 23.74.002 of the Seattle Municipal Code, last amended by Ordinance
7 126862, is amended as follows:

8 **23.74.002 Purpose, intent, and description of the overlay district—Rezone requirement—**

9 **Rezone criteria**

10 A. Purpose and intent. The purpose of this Chapter 23.74 is to implement the City's
11 Comprehensive Plan, including the neighborhood plan for the Greater Duwamish
12 Manufacturing/Industrial Center, by establishing a Stadium Transition Area Overlay District for
13 the area shown on Map A for 23.74.004. The Stadium Transition Area centers on large sports
14 facilities and allows uses complementary to them. It is intended to contribute to a safer
15 pedestrian environment for those attending events and permits a mix of uses, supporting the
16 pedestrian-oriented character of the area as well as the surrounding industrial zone, while
17 minimizing conflicts with industrial uses. Within the overlay district, use provisions and
18 development standards are designed to: create a pedestrian connection with downtown;
19 discourage encroachment on nearby industrial uses to the south; and create a pedestrian-friendly
20 streetscape. Allowing a mix of uses, including office development, restaurants, lodging,
21 residential uses, and maker uses and arts, is intended to encourage redevelopment and to
22 maintain the health and vibrancy of the area during times when the sports facilities are not in
23 operation.

* * *

Section 2. Section 23.74.008 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.74.008 Uses.

Notwithstanding the use provisions of the underlying zone, the following use provisions apply:

A. The following uses are permitted in buildings existing on June 1, 2023:

1. Artist's studio/dwellings;
2. Major institutions.

B. The following uses are prohibited:

1. Heavy manufacturing uses;
2. High-impact uses;
3. Solid waste management;
4. Recycling uses;
5. Animal shelters and kennels;
6. Veterinary offices;
7. Pet grooming;
8. Airports, land and water based;
9. Hospitals;
- 10 Elementary and secondary schools;
11. Drive-in businesses, including gas stations;
12. Bus bases;
13. Flexible-use parking¹; and

1 14. Residential uses, except for those allowed under SMC 23.74.008.C.

2 ~~((otherwise allowed as an administrative conditional use in the Urban Industrial zone pursuant to~~
3 ~~subsection 23.50A.062.C)).~~

4 ¹ Parking required for a spectator sports facility or exhibition hall is allowed and shall be
5 permitted to be used for flexible-use parking or shared with another such facility to meet its
6 required parking. A spectator sports facility or exhibition hall within the Stadium Transition
7 Overlay Area District may reserve non-required parking only outside the overlay district and
8 only if:

9 (a) The parking is owned and operated by the owner of the spectator sports facility or
10 exhibition hall; and

11 (b) The parking is reserved for events in the spectator sports facility or exhibition hall;
12 and

13 (c) The reserved parking is south of South Royal Brougham Way, west of 6th Avenue
14 South and north of South Atlantic Street. Parking that is provided to meet required parking will
15 not be considered reserved parking.

16 C. In areas zoned Urban Industrial, residential uses are permitted as a conditional use east
17 of 1st Avenue S pursuant to the criteria contained in subsection 23.50A.062.C:

18 1. Except that criterion 23.50A.062.C.3 does not apply within the Stadium
19 Transition Area Overlay District (STAOD);

20 2. Only where the following occur, the total number of residential units permitted
21 in the Stadium Transition Area Overlay District may not exceed 990 units;

22 3. Except that, if any site is determined to be a geologic hazard area by the
23 Director, a covenant shall be required and recorded to run with the land in perpetuity;

1 4. Except that criterion 23.50A.062.C.4 does not apply within the STAOD, and
2 instead the following criteria must be met: All dwelling units shall have sound-insulating
3 windows sufficient to maintain interior sound levels at 45 decibels or below in consideration of
4 existing environmental noise levels at the site. The applicant shall submit an analysis of existing
5 noise levels and documentation of the sound insulating capabilities of windows as part of the
6 conditional use permit application;

7 5. only where the following occur: The building containing residential uses shall
8 have at least three signs in conspicuous locations, such as in the residential lobby, the leasing
9 office, and on the exterior of the building visible from the residential entry, that use clear
10 language to convey the following information:

11 a. That the project is located in an industrial area, and that residents, by
12 choosing to live in the area, accept the industrial character of the neighborhood and agree that
13 existing or permitted industrial uses do not constitute a nuisance or other inappropriate or
14 unlawful use of land, and

15 b. If the project has been determined to be in a liquefaction zone, that the
16 building is in a liquefaction zone and that residents understand that there may be heightened risk
17 during earthquakes; and

18 6. Except that a Master Use Permit application for a development containing
19 residential uses in the Stadium Transition Area Overlay District pursuant to the criteria contained
20 in subsection 23.50A.062.C must contain an executed and recorded agreement stating that the
21 development has not used City funding, will not use City funding and will not seek City funding
22 for the construction of the project, maintenance of the project, or any environmental remediation

1 of the site on which the development is located. The agreement shall be recorded on the title of
2 the property on which that development is located; and

3 Residential uses otherwise allowed as an administrative conditional use in the Urban
4 Industrial zone pursuant to subsection 23.50A.062.C are prohibited west of 1st Avenue S.

5 Section 3. This ordinance shall take effect on June 30, 2025.

6 Passed by the City Council the 18th day of March, 2025

7 and signed by me in open session in authentication of its passage this 18th day of
8 March, 2025.

9 

10 President _____ of the City Council

Approved / returned unsigned / vetoed this 27th day of March, 2025.

11 **Returned Unsigned by Mayor**

12 Bruce A. Harrell, Mayor

13 Filed by me this 27th day of March, 2025.

14 

15 Scheereen Dedman, City Clerk

16 (Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
LEG	HB Harper	

1. BILL SUMMARY

Legislation Title: An ordinance relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code.

Summary and Background of the Legislation: On March 18, 2025, the Council voted to approve Council Bill 120933, as amended by the Council, which became Ordinance 127191. The Ordinance amended Chapter 23.74 SMC—the development regulations that apply within the Stadium Transition Area Overlay District—to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. After a Petition for Review was filed to the Growth Management Hearings Board, the City was found to have failed to follow proper procedures in adoption of Ordinance 127191, and was ordered to repeal the ordinance by May 11, 2026. If the City does not repeal the ordinance, it could face financial sanctions under RCW 36.70A.340.

2. CAPITAL IMPROVEMENT PROGRAM

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

Project Name:	Master Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2031:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

Expenditure Change (\$);	2026	2027 est.	2028 est.	2029 est.	2030 est.
General Fund					
Expenditure Change (\$);	2026	2027 est.	2028 est.	2029 est.	2030 est.
Other Funds					

Revenue Change (\$);	2026	2027 est.	2028 est.	2029 est.	2030 est.
General Fund					

Revenue Change (\$); Other Funds	2026	2027 est.	2028 est.	2029 est.	2030 est.

Number of Positions	2026	2027 est.	2028 est.	2029 est.	2030 est.

Total FTE Change	2026	2027 est.	2028 est.	2029 est.	2030 est.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

Fund Name and Number	Dept	Budget Control Level Name/Number	2026 Appropriation Change	2027 Estimated Appropriation Change
TOTAL				

Appropriations Notes:

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	2026 Revenue	2027 Estimated Revenue
TOTAL				

Revenue/Reimbursement Notes:

3.c. Positions

This legislation adds, changes, or deletes positions.

**Total Regular Positions Created, Modified, or Abrogated through This Legislation,
Including FTE Impact:**

Position # for Existing Positions	Position Title & Department*	Fund Name & Number	Program & BCL	PT/FT	2026 Positions	2026 FTE	Does it sunset? (If yes, explain below in Position Notes)

Position # for Existing Positions	Position Title & Department*	Fund Name & Number	Program & BCL	PT/FT	2026 Positions	2026 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* List each position separately.

Position Notes:

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

Please describe any financial costs or other impacts of *not* implementing the legislation. The legislation prevents financial impacts by repealing an invalid ordinance. If the City fails to pass this repealing legislation, direct financial impacts such as withholding of tax revenues or temporarily rescinding the City’s authority to collect real estate excise taxes could be incurred.

Please describe how this legislation may affect any City departments other than the originating department.

4. OTHER IMPLICATIONS

- a. **Is a public hearing required for this legislation?** Yes.
- b. **Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?** Yes.
- c. **Does this legislation affect a piece of property?** Yes, it affects land use development regulations that apply to several pieces of property in the Stadium Transition Area Overlay District east of First Ave S.
- d. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative.** The invalid ordinance being repealed may have been perceived to have a positive effect on social justice by creating opportunities for workforce housing; however, since the ordinance is invalid, repealing it does not change race or social justice impacts.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** No impact anticipated, based on the invalidity of the ordinance being repealed.
 - ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**
 - iii. What is the Language Access Plan for any communications to the public?**
- e. Climate Change Implications**
 - i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.** No impact anticipated, based on the invalidity of the ordinance being repealed.
 - ii. 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 impact anticipated, based on the invalidity of the ordinance being repealed.
- f. 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)? What mechanisms will be used to measure progress towards meeting those goals?**
- g. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization? No**

5. ATTACHMENTS

Summary Attachments:

2/19/2026

MEMORANDUM

To: Land Use and Sustainability Committee
From: HB Harper, Analyst
Subject: CB 121171 - Repeal of Ordinance 127191

On March 04, 2026, the Land Use & Sustainability Committee (Committee) will receive a briefing on Council Bill (CB) 121171, a repeal of [Ordinance 127191](#) as the City's action to comply with the Growth Management Hearing Board under their order of November 10, 2025. Ordinance 127191 would have permitted residential uses within a portion of the Stadium Transition Area Overlay District.

Background

On March 18, 2025, the Council voted to approve CB 120933, as amended by the Council, which became Ordinance 127191. The Ordinance amended [Chapter 23.74 of the Seattle Municipal Code \(SMC\)](#) – the development regulations that apply within the Stadium Transition Area Overlay District (STAOD) – to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. The Port of Seattle appealed the ordinance under the Land Use Petition Act¹ as well as in a petition to the Growth Management Hearings Board (GMHB).

Land Use History of the Area

The STAOD (SMC Chapter 23.74) was adopted in 2000, a year after T-Mobile Park opened and during the construction of Lumen Field. In 2023, with the adoption of the [Industrial and Maritime Strategy](#) zoning changes, the area within the STAOD was primarily rezoned to the Urban Industrial (UI) zone. The UI zone was created to provide a transition between core industrial areas and neighboring urban villages, residential, and mixed-use areas, and are envisioned to include a mix of affordable, small-scale places for light industry, makers, brewing and distilling, creative arts, and industry supporting ancillary retail, office, or research activity. The UI zone generally also provides limited opportunities for workforce housing that supports industrial uses, but residential use was expressly prohibited in the STAOD at that time, in response to concerns about potential impacts to proximate Port facilities.

Process for Adoption of Ordinance 127191

Council Bill 120933 was introduced in January 2025 and amended development regulations in Chapter 23.74 to allow residential uses as a conditional use in the STAOD pursuant to many of the criteria that applied to residential uses in other UI areas.

Council Bill 120933 was heard by the Governance, Accountability, and Economic Development Committee on January 24, 2025; a public hearing was held by that Committee on February 24,

¹ Litigation is ongoing and will not be discussed in this memo.

2025, and the Committee voted it out on February 27, 2025. Council Bill 120933 was passed by the City Council with eight amendments at a City Council meeting on March 18, 2025. The bill, as amended, became Ordinance 127191.

GMHB

The GMHB is charged with adjudicating compliance with Growth Management Act and, when necessary, invalidating noncompliant plans and development regulations. Comprehensive plans and development regulations are presumed to be valid upon adoption, creating a high threshold for determination that an action taken by a local jurisdiction is noncompliant; the Board is directed to find compliance unless it is left with the firm and definite conviction that a mistake has been committed.

Issues Raised in the Petition

The Port's claims included both procedural and substantive errors on the part of the City. The GMHB's conclusions substantiated some, but not all, of the issues raised by the Port.

Most relevant to this repeal, the GMHB concluded that the City had failed to follow proper procedures related to State Environmental Policy Act (SEPA) review, notification to the Department of Commerce, and public participation. The City acknowledges these procedural errors and, crucially, accepts the Board's invalidation of the ordinance, and must therefore take compliance action by repealing Ordinance 127191.

The substantive issues raised by the Port and substantiated by the GMHB included inconsistency with the City's Comprehensive Plan and the Countywide Planning Policies; the City refutes the findings and has filed an appeal to the Thurston County Superior Court regarding those issues. Regardless of the outcome of that appeal, the procedural issues render the ordinance invalid and therefore it must be repealed; any further action related to land use in the STAOD will require the City to follow all necessary procedural steps.

Next Steps

A public hearing will be held on April 1, 2026, at 9:30 AM, with a possible Committee vote that day. The City was ordered to repeal the ordinance by May 11, 2026; if the City does not repeal the ordinance to comply with the GMHB order, it could face financial sanctions under [the Revised Code of Washington \(RCW\) 36.70A.340](#).

Attachments

1. GMHB Final Decision and Order on Case No. 25-3-0009

cc: Ben Noble, Director
Lish Whitson, Deputy Director

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL REGION
STATE OF WASHINGTON

PORT OF SEATTLE,	Petitioner,
v.	
CITY OF SEATTLE,	Respondent,
and	
BNSF RAILWAY COMPANY,	Intervenor.

Case No. 25-3-0009

FINAL DECISION AND ORDER

I. INTRODUCTION

The Port of Seattle (Port) and BNSF Railway Company (BNSF) challenged the City of Seattle’s (City) adoption of Ordinance 127191 which amended the City’s code to permit new residential development within the City’s Stadium Transition Area Overlay District (STAOD)¹ in an area zoned Urban Industrial (UI).² Previously within the STAOD the City had permitted housing for caretakers and artist studios, but excluded other residential development, and with this amendment now authorizes residential development at a density of fifty-dwelling units per acer.

The STAOD has existed as an overlay district since 2000 and includes approximately 93 acres of land in the South of Downtown (SODO) neighborhood of Seattle, 40 acres of which includes Lumen Field and T-Mobile Park.³ Between 2019 and 2021, the City undertook review of its Industrial and Maritime Lands resulting in the adoption of the City’s Industrial

¹ The Parties refer to this as both the Stadium Transition Area Overlay District (“STAOD”) and the Stadium District. For brevity and clarity this Board refers to this as the STAOD.

² Amending Chapter 23.74 SMC.

³ See Ex. 128 at 10 (providing a visual representation).

1 and Maritime Strategy. In order to adopt this legislation, the City necessarily undertook
 2 environmental review which included the adoption of a Final Environmental Impact
 3 Statement (FEIS) on September 29, 2022, which studied, among other things, the inclusion
 4 of up to 990 industry-supportive housing units in the STAOD.⁴ The City adopted legislation
 5 creating the new UI zone throughout the City which permitted residential uses as a
 6 conditional use subject to several restrictions, including setbacks from the City's Major Truck
 7 Streets,⁵ however, residential uses remained prohibited in the STAOD with the exception of
 8 artist studios and caretaker's quarters.⁶

10 In January 2025, the City initiated consideration of CB 120933⁷ (the initial draft of the
 11 Ordinance at issue) and began its public review process which included a public hearing at
 12 the Committee level on February 24, 2025, and final adoption by the full City Council on
 13 March 18, 2025.

14 The Port claims the Ordinance was adopted without adequate public notice and
 15 participation, without consideration of the City's obligations under the State Environmental
 16 Policy Act (SEPA), in contradiction to the City's Comprehensive Plan, policies, and code,
 17 and was contrary to the goals established in the Growth Management Act (GMA).⁸

19 BNSF also asserted the City failed to conduct adequate SEPA review.

20 The City countered that it followed its public participation process, any amendments
 21 to the initially proposed Ordinance where within the scope of the originally noticed Ordinance
 22 such that the City was not obligated to conduct further public hearings, and that the City
 23 acted to comply with the notice requirements to the Washington State Department of
 24 Commerce (Commerce) and is therefore compliant with procedural requirements.⁹ Further,
 25

27 ⁴ City's Br. at 6, citing *RIN 6* (Agenda February 24, 2025, Public Hearing, draft Ordinance, Seattle Industrial &
 Maritime Strategy Final Environmental Impact Statement).

28 ⁵ A "Major Truck Street" is a City designation for streets that carry more than 1,500 trucks a day and are
 29 significant for freight movement.

30 ⁶ Port's Br. at 4-5, referring *Ex 42*, City staff report on Industrial/Maritime Legislation.

31 ⁷ The Ordinance was initially proposed as CB 120933. The City refers to the initial Ordinance as a Bill and
 once passed as an Ordinance. The Board does as well.

32 ⁸ Port's Br. at 10.

⁹ City's Br. at 13, 16, 19.

1 that its Ordinance was not a project action and authorized no site-specific development and
 2 was, therefore, categorically exempt from SEPA, but even if it was not exempt from SEPA
 3 review, that any environmental impacts were adequately studied and harmonized with the
 4 City's Comprehensive Plan and GMA planning goals or was harmless error.¹⁰ Also that, any
 5 SEPA challenge was precluded by recent legislation which prohibited a SEPA challenge
 6 where a local jurisdiction acts to increase housing.¹¹
 7

8 The Board concluded the City failed to follow its established public participation
 9 program, failed to provide 60 days' notice to Commerce, and failed to conduct SEPA review.
 10 The Board also found several inconsistencies with the City's Comprehensive Plan.
 11 Accordingly, the Board determined the Ordinance was noncompliant with the City's code and
 12 the GMA and remanded the matter to the City for resolution of the deficiencies. Further,
 13 because the City did not conduct SEPA review, and because the Ordinance substantially
 14 interfered with the GMA's goals, the Board invalidated the Ordinance.
 15

16 Procedural matters not otherwise addressed by an earlier Order are detailed in
 17 Appendix A.

18 **II. BOARD STATUTORY AUTHORITY**

19 The Board finds the Petition for Review was timely filed.¹² The Board finds the
 20 Petitioner has standing to appear before the Board.¹³ The Board also finds it has statutory
 21 authority over the subject matter of the Petition.¹⁴
 22

23 **III. STANDARD OF REVIEW**

24 Comprehensive plans and development regulations, and amendments to them, are
 25 presumed valid upon adoption.¹⁵ This presumption creates a high threshold for challengers
 26 as the burden is on the Petitioner to demonstrate that any action taken by the local jurisdiction
 27

28
 29 ¹⁰ City's Br. at 1-2.

30 ¹¹ *Id.* at 19.

31 ¹² RCW 36.70A.290 (2).

32 ¹³ RCW 36.70A.280(2)(b).

¹⁴ RCW 36.70A.280(1).

¹⁵ RCW 36.70A.320(1).

1 was not in compliance with the Growth Management Act (GMA).¹⁶ The Board is charged with
 2 adjudicating GMA compliance and, when necessary, invalidating noncompliant plans and
 3 development regulations.¹⁷

4 The scope of the Board’s review is limited to determining whether a local jurisdiction
 5 has achieved compliance with the GMA only with respect to those issues presented in a
 6 timely Petition for Review.¹⁸ The Board is directed to find compliance unless it determines
 7 that the challenged action is clearly erroneous in view of the entire record before the Board
 8 and in light of the goals and requirements of the GMA.¹⁹ In order to find the City’s action was
 9 clearly erroneous, the Board must be “left with the firm and definite conviction that a mistake
 10 has been committed.”²⁰

11
 12 **IV. ANALYSIS AND DISCUSSION**

13 **The Port combines issues 3, 4, and 5.**

14 **Issue No. 3. Did the City violate the GMA’s requirements at RCW 36.70A.020(11) and**
 15 **140 by failing to provide for early and continuous public participation and**
 16 **reconciliation of conflicts during the Council’s consideration and adoption of the**
 17 **Ordinance?**

18 **Issue No. 4. Did the City violate the GMA’s requirement at RCW 36.70A.035 by failing**
 19 **to provide adequate notice and an opportunity for public review and comment**
 20 **regarding the final terms of the Ordinance?**

21 **Issue No. 5. Did the City violate the GMA’s requirement at RCW 36.70A.106 by failing**
 22 **to provide adequate notice to the State Department of Commerce regarding its intent**
 23 **to adopt the Ordinance?**

24 Local jurisdictions must encourage the involvement of citizens in the planning
 25 process.²¹ The public participation requirement includes the requirement that notice of
 26 governmental action must be reasonably calculated to provide notice to, *inter alia*, property
 27

28
 29 ¹⁶ RCW 36.70A.320(2).

30 ¹⁷ RCW 36.70A.280, RCW 36.70A.302.

31 ¹⁸ RCW 36.70A.290(1).

32 ¹⁹ RCW 36.70A.320(3).

²⁰ *Dep’t of Ecology v. PUD 1*, 121 Wn.2d 179, 201, 849 P.2d 646 (1993).

²¹ RCW 36.70A.020(11) (Citizen Participation and coordination).

1 owners and other affected and interested individuals, government agencies, and
 2 businesses.²² Local jurisdictions must also establish and broadly disseminate to the public a
 3 public participation program identifying procedures that provide for early and continuous
 4 public participation and provide the opportunity for written comments, public meetings after
 5 effective notice, provisions for open discussion, communication programs, information
 6 services, and consideration of and response to public comments.²³ Errors in exact
 7 compliance with the established program and procedures shall not render the action invalid
 8 if the spirit of the program and procedures are observed.²⁴

10 The Port claims the City adopted its Ordinance without adequate public notice and
 11 participation in violation of both the GMA and the City's code. Specifically, the Port indicates
 12 the City was obligated to provide a report for this type of decisions, and that it "ordinarily
 13 require a report on the proposed legislation and thirty days' notice prior to hearing."²⁵ The
 14 Port indicates there was no report prepared, nor did the City provide written notice to the
 15 Commerce as required.²⁶

17 The City responds that it "... complied with the GMA's notice and public participation
 18 requirements when, after a thorough environmental review and lengthy public legislative
 19 process, it adopted the Ordinance," and suggest the evidence in support of this can be found
 20 in the "thousands of pages of written comment both for and against the Bill...."²⁷

23 ²² RCW 36.70A.035.

24 ²³ RCW 36.70A.140. The City adopted Resolution 32096 which provides: Amendments to Bills and
 25 Resolutions shall not be presented at a City Council meeting unless previously reviewed by the Law
 26 Department and circulated via email to all CMs, the Central Staff Director, and the City Clerk at least two
 27 hours before the meeting. In cases, including but not limited to, amendments to development regulations
 28 subject to the Growth Management Act, a statute may require additional public notice and opportunity for
 29 public comment before an amended Bill may be passed (See
 30 [https://seattle.legistar.com/View.ashx?M=F&ID=12205123&GUID=80438E23-6CC9-48CA-AC5B-
 31 B1397CD3580A](https://seattle.legistar.com/View.ashx?M=F&ID=12205123&GUID=80438E23-6CC9-48CA-AC5B-B1397CD3580A)).

32 ²⁴ RCW 36.70A.140.

²⁵ Port's Br. at 10, citing SMC 23.72.062(C)-(D). It appears the correct citation is SMC 23.76.062(C)-(D).
 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set forth in
 Section 23.76.006.C.2. l.

²⁶ Port's Br. at 10, citing RCW 36.70A.106; .020(11); .140.

²⁷ City's Br. at 13-14.

1 The City divides its land use decisions into five categories. Relevant here, Type V
 2 decisions are legislative decisions made by the Council in its capacity to establish policy and
 3 manage public lands.²⁸ The Council is required to conduct a public hearing for each Type V
 4 Council land use decision....²⁹ To conduct a public hearing, the City was obligated to provide
 5 notice of the hearing “at least 30 days prior to the hearing” by inclusion in the Land Use
 6 Information Bulletin and Publication in the City's official newspaper.³⁰
 7

8 The Board finds that on January 23, 2025, notice of a public hearing was issued which
 9 indicated the City would “hold a public hearing on February 24, 2025, at 9:30 AM on Council
 10 Bill 120933, which would allow residential uses as a conditional use in the Stadium Transition
 11 Area Overlay District (STAOD).”³¹ The Board also finds that notice was published in the
 12 newspaper of record and noticed on the Land Use Information Bulletin.³² The notice informed
 13 the public that the proposal would “allow residential uses in the Urban Industrial (UI) zones
 14 within the STAOD as a conditional use pursuant to criteria that apply to UI zones in the rest
 15 of the City.”³³ This included removing the prohibition that housing not be located within 200
 16 feet of a Major Truck Street, and specifically remove the requirement that housing not be
 17 located within the STAOD.³⁴ Lastly, the notice indicated that the proposed environmental
 18 impacts were “considered under the Seattle Industrial & Maritime Strategy Final
 19 Environmental Impact Statement from September 2022.”³⁵ Accordingly, the Board finds the
 20 Ordinance was properly noticed.
 21
 22

23 The Council is required to “consider the oral and written testimony presented at the
 24 public hearing, as well as any required report of the Director.”³⁶ “The Director shall prepare
 25
 26

27 ²⁸ SMC 23.76.004.C.
 28 ²⁹ SMC 23.76.062.B.
 29 ³⁰ SMC 23.76.062.C.1.
 30 ³¹ *RIN* 6 at 944.
 31 ³² *RIN* 59; *RIN* 60.
 32 ³³ *RIN* 6 at 944.
³⁴ *Id.*
³⁵ *Id.*
³⁶ SMC 23.76.062 D.

1 a written report” which “shall be submitted to the Council and shall be made available to the
2 public at least 15 days before the Council hearing.”³⁷

3 The City indicates “the Director’s Report included a detailed discussion of housing in
4 the STAOD concluding that ‘(S)ome limited amount of housing would be compatible with the
5 surrounding use pattern and would not cause additional adverse impacts on nearby industrial
6 activities outside of the [STAOD] if carefully implemented.’”³⁸ The link was displayed in the
7 slideshow as follows:³⁹

- 9 ● [OPCD Director’s Report](#) (pgs. 43 – 45):
 - 10 ○ “A district with a variety of small businesses and makers combined with businesses supporting events at the stadiums
11 and entertainment venues would be supported by the UI zone.”
 - 12 ○ “(S)ome limited amount of housing would be compatible with the surrounding use pattern and **would not cause
13 additional adverse impacts on nearby industrial activities** outside of the [Stadium District] if carefully
14 implemented.”

14 The City contends this incorporated the Director’s Report into the public process.⁴⁰ However,
15 the imbedded link is to the Director’s Report from 2023 for the Seattle Industrial & Maritime
16 Strategy,⁴¹ and not a Director’s Report related to the Ordinance adopted two years later.

17 The Director’s Report is to include a written recommendation or comments of any
18 affected City departments and other governmental agencies having an interest in the
19 application or request; response to written comments from the public; an evaluation based
20 on applicable City standards and policies; all environmental documentation; and a
21 recommendation to approve, approve with conditions, or deny a specific proposal.⁴² No
22 report was produced or considered in this matter beyond the 2023 Industrial & Maritime
23 Director’s Report.

24 Accordingly, as to **Issue No. 3**, the Board is left with the firm and definite conviction
25 that the City’s failure to produce and consider the required Director’s Report before adopting
26
27

28
29 ³⁷ SMC 23.76.050 A, and F.

30 ³⁸ City’s Br. at 15, citing *RIN* 12 p.3.

31 ³⁹ *RIN* 12 at 3.

32 ⁴⁰ City’s Br. at 15.

⁴¹ *RIN* 42, Seattle Industrial & Maritime Strategy Director’s Report and Recommendation.

⁴² SMC 23.76.050.B.1 through 5.

1 this Ordinance was clearly erroneous and therefore concludes that the City did not comply
2 with its code and, as a result, the GMA's public participation requirements.⁴³

3 The Port also contends that the City, after holding a hearing, offered amendments
4 which were so substantially different as to render any notice under that version of
5 insufficient.⁴⁴ That the amendment failed to provide a renewed comment period as required,
6 and, the Port asserts, members of the Council were not aware of the proposed amendments
7 until the night before the final vote and they were not published on the City's website until
8 the day of the final vote.⁴⁵

9
10 The City indicated "the Bill was introduced to the public on January 13, 2025, upon
11 publication of the agenda packet for the January 14 Council meeting that included the
12 Introduction and Referral Calendar ("IRC")," wherein the Ordinance at issue was referred to
13 a City Council Committee.⁴⁶ The City indicates the Bill was first considered on January 24,
14 2025, and that the Office of Planning and Community Development (OPCD) Director
15 "presented to the Committee on the Industrial Strategy adoption process, the FEIS process,
16 answered questions related to the Bill, and discussed the ongoing stakeholder consultation
17 on planning issues in the STAOD and SODO area."⁴⁷

18
19 On February 24, 2025, the Governance, Accountability & Economic Development
20 Committee held a public meeting to consider the Ordinance.⁴⁸ The Council President
21 presented a slideshow which discussed allowing housing in the district as "the preferred
22
23

24 ⁴³ See SMC 23.76.062 D; SMC 23.76.050 A, and F; RCW 36.70A.020(11); RCW 36.70A.140.

25 ⁴⁴ Port's Br. at 10-11 (referencing *Ex. 26 (RIN 26)*); (citing *Master Builders Ass'n of Pierce County. v. Pierce*
26 *County*. CPGMHB Case No. 02-3-0010 (Final Decision and Order, February 4, 2002) at 9).

27 ⁴⁵ *Id.*, citing RCW 36.70A.035(1)(a)-(b).

28 ⁴⁶ City's Br. at 14, referencing *RIN 2*, p. 1 of Introduction and Referral Calendar. CB 120933: AN
ORDINANCE relating to land use and zoning; amending Sections 23.74.002 and 23.74.008 of the Seattle
Municipal Code to allow residential uses in the Stadium Transition Area Overlay District.

29 ⁴⁷ City's Br. at 15, citing *RIN 6* (which is the February 24, 2025, Governance, Accountability & Economic
Development Committee Agenda). *RIN 7*, however, indicates the City discussed (though it is unclear what
30 may have been discussed) the Bill at the January 24, 2025, Governance, Accountability & Economic
Development Committee meeting.

31 ⁴⁸ City's Br. at 15, referencing *RIN 6*, the Agenda for a Special Public Meeting of the City's Governance,
32 Accountability, and Economic Development Committee for Monday, February 24, 2025.

1 alternative already studied in the FEIS...⁴⁹ The Committee received testimony in support
 2 and opposition and voted 3-2 to recommend the Bill be passed by the City Council.⁵⁰

3 On March 18, 2025, the Port submitted additional written comments on the proposed
 4 Ordinance. Also on March 18, 2025, the City’s webpage was apparently updated to include
 5 nine, what the City describes as, “technical” amendments to the Ordinance which were
 6 publicly discussed at that day’s City Council meeting.⁵¹ Proposed amendments included,
 7 among others, a 990 residential unit cap for the STAOD, addressed below, as well as
 8 notification to future owners of the liquification dangers, and noise abatement
 9 requirements.⁵²

11 Because the 990 residential unit figure is discussed at several places in the Port’s
 12 brief, the Board takes this opportunity to address it. The Board takes issue with the Port’s
 13 claim that the effect of the Ordinance will result in 990 residential units. The Board finds it
 14 more likely that the number of new residential units will actually be 375 and arrives at this
 15 finding by considering the City’s housing projections in RIN 125.

17 RIN 125 consists of housing projections that the City calculated as part of the 2022
 18 FEIS. The housing projections *per se* did not appear in the 2022 FEIS but were part of the
 19 City’s data underlying the analysis in the 2022 FEIS. Because the 2022 FEIS did not analyze
 20 the Ordinance, the projections in RIN 125 are not perfectly calibrated to show the housing
 21 effects of the Ordinance. The housing effects of the Ordinance can be calculated by
 22 considering subareas B through E of the first box in RIN 125. Summing the acreage of
 23 subareas B through E yields a total of 7.5 developable acres. Assuming full buildout at 50
 24

27 _____
 28 ⁴⁹ City’s Br. at 15, referencing *RIN 12* (the slideshow) which indicates for the 2 blocks immediately South of T-
 29 Mobile Park, on 1st Ave S and Occidental S., up to 990 housing units, half affordable (60-90%AMI- Area
 Median Income) and FEIS shows freight travel times remain the same.

30 ⁵⁰ City’s Br. at 16.

31 ⁵¹ City’s Br. at 16 referencing *RIN 28*- transcript from the March 18, 2025, City Council meeting; Port’s Br. at
 32 6, referencing Amendments to CB 120933, Ex. 26, at 975-989. The Council approved 8 of the proposed
 amendments. *See also RIN 26*- Agenda for March 18, 2025, City Council Meeting.

⁵² Port’s Br. at 6. The Port also discussed emails exchanges (PCB00318, PCB000327, PCB00223).

1 dwelling units per acre, 375 dwelling units could be built as a result of the Ordinance.⁵³
 2 Accordingly, from the Board’s perspective, the record supports the addition of 375 residential
 3 units “for the 2 blocks immediately South of T-Mobile Park, on 1st Ave S. and Occidental
 4 S..”⁵⁴ It is worth noting that under the Maritime and Marine Strategy FEIS, the City evaluated
 5 the impact of up to 646 residential units (subareas A through E) across the STAOD. Again,
 6 the discrepancy in unit count comes about because the FEIS was looking at a different
 7 proposal than the Ordinance. The 990-unit figure was for all developable lands with UI
 8 zoning, not just those in the STAOD, and not just those likely to be generated by the
 9 Ordinance.⁵⁵ Exhibit 128 (below) depicts the land covered by the Ordinance and is included
 10 for a visual of the impacted area (purple lines denote Major Truck Streets, the blue shading
 11 is zoned UI, the red outlined is the STAOD, and the yellow hashed area is the area impacted
 12 by the challenged Ordinance).
 13
 14



28
29
30 ⁵³ The City’s brief correctly sums the acreage of subareas B through E to find 7.5 developable acres, but the
 31 City’s brief then erroneously calculates that 350 units can be built on those 7.5 acres at a density of 50 units
 32 per acre. By the Board’s calculations, however, 7.5 acres times 50 units per acre is 375 units, not 350 units.

⁵⁴ RIN 12 p. 4.

⁵⁵ City’s Br. at 26.

1 The Port further contends that the City cut off public comments at the March 18, 2025,
 2 full Council meeting and that the Council failed to discuss any of the comments it received
 3 (abruptly closing comments and initiating a vote).⁵⁶ Not surprisingly, the Port and BNSF feel
 4 the City failed to meaningful engage with the concerns raised when the Council moved from
 5 accepting comments and began to vote without any discussion over the written or public
 6 comments the City just received.
 7

8 If a local jurisdiction chooses to consider a change to an amendment to a
 9 comprehensive plan or development regulation, and the change is proposed after the
 10 opportunity for review and comment has passed, an opportunity for review and comment on
 11 the proposed change shall be provided before the local legislative body votes on the
 12 proposed change unless an environmental impact statement has been prepared for the
 13 pending ordinance and the proposed change is within the range of alternatives considered
 14 in the environmental impact statement, which is not the case here, or, relevant here, the
 15 proposed change is within the scope of the alternatives available for public comment.⁵⁷ The
 16 City imposes its own restrictions as well:
 17

18 Amendments to Bills and Resolutions shall not be presented at a City Council
 19 meeting unless previously reviewed by the Law Department and circulated via
 20 email to all CMs, the Central Staff Director, and the City Clerk at least two hours
 21 before the meeting. In cases, including but not limited to, amendments to
 22 development regulations subject to the Growth Management Act, a statute may
 23 require additional public notice and opportunity for public comment before an
 amended Bill may be passed.⁵⁸

24 The City believes “the opportunity for public comment of the proposed amendments at the
 25 March 18 meeting was adequate because the proposed revisions were straightforward and
 26 minor in scope and were within the scope of the initial proposal.”⁵⁹ Posting the amendments
 27

28
 29 ⁵⁶ Port’s Reply at 3, citing *R/N* 28 at 66:20-24 and 97:16-18 (CM Nelson closing comments and initiating
 discussion and votes).

30 ⁵⁷ RCW 36.70A.035(2)(a); (b)(i)-(ii).

31 ⁵⁸ Resolution 32096.

32 ⁵⁹ City’s Br. at 18, citing *Jack and Pamela Revocable Living Tr. v. City of Covington*, CPSGMHB No. 02-03-
 0005 (Final Decision and Order, September 27, 2002) at 12.

1 on the City's webpage on the day of the vote for a 2:00 PM City Council Meeting, the City
 2 argues, "met the spirit of the GMA's public participation requirements throughout the adoption
 3 process of the Ordinance."⁶⁰

4 The Board finds the initial notice in this matter informed the public that the proposal
 5 would allow residential uses in the UI zones within the STAOD as a conditional use pursuant
 6 to criteria that apply to UI zones in the rest of the City, that it was contemplating removing
 7 the restriction that housing not be located within 200 feet of a major truck street, and that it
 8 was specifically contemplating removing the requirement that housing not be located within
 9 the STAOD. The nine "technical" amendments offered were, in the Board's view, within
 10 scope of the original notice such that the City was not required by the GMA to conduct a new
 11 hearing.⁶¹ The Board does not believe the City offended its own Resolution either, as the
 12 City merely requires two-hours' notice. The Board finds the amendments reduced the scope
 13 and impact of what was initially publicly noticed. Accordingly, the Board is not convinced it
 14 was clearly erroneous to act on any of the nine amendments with or without accepting public
 15 comments on the March 18, 2025, Council meeting.⁶² That is because the notice in this
 16 matter was sufficient, and because the amendments were within the scope of what was
 17 noticed. Thus, **Issue No. 4 is dismissed.**

18 The Port also asserts the County failed to timely notify Commerce of the proposed
 19 amendments prior to adoption.⁶³

20 Amendments for permanent changes to a local jurisdictions comprehensive plan or
 21 development regulations "shall be" submitted to Commerce at least sixty days prior to final
 22

23
 24
 25
 26 ⁶⁰ City's Br. at 18.

27 ⁶¹ RCW 36.70A.035(2)(b)(ii).

28 ⁶² See *City of Shoreline, Town of Woodway, et al, v. Snohomish County*, Nos. CPSGMHB No. 09-3-0013c
 29 and 10-3-0011c (Order on Dispositive Motions, January 18, 2011) at 16-19 (The Board's decisions recognize
 30 that a proposal may be modified during the course of public debate without necessarily requiring publication
 31 of a new notice), citing *Halmo v. Pierce County*, CPSGMHB No. 07-3-0004c (Final Decision and Order,
 32 September 28, 2007) at 14-15; *Cave/Cowan v. City of Renton*, CPSGMHB No. 07-3-0012(Final Decision and
 Order, July 30, 2007) at 12-13; *NENA v. City of Everett*, CPSGMHB No. 08-3-0005 (Final Decision and
 Order, April 28, 2009) at 16-17.

⁶³ Port's Br. at 10, citing RCW 36.70A.106.

1 adoption.⁶⁴

2 The City indicates that it “timely complied” with these requirements while
3 simultaneously acknowledging it did not provide 60 days’ notice to Commerce prior to
4 adopting its Ordinance on March 18, 2025, when it indicates the City sent “the required notice
5 to Commerce, albeit retroactive, and asked for expedited review.”⁶⁵ The City transmitted its
6 amended and adopted Ordinance to Commerce on April 7, 2025, which is a separate
7 requirement to send adopted amendments within 10 days to Commerce.⁶⁶ This appears, in
8 the Board’s view, to be what the City did after discovering it failed to send the initial Ordinance
9 for Commerce’s review.
10

11 Local jurisdictions may request expedited review for any amendments for permanent
12 changes to development regulations, and Commerce:

13 may grant expedited review if the department determines that expedited review
14 does not compromise the state's ability to provide timely comments related to
15 compliance with the goals and requirements of this chapter or on other matters
16 of state interest. Cities and counties may adopt amendments for permanent
17 changes to a development regulation immediately following the granting of the
18 request for expedited review by the department.⁶⁷

19 In a June 3, 2025, email from Commerce granting expedited review, Commerce
20 states: “... you have met the Growth Management notice to state agency requirements in
21 RCW 36.70A.106 for this submittal.”⁶⁸ Citing *Joshua Corning and Building North Central*
22 *Washington v. Douglas County*,⁶⁹ the City contends that because it has taken action to
23 comply, which has been acknowledged by Commerce, Issue 5 must be dismissed.⁷⁰ The City
24

25 _____
26 ⁶⁴ RCW 36.70A.106.

27 ⁶⁵ City’s Br. at 19.

28 ⁶⁶ City’s Br. at 19, referencing *RIN 33* (Affidavit of Publication- April 7, 2025), 34 (Notice of Final Adoption-
29 April 7, 2024), and 35 (Notice of Submittal to Commerce- April 7, 2025). RCW 36.70A.106(2) requires local
30 jurisdictions to transmit a complete and accurate copy of its comprehensive plan or development regulations
31 to the department *within ten days after final adoption*. (emphasis added). See RCW 36.70A.106(2).

32 ⁶⁷ RCW 36.70A.106(3)(b)

⁶⁸ *RIN 39*, page 1.

⁶⁹ *Joshua Corning and Building North Central Washington v. Douglas County*, GMHB No. 13-1-0001 (Final
Decision and Order, August 26, 2013) at 7.

⁷⁰ City’s Br. at 19.

1 is incorrect. In *Joshua Corning and Building North Central Washington*, the County adopted
 2 a new Ordinance to settle a previous Eastern Washington Growth Management Hearings
 3 Board Case and believed its adoption of the new Ordinance was part of an ongoing process
 4 of amending the County's development regulations for the previous code changes which
 5 were in dispute, and, largely, what the appropriate remedy for such a violation should be:
 6 non-compliance or invalidity. In that matter the Board reasoned that while the initial notice
 7 was not made, the County's subsequent actions taken by properly filing the 60-day notice,
 8 receiving and considering comments from two state agencies, and considering the
 9 comments in its final decision was sufficient, and that requiring more would be "a duplicative
 10 and futile act to remand this case to Douglas County so that the County could notify
 11 Commerce yet again."⁷¹ However, this Board has repeatedly ruled the requirement that local
 12 jurisdictions submit their proposed amendments to Commerce is "an unambiguous
 13 requirement of the statute."⁷² That, "even if there is no other violation to be corrected, non-
 14 compliance with Section 106 requires a remand to the City or County."⁷³ That is because the
 15 statute is clear, "immediately following the granting of the request for expedited review by
 16 the department," a local jurisdiction may adopt amendments for permanent changes to a
 17 development regulation. Commerce is without authority to waive the requirements of the
 18 statute and may only permit expedited review and only then may a local jurisdiction adopt or
 19 amend its comprehensive plan or development regulations. That is because Commerce's
 20 authority to act, like this Board's, is strictly statutorily limited. Commerce may only act on the
 21 authority granted to it by the Legislature.
 22
 23
 24

25 The Board finds the City failed to submit Ordinance 127191 to Commerce 60 days
 26

27
 28 ⁷¹ *Joshua Corning and Building North Central Washington v. Douglas County*, EWGMHB No. 13-1-0001
 (Final Decision and Order, August 26, 2013) at 9.

29 ⁷² *Your Snoqualmie Valley, et al., v. City of Snoqualmie*, CPSPGMHB No. 11-3-0012 (Final Decision and Order,
 30 May 8, 2012) at 11-12 (citing *McNaughton v Snohomish County*, CPSPGMHB No. 06-3-0027 (Final Decision
 and Order January 29, 2007) at 25).

31 ⁷³ *Your Snoqualmie Valley*, GMHB No. 11-3-0012 at 11 (citing *Cameron Woodard Homeowners Ass'n v*
 32 *Island County*, WWGMHB No. 02-2-0004 (Order on Dispositive Motion, June 10, 2002) at 2; *Bauder v City of*
Richland, EWGMHB No. 01-1-0005 (Final Decision and Order August 16, 2002) at 6).

1 prior to the adoption of the challenged Ordinance. Commerce’s statement that it granted
 2 expedited review merely permitted the City to then move forward and adopt an Ordinance,
 3 but that did not cure the defect with the Ordinance the City authorized. Accordingly, as to
 4 **Issue No. 5**, the Board is left with a firm and definite conviction that the City’s failure to submit
 5 its proposed amendment to Commerce prior to adopting the Ordinance was clearly
 6 erroneous and concludes that the City’s adoption of the challenged Ordinance did not comply
 7 with the requirements of the GMA.⁷⁴
 8

9
 10 **The Port and BNSF combine issues 11, 12, 13, 14, 15, and 16.**

11 **Issue No. 11. Did the City violate the requirements of Chapter 43.21C RCW (SEPA) by**
 12 **failing to disclose or analyze the probable adverse environmental impacts of the**
 13 **Ordinance in a detailed Environmental Impact Statement (EIS) pursuant to RCW**
 14 **43.21C.030(2)(c)(i) before formally adopting it into law?**

15 **Issue No. 12. Did the City violate the requirements of SEPA by adopting the Ordinance**
 16 **without issuing a threshold determination for the proposal pursuant to RCW**
 17 **43.21C.033 and SMC 25.05.310?**

18 **Issue No. 13. Did the City violate the requirements of SEPA by adopting the Ordinance**
 19 **without first issuing a supplement or addendum to the FEIS, pursuant to RCW**
 20 **43.2C.034 and SMC 25.05.620 or .625?**

21 **Issue No. 14. Did the City violate SEPA’s requirements at RCW 43.21C.034 by relying**
 22 **on the FEIS when considering the environmental impacts of the Ordinance and**
 23 **possible mitigation measures to address said environmental impacts?**

24 **Issue No. 15. Did the City violate SEPA’s requirements at RCW 43.21C.060 by**
 25 **unlawfully exercising its substantive SEPA authority by including mitigation**
 26 **measures in the Ordinance that were not based on formally adopted SEPA documents**
 27 **or policies?**

28 **Issue No. 16. Did the City violate SEPA’s requirements at RCW 43.21C.060 by failing**
 29 **to exercise its substantive SEPA authority to mitigate the known probable adverse**
 30 **environmental impacts of the Ordinance?**

31
 32 ⁷⁴ RCW 36.70A.106.

1 Citing legislative changes in 2022 to address the State’s housing crisis, the City
 2 contends there is a “broad prohibition on administrative and judicial SEPA appeals in
 3 RCW 36.70A.070(2) and RCW 43.21C.495—which were adopted together—[and was]
 4 expressly intended to “promot[e] housing construction in cities by limiting appeal
 5 opportunities for both residential and mixed-use projects as well as legislative actions that
 6 further housing-related goals.”⁷⁵ The City claims this Ordinance is not subject to a SEPA
 7 appeal because it increased housing capacity, increased housing affordability, and mitigated
 8 displacement.⁷⁶ Though, the City asserts, incorrectly, that the Ordinance does not have to
 9 satisfy each, that is it sufficient to satisfy any one, as the “and” within this statute is read in
 10 the disjunctive (i.e., “or”).⁷⁷ Lastly, that this area is “outside of a critical areas,” and that “there
 11 is no evidence that the legislation would allow development in critical areas,”⁷⁸ thus ensuring
 12 it is exempt from SEPA appeal.⁷⁹

13
 14 The Port counters that this area is within “a City-designated liquefaction-prone critical
 15 area”⁸⁰ and proposed amendments to the Ordinance support the conclusion that the area
 16 contains liquefaction zones.⁸¹ The City, while acknowledging that “some maps indicate
 17 portions of the STAOD may contain liquefaction areas, which could be a type of
 18 Environmentally Critical Area,” explains that it enacted a Director’s Rule which provides “the
 19 liquefaction potential of mapped liquefaction hazard areas would be confirmed during the
 20 design stage of proposed development.”⁸² However, according to the FEIS prepared for the
 21
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24 ⁷⁵ City’s Br. at 20. RCW 36.70A.070(2)(h) and citing *City of Olympia v. W. Washington Growth Mgmt.*
 25 *Hearings Bd.*, 27 Wn. App. 2d 77, 78, 531 P.3d 816, 821 (2023). (Quotations in the original).

26 ⁷⁶ City’s Br. at 19-20.

27 ⁷⁷ City’s Br. at 21 fn 89, citing *Bullseye Distrib. LLC v. State Gambling Comm’n*, 127 Wn. App. 231, 239
 28 (2005); *State v. Keller*, 98 Wn.2d 725, 729 (1983) (interchange of “or” and “and” in statutory interpretation
 29 may be necessary to avoid absurd results).

30 ⁷⁸ An irreconcilable assertion considering Amendment C to the Ordinance explicitly requires warnings in
 31 perpetuity related to the liquefaction prone zone.

32 ⁷⁹ City’s br. at 22.

⁸⁰ Port’s Br. at 18; Port’s Reply at 4. See also FEIS 2022 Maritime Strategy for ample evidence supporting
 this as a liquification prone area, which is a critical area.

⁸¹ *Id.* see also Amendment C to the Ordinance regarding liquefaction zone.

⁸² City’s Br. at 22, citing *RIN 115, RIN 6*.

1 Seattle Industrial & Maritime Strategy Final Environmental Impact Statement, upon which
 2 this Ordinance asserts it relied, the SODO/Stadium indicates “all of this subarea is prone to
 3 liquefaction and both known and potential landslide areas are located along the east and
 4 west edges.”⁸³

5 Accordingly, the Board finds this is an area which contains critical areas and
 6 concludes it has the statutory authority to consider this SEPA challenge.
 7

8 BNSF asserts the City was required to conduct SEPA review but failed to do so prior
 9 to enacting the Ordinance.⁸⁴ BNSF also complains the reliance on a FEIS prepared in 2022
 10 for the City’s Industrial and Maritime Strategy legislation, which Ordinance 127191 amends,
 11 is insufficient to rely upon for this new ordinance, and would have only served as a starting-
 12 point, as that FEIS analyzed new industrial zones and land use policies and not residential
 13 uses.⁸⁵ As to the City’s assertion that its procedural determinations are afforded substantial
 14 weight, BNSF indicates no process occurred and the City is therefore entitled to no
 15 deference.⁸⁶ Further, that the burden would be on the City to first demonstrate *prima facie*
 16 compliance with SEPA’s procedural requirements before it is entitled to deference.⁸⁷ That is
 17 because the City must “meaningfully engage in the SEPA process when making a threshold
 18 determination.”⁸⁸ The result, BNSF says, caused the City to pass an Ordinance that failed to
 19 sufficiently consider the environmental impacts. By way of example, BNSF’s directs the
 20 Board to certain sound requirements, specifically that dwellings must have sound-insulating
 21 windows sufficient to maintain interior levels below 45 decibels (dB), but without analyzing
 22 the federal requirement that train horns must be blow every 15 to 20 seconds at 96 to 110
 23 dB, which will sound ten times more intense and twice as loud to the human ear, the
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 28 ⁸³ *RIN* 6, p. 13-14, 127, 197-198, 200 exhibit 3.1-1, 203-204, 207. The FEIS is replete with statements that
 support this area as a liquification zone.

29 ⁸⁴ BNSF’s Br. at 1.

30 ⁸⁵ BNSF’s Br. at 2.

31 ⁸⁶ BNSF’s Br. at 3.

32 ⁸⁷ *Id.*

⁸⁸ *Id.* quoting *King County v. Friends of Sammamish Valley*, 3 Wn.3d 793 (2024); referencing *Wild Fish
 Conservancy v. Dep’t of Fish & Wildlife*, 198 Wn.2d 846, 866–67, 502 P.3d 359 (2022).

1 imposition of this condition is insufficient to mitigate the impact and imposed without
 2 analysis.⁸⁹ This, and other impacts on potentially 900 residential units were not analyzed,
 3 according to BNSF, nor did the City sufficiently consider the impacts of this Ordinance on
 4 BNSF as an Essential Public Facilities (EPF).⁹⁰

5 The Port asserts the City violated procedural and substantive SEPA safeguards by
 6 failing to study the probable impacts of 990 units adjacent to Major Truck Streets⁹¹ and
 7 industrial uses.⁹² The Port also contends the City demonstrated, through comments it made,
 8 that it had sufficient detail about the a specific project to mandate and trigger SEPA review.⁹³
 9 Further, that the City's reliance on a 2022 FEIS (which considered residential units across
 10 the entire SODO/Stadium Subarea) was erroneous because it studied caretakers' quarters
 11 and makers' studios across the entirety of the subarea, and even the preferred alternative
 12 limited affordable housing to 644 units over the entire subarea, rather than considering the
 13 impact of 990 residential units in a three-block tract in SODO.⁹⁴ The Port also argues, in a
 14 footnote, that the impacts are likely greater because housing will be allowed in other parts of
 15 SODO/Stadium subarea.⁹⁵

16 Specific to Issues 12 and 13, the Port contends the City's decision to undertake no
 17 SEPA review is inconsistent with its own practice with respect to the 2022 Strategy FEIS and
 18 its code.⁹⁶ That the City was obligated to issue a threshold determination to address the
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22 ⁸⁹ BNSF's Br. at 3-4.

23 ⁹⁰ *Id.*

24 ⁹¹ Major Truck Streets are primary routes to connect major freight traffic generators, including heavy haul
 routes. See City Transportation Plan Ex. 56, at F-8.

25 ⁹² Port's Br. at 13.

26 ⁹³ Port's Br. at 13-14.

27 ⁹⁴ Port's Br. at 13.

28 ⁹⁵ Port's Br. at 14.

29 ⁹⁶ Port's Br. at 15, citing SMC 25.05.310(A) which provides, "A threshold determination is required for any
 30 proposal which meets the definition of action and is not categorically exempt, subject to the limitations in
 Section 25.05.600 C concerning proposals for which a threshold determination has already been issued. A
 31 threshold determination is not required for a planned action (refer to Sections 25.05.164 through 25.05.172)
 and SMC 25.05.784 which defines proposal as, "Proposal means a proposed action. A proposal includes
 32 both actions and regulatory decisions of agencies as well as any actions proposed by applicants. A proposal
 exists at that state in the development of an action when an agency is presented with an application, or has a
 goal and is actively preparing to make a decision on one or more alternative means of accomplishing that

1 impacts of the Ordinance it was proposing.⁹⁷ And, that the City failed to issue a SEIS or
2 addendum to the FEIS it was relying upon.⁹⁸

3 The goals of SEPA are to (1) create harmony between people and the environment,
4 (2) prevent damage to the environment, (3) stimulate the health and welfare of humans, and
5 (4) enrich understanding of natural resources and systems.⁹⁹ Under SEPA, an EIS is
6 required and must be prepared for any proposals and actions with a probable, significant,
7 adverse environmental impact.¹⁰⁰ SEPA is an environmental full disclosure law that require
8 local jurisdictions to identify and analyze the environmental effects of proposed actions in
9 order to achieve good land use decision making by involving and informing both the public
10 and decision-makers about the environmental consequences of proposed actions.¹⁰¹ The
11 procedural duties imposed by SEPA--full consideration to environmental protection--are to
12 be exercised to the fullest extent possible to ensure that the "attempt by the people to shape
13 their future environment by deliberation, not default" will be realized.¹⁰² SEPA's purpose is
14 to provide consideration of environmental factors at the earliest possible stage to allow
15 decisions to be based on complete disclosure of environmental consequences.¹⁰³ For every
16 proposals for legislation and other major actions significantly affecting the quality of the
17 environment, a detailed statement by the SEPA responsible official is required addressing:

21 _____
22 goal, and the environmental effects can be meaningfully evaluated. (See Section 25.05.055 and Section
23 25.05.060 C. A proposal may therefore be a particular or preferred course of action or several alternatives.
24 For this reason, these rules use the phrase "alternatives including the proposed action." The term "proposal"
25 may therefore include "other reasonable courses of action," if there is no preferred alternative and if it is
26 appropriate to do so in the particular context."

27 ⁹⁷ Port's Br. at 15, referencing RCW 43.21C.033 and SMC 25.05.310.

28 ⁹⁸ *Id.*, referencing RCW 43.2C.034 and SMC 25.05.620 or .625.

29 ⁹⁹ *King Cnty. v. Friends of Sammamish Valley*, 3 Wn.3d 793, 814, 556 P.3d 132 (2024); RCW 43.21C.010.

30 ¹⁰⁰ RCW 43.21C.031.

31 ¹⁰¹ *Moss v. City of Bellingham*, 109 Wn. App. 6, 16, 31 P.3d 703, 709 (2001) rev. den'd, 1Wn. 2d 1046 17.
32 (2002).

¹⁰² *Eastlake Cmty. Council v. Roanoke Assocs., Inc.*, 82 Wn.2d 475, 490, 513 P.2d 36, 46 (1973), quoting
Stemple v. Dep't of Water Res., 82 Wn. App. 2d 109, 118, 508 P.2d 166, 172(1973).

¹⁰³ *King Cty. v. Washington State Boundary Rev. Bd. for King Cty.*, 122 Wn. 2d 648, 664, 860 P.2d 1024,
1033 (1993). See also RCW 43.21C.030; WAC 197-11-055(2) (The lead agency shall prepare its threshold
determination and environmental impact statement (EIS), if required, at the earliest possible point in the
planning and decision-making process, when the principal features of a proposal and its environmental
impacts can be reasonably identified).

1 the environmental impact of the proposal, any adverse environmental effects which cannot
 2 be avoided; alternatives; relationship between local short-term uses of the environment and
 3 the maintenance and enhancement of long-term productivity; and any irreversible and
 4 irretrievable commitments of resources which would be involved in the proposed action
 5 should it be implemented.¹⁰⁴ SEPA, and the City, mandate that for any “action” that is not
 6 “categorically exempt,” the SEPA Responsible Official shall issue a “threshold
 7 determination.”¹⁰⁵ “Actions” include, relevant here, legislative proposals, and fall into two
 8 categories: “project actions,” such as an agency decision to licenses, fund, or undertake an
 9 activity, and “nonproject actions” which involve decision on policies, plans, or programs,
 10 including among other things, the decision to adopt or amend legislation, ordinances,
 11 comprehensive plans or zoning ordinances. The City categorically exempts small-scale
 12 development or routine activities that do not significantly affect the environment; however,
 13 legislative actions are not categorically exempt. Accordingly, and as the City agrees,¹⁰⁶
 14 environmental review was required. However, the City did not make an independent
 15 threshold determination in this matter and instead indicates it relied upon “existing
 16 documents,” specifically the 2022 FEIS.¹⁰⁷ That is because, from the City’s perspective, the
 17 2022 FEIS “for housing was the same as the preferred alternative in the FEIS.” As noted
 18 above, the Board has found and concluded the 2022 Maritime and Marine Strategy FEIS did
 19 not study the same proposal and instead evaluated the impact of up to 646 residential units
 20 (subareas A through E) across the entire STAOD. The Preferred Alternative projected 1,475
 21 housing units (66% being located in SODO/Stadium and Georgetown/SouthPark subareas)
 22 in the UI zones (across the entirety of the City).¹⁰⁸ While these proposals did both involve
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27 ¹⁰⁴ RCW 43.21C.030(c).

28 ¹⁰⁵ “Action” SMC 25.05.704.A.3; “Categorically exemptions” SMC 25.05.800 and SMC 25.05.305; “Threshold
 29 determination” SMC 25.05.797.

30 ¹⁰⁶ City’s Br. at 26. “the Council properly relied on the Maritime and Industrial EIS to meet its SEPA obligation
 31 before adopting Ordinance 127191 since the proposal for housing was the same as the preferred alternative
 32 in the FEIS.”

¹⁰⁷ City’s Br. at 22.

¹⁰⁸ Seattle Industrial & Maritime Strategy at 1-31.

1 housing in some way, the Board finds they are otherwise markedly dissimilar.

2 Even if it were different, the City says, “[a]n action which does not have an
3 environmental impact substantially different from an earlier proposed action does not require
4 either a new threshold determination or a new supplemental draft or final environmental
5 impact statement.”¹⁰⁹ However, the Director’s Report, discussing the environmental and
6 recommending adoption of the 2022 Industrial & Maritime Strategy, specifically noted as to
7 housing in the Stadium Area, “OPCD’s analysis in the EIS and other studies reviewed the
8 potential for some limited amount of housing in the stadium area overlay district,” but in
9 consideration of a number of other factors, recommended against allowing housing in the
10 STAOD.¹¹⁰ Further, the Director’s Report called out the need for stronger policy protections
11 for industrial lands:
12

13 In recent years, several annual amendment proposals have sought to remove
14 land from manufacturing industrial centers. Industrial land is finite in supply and
15 consideration of any one proposal to remove land from an MIC should occur
16 through a comprehensive review of the city’s industrial land use needs. The
17 proposed Comprehensive Plan amendments include a new policy to establish
18 higher thresholds for when such an amendment can be considered. This policy
19 will send a clear market signal that will deter the type of speculation that deters
investments in industrial activity.¹¹¹

20 From the Board’s perspective, collectively, this alerted the City that legislation which
21 sought to place additional housing, especially in a concentrated area, required further
22 environmental review.
23
24

25 ¹⁰⁹ City’s Br. at 26, citing *Thornton Creek Legal Def. Fund v. City of Seattle*, 113 Wn. App. 34,
26 49, 52 P.3d 522, 529 (2002), as amended on denial of reconsideration (Sept. 25, 2002), citing *SEAPC v.*
Cammack II Orchards, 49 Wn. App. 609, 613, 744 P.2d 1101 (1987). (quotation in the original).

27 ¹¹⁰ Director’s Report and Recommendation, Seattle Industrial & Maritime Strategy at 46. “In consideration of
28 all these factors and the totality of the information, the proposed legislation does not allow housing in the
29 stadium overlay. A specific provision in the overlay regulations would prohibit any new housing in the
STAOD.”

30 ¹¹¹ *RIN 42*, page 18, referencing: LU 10.3 Ensure predictability and permanence for industrial activities in
31 industrial areas by limiting removal of land from a designated manufacturing / industrial center. There should
32 be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated
comprehensive study and review of industrial land use policies or as part of a major update to the
Comprehensive Plan.

1 The City asserts that “Petitioner’s theory rests on erroneous presumptions that the
 2 Ordinance approves a project that would allow 990 housing units. The Ordinance does no
 3 such thing, and Petitioner’s speculation as to the impacts of this fictitious project approval
 4 have no merit.”¹¹² That is, the City says, “because no property owner has taken the first step
 5 to apply for a project permit application to the Seattle Department of Construction and
 6 Inspections (“SDCI”) seeking to build any project in the STAOD with residential use.”¹¹³ And
 7 that any renderings that were presented were merely hypothetical and conceptual
 8 opportunities should the Ordinance pass.¹¹⁴ On this point the Board agrees with the City,
 9 renderings and conceptual drawings do not amount to a project. However, that does not
 10 absolve the City of its obligation to conduct adequate environmental review. Adequate
 11 environmental review, for a nonproject action, requires consideration of the consequences
 12 of the maximum potential development of the property under the contemplated action.¹¹⁵
 13 There is no evidence in the record that the City considered the maximum potential
 14 development of property impacted by this Ordinance, let alone in a concentrated area. Nor
 15 is there evidence in the record that would demonstrate the City considered the environmental
 16 impact of placing 375 residential units in a liquefaction prone zone. That is because the City
 17 did not conduct separate environmental review of the challenged Ordinance.
 18

19
 20 In response to Port and BNSF’s claim that the City violated substantive and procedural
 21 SEPA requirements “by not preparing a new environmental determination for Ordinance
 22 127191,” the City contends, in addition to the fact that it was not required to conduct SEPA
 23 review, which the Board disagrees with,¹¹⁶ that the Port’s position “conflicts with the plain
 24 language of SEPA, which authorizes reviewers to use ‘existing documents’ to meet their
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 28 ¹¹² City’s Br. at 2.

¹¹³ *Id.*

¹¹⁴ City’s Br. at 2.

¹¹⁵ *Spokane County v. E. Wash. Growth Mgmt. Hr’gs Bd*, 176 Wn. App. 555, 579, 309 P.3d 673 (2013);
Ullock v. Bremerton, 17 Wn. App. 573, 581, 565 P.2d 1179 (1977).

¹¹⁶ City’s Br. at 1. This Board disagrees as RCW 43.21C.031(1) provides “an environmental impact statement
 . . . shall be prepared on proposals for legislation and other major actions having a probable significant,
 31 adverse environmental impact. That is the case here. Further, RCW 43.21C.450 does not apply in this matter.
 32

1 SEPA obligations.”¹¹⁷ The City also contends that the City utilized an existing document,
 2 specifically the FEIS for the 2022 Industrial and Maritime Strategy, which studied as a
 3 preferred alternative permitting residential housing in the STAOD, and that served as the
 4 City’s basis for environmental review.¹¹⁸ However, the Board concludes that the City did not
 5 adopt the EIS in a way its code recognized.

6
 7 The City says it was not required to adopt the EIS it relied upon.¹¹⁹ That is because
 8 “SEPA requires an EIS to be adopted if a proposal differs from the proposal analyzed in the
 9 EIS,” and that “agencies acting on the same proposal for which an environmental document
 10 was prepared are not required to adopt the document.”¹²⁰

11 Lead agencies are authorized to use in whole or in part existing environmental
 12 documents for new project or nonproject actions, if the documents adequately address
 13 environmental considerations.¹²¹ The lead agency shall independently review existing
 14 documents and determine that the information and analysis to be used is relevant and
 15 adequate.¹²² Existing documents may be used for a proposal by either adoption,
 16 incorporation by reference, by addendum, or by preparing a Supplement Environmental
 17 Impact Statement (SEIS).¹²³ The City requires the same.¹²⁴

18 The City’s code provides criteria for determining whether an environmental document
 19 must be used unchanged and describes when existing documents may be used to meet all
 20 or part of an agency’s responsibilities under SEPA. For the City, agencies may use
 21 environmental documents that have previously been prepared to evaluate proposed actions,
 22 alternatives, or environmental impacts, provided that the information in the existing
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27 ¹¹⁷ City’s Br. at 22, citing RCW 43.21C.034, WAC 197-11-600(4)(a).

28 ¹¹⁸ City’s Br. at 23.

29 ¹¹⁹ City’s Br. at 29, citing SMC 25.05.600 D.1.

30 ¹²⁰ *Id.*

31 ¹²¹ RCW 43.21C.034; WAC 197-11-600(2). Projects or actions need not be identical but must have similar
 32 elements that provide a basis for comparing their environmental consequences.

¹²² *Id.*

¹²³ WAC 197-11-600(4)(a) through (d).

¹²⁴ SMC 25.05.600.D.

1 document(s) is accurate and reasonably up-to-date.¹²⁵ The proposals may be the same as,
 2 or different than, those analyzed in the existing documents. If acting on the same proposal,
 3 as the City asserts here, it shall use the document unchanged unless an EIS had been
 4 previously prepared and there are substantial changes to the proposal with likely adverse
 5 environmental impacts or new information indicates probable significant adverse impacts.¹²⁶

6 From that point the City's code directs "one or more" method for using existing
 7 documents: adoption, incorporation by reference, addendum, or preparing a SEIS (if there
 8 are substantial changes or new information).¹²⁷ The City did none of these in adopting the
 9 challenged Ordinance and claims because it was acting on the same proposal it was not
 10 required to.¹²⁸ This is not the same project. Instead, this project places 375 residential
 11 housing units in a more concentrated density than was considered in the 2022 FEIS, in a
 12 place that previously prohibited it, next to industry, rail, and Major Truck Streets that are in a
 13 liquification prone zone. Accordingly, the City was obligated to choose one or more of the
 14 methods of using the existing documents to ensure adequate environmental review.
 15

16 The City's adoption procedures require the agency adopting an existing
 17 environmental document to independently review the content of the document and determine
 18 that it meets the adopting agency's environmental review standards and needs for the
 19 proposal;¹²⁹ the agency shall then, using a specific form or in substantially the same form,
 20 identify the document being relied upon and state why it is being adopted, sending the
 21 document to others who have not received it and placing a copy in the SEPA Public
 22 Information Center.¹³⁰ When an existing EIS is adopted and a supplemental environmental
 23 impact statement or addendum is not being prepared, as was the case here, the agency
 24
 25
 26

27 _____
 28 ¹²⁵ SMC 25.05.600 B.

29 ¹²⁶ SMC 25.05.600.C.2.a. and b. See also subsection 3. For EIS's, the agency concludes that its written
 30 comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead
 31 agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

32 ¹²⁷ SMC 25.05.600D.1. through 5.

¹²⁸ City's Br. at 29, citing SMC 25.05.600.D.1.

¹²⁹ SMC 25.05.630 A.

¹³⁰ SMC 25.05.630 B.

1 shall circulate its statement of adoption to “the Department of Ecology (Ecology), to agencies
2 with jurisdiction, to cities/counties in which the proposal will be implemented, to the SEPA
3 Public Information Center, and to local agencies or political subdivisions whose public
4 services would be changed as a result of implementation of the proposal.” That did not occur
5 in this matter. Further, the City directs that “no action shall be taken on the proposal until
6 seven days after the statement of adoption has been issued.”¹³¹ Yet, it acted without a
7 statement of adoption.
8

9 The City argues it was not required to prepare an addendum or SEIS because the
10 housing permitted under the Ordinance had previously been analyzed “within the bookend
11 of the FEIS preferred alternative.”¹³² And that adoption was unnecessary because the City
12 was acting on the same proposal.¹³³ But, as noted above, this is a different project.
13

14 The record fails to demonstrate any independent evidence, such as the required
15 statement of adoption, that the City independently reviewed the content of the 2022 Industrial
16 and Maritime FEIS to determine whether the information and analysis from the earlier EIS
17 remained relevant and adequate and met the adopting agency's environmental review
18 standards and needs for the proposal.¹³⁴ Nothing in the record demonstrates the City
19 circulated any documents related to the City's environmental review, besides the statement
20 contained in the City's notice of public hearing that the City was relying on the 2022 FEIS, to
21 Ecology or others, or that the City filed anything in the SEPA Public Information Center. The
22 Board finds the City did not follow its defined environmental review process. Accordingly, the
23 City has failed to meet its *prima facie* burden of establishing compliance with SEPA
24 procedures and is afforded no deference. Furthermore, because the City failed to follow its
25 administrative adoption procedures, the Board is left with a firm and definite conviction that
26 a mistake has been made in the adoption of the challenged Ordinance.
27
28

29 ¹³¹ SMC 25.05.630 C.1.

30 ¹³² City's Br. at 29.

31 ¹³³ *Id.*

32 ¹³⁴ SMC 25.05.630. The hearing notice identifies that the City relied on the 2022 FEIS for the adoption of this Ordinance, but that fails to meet the City's self-imposed procedural requirements.

1 Despite the failure, the City's nevertheless says any error was harmless because "the
2 Council clarified that the FEIS was being used for the environmental review of Ordinance
3 127191," as stated in the notice of hearing; because "the FEIS was attached in full to the
4 Summary and Fiscal Note included on the agenda for the January 24 meeting;" and because
5 the OPCD Director "attended the January 24th meeting and presented to the Committee on
6 the Industrial Strategy adoption process, the FEIS process, answered questions related to
7 the Bill, and discussed the ongoing stakeholder consultation on planning issues in the SODO
8 area." The City argues that the failure to explicitly state that it was incorporating the FEIS by
9 reference was likewise harmless.¹³⁵ The City contends where the public received adequate
10 notice of, and was afforded ample opportunity to be heard, on the environmental issues
11 raised, any procedural error was rendered harmless.¹³⁶ And then counters that it was the
12 Port's obligation "to establish the housing authorized in the Ordinance would result in any
13 new significant environmental impacts requiring issuance of a Supplemental EIS."¹³⁷ This
14 Board disagrees.

15
16
17 Harmless error is an error which is trivial, or formal, or merely academic, and was not
18 prejudicial to the substantial rights of the party assigning it, and in no way affected the
19 outcome of the case.¹³⁸

20 Here, the failure to follow the City's defined process deprived the Port and others of
21 their ability to challenge the City's SEPA determinations, which the Board finds to be a
22 substantive right. Had the City issued a threshold determination, as it was required to do,
23 that determination could have been administratively challenged.¹³⁹ The City, also, failed to
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26 ¹³⁵ City's Br. at 29-30.

27 ¹³⁶ City's Br. at 32, citing *Thornton Creek Legal Def. Fund v. City of Seattle*, 113 Wn. App. 34, 50, 52 P.3d
28 522, 530 (2002), as amended on denial of reconsideration (Sept. 25, 2002). Affirming error was harmless
29 where the City failed to prepare and circulate a "statement of adoption," just as in this case, but unlike this
30 case, the Director in that matter testified that an addendum to the FEIS was sent to all who would have
31 otherwise received a statement of adoption.

32 ¹³⁷ City's Br. at 31.

¹³⁸ *City of Bellevue v. Lorang*, 140 Wn.2d 19, 32, 992 P.2d 496 (2000), quoting *State v. Smith*, 131 Wn.2d
258, 263-64, 930 P.2d 917 (1997); see also *Ellensburg Cement Prods., Inc. v. Kittitas County*, 179 Wn.2d
737, 317 P.3d 1037 (2014) (holding it was not harmless error to follow an unlawful procedure).

¹³⁹ SMC 25.05.680.

1 develop a record related to its review, which deprived challengers of a record as well. Here,
 2 because the City did nothing, there was nothing to challenge, except the failure to follow the
 3 City's process. From the Board's perspective, the City's failure to follow its defined process
 4 was not trivial or merely academic, and far from harmless. As we noted in *Dartford Austin*
 5 *Neighborhood*, "failure to follow SEPA procedures in properly issuing the determination of
 6 nonsignificance and allowing for an administrative appeal is a significant shortcoming
 7 warranting a finding of noncompliance by this Board."¹⁴⁰ Accordingly, the Board finds the
 8 City's adoption of Ordinance 127191 was noncompliant with the City's SEPA obligations.
 9

10 Specific to Issues 15 and 16, the Port asserts the City attempted to exercise its
 11 substantive SEPA authority to mitigate the impacts by adding, what it describes as, several
 12 last-minute, arbitrary amendments such as "prohibiting residential uses West of First Avenue
 13 South to limit impact of housing on the Port's activities and vice versa," but that no SEPA
 14 document exists to support the choice of mitigation measures.¹⁴¹ Such conditions, the Port
 15 contends, must be based on SEPA analysis and based on appropriate governmental
 16 policies.¹⁴² That assuming, arguendo, the City relied upon the 2022 Strategy FEIS to impose
 17 any conditions, such reliance provided no basis for mitigation and instead emphasized the
 18 importance of preserving designated freight corridors and avoid conflicting uses.¹⁴³ That
 19 there are dangers from land use conflicts in the STADO, noting "the SODO area accounted
 20 for more than half of the serious injuries and fatalities that occurred within the study area"
 21 and that the areas on-street parking demand already exceeded existing supply.¹⁴⁴
 22
 23

24 The City counters that the amendments "had nothing to do with SEPA," that any
 25 governmental action may be conditioned or denied pursuant SEPA.¹⁴⁵ That the amendments
 26

27 ¹⁴⁰ *Dartford Austin Neighborhood v. Spokane Cnty.*, GMHB No. 21-1-0004 (Final Decision and Order,
 28 September 14, 2021) at 6 (citing *State ex rel. Friend & Rikalo Contractor v. Grays Harbor Cty.*, 122 Wn. 2d
 29 244, 255-56, 857 P.2d 1039,1046 (1993)).

¹⁴¹ Port's Br. at 15-16.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

31 ¹⁴⁵ Citing RCW 43.21C.060 and SMC 25.05.660.A. ("Any governmental action on public or private proposals
 32 that are not exempt may be conditioned or denied under SEPA. . .").

1 were to address concerns raised during the hearing, and “in an attempt to reach a
2 compromise legislation.”¹⁴⁶

3 Based on the record before the Board, as to **Issue Nos. 11, 12, 13, and 14**, we are
4 left with a firm and definite conviction that a mistake has been committed. The City should
5 have either properly adopted the 2022 FEIS as defined by the City’s process, supplemented
6 or issued an addendum, or separately conduct SEPA review. That, in addition to the failure
7 to issue a threshold determination, resulted in the City’s failure to analyze the probable
8 adverse environmental impacts of the Ordinance as required by its code and SEPA.
9 Accordingly, the Board finds the City’s adoption of Ordinance 127191 was clearly erroneous
10 and concludes that the City’s adoption of the challenged Ordinance did not comply with
11 SEPA.
12

13 Because the Board has found and concluded the City’s adoption of the challenged
14 Ordinance was procedurally inadequate, the Board does not reach the remaining SEPA
15 issues and defers consideration of Issues Nos. 15 and 16.
16

17 **The Port combines issues 1, 9, and 10.**

18 **Issue No.1. Does the Ordinance fail to comply with the GMA’s requirements because**
19 **it allows development that will interfere with the planning goals enumerated at**
20 **RCW 36.70A.020(3) (Transportation), (5) (Economic Development), or (12) (Public**
21 **Facilities and Services)?**

22 **Issue No. 9. Did the City violate the GMA’s requirements at RCW 36.70A.172 by failing**
23 **to include the best available science in its decision to adopt the Ordinance and permit**
24 **residential development on the Rezoned Property, which contains liquefaction-prone,**
25 **environmentally critical areas?**

26 **Issue No. 10. Does the Ordinance fail to comply with the GMA’s requirements at**
27 **RCW 36.70A.200 by precluding the siting of essential public facilities?**

28 The Port asserts that the Ordinance substantial interferes with the GMA’s goals
29 regarding transportation, economic development, and public facilities and services.¹⁴⁷

30 _____
31 ¹⁴⁶ City’s Br. at 31. It is unclear to this Board how removing the 200-foot separation requirement between
32 residential uses and Major Truck Streets was a compromise with the Port.

¹⁴⁷ Port’s Br. at 19-22.

1 With respect to transportation, the City is obligated to “*encourage efficient multimodal*
 2 *transportation systems that will reduce greenhouse gas emissions and per capita vehicle*
 3 *miles traveled, and are based on regional priorities and coordinated with county and city*
 4 *comprehensive plans.*”¹⁴⁸ The Port claims the City has failed to consider or address the
 5 impacts of residential development, and the traffic conflicts that necessarily result, along
 6 Major Truck Streets and that the increased traffic demands will exacerbate ongoing
 7 challenges for industrial and maritime uses and decrease freight mobility and operational
 8 efficiencies.¹⁴⁹ Further, there are numerous intermodal facilities within this neighborhood,
 9 and the roads are used for trucking, heavy hauling, seaport, and rail yards that contribute to
 10 the City’s economic vitality that will be impacted.¹⁵⁰ The Port points to its opposition letter to
 11 the Governance, Accountability and Economic Development Committee,¹⁵¹ letter from the
 12 Seattle Freight Advisory Board (SFAB),¹⁵² and Port’s letter to the Council¹⁵³ as support for
 13 the impacts it sees as inherent in the Ordinance.
 14

15
 16 The City counters that Petitioner has failed to meet its burden because it did not
 17 “present its own independent analysis or study of the Ordinance’s impacts to refute the
 18 findings of the FEIS,”¹⁵⁴ which “analyzed the impacts of adding housing units in the STAOD
 19 as proposed in the Ordinance and it found minimal impacts on truck and vehicle travel times
 20 within the STAOD.”¹⁵⁵ Further, that the Ordinance addressed potential impacts by requiring
 21 that “any new residential use must demonstrate it is located, designed, and configured in a
 22

23
 24 ¹⁴⁸ RCW 36.70A.020(3). Italics from the Port. See Port Br. at 19.

25 ¹⁴⁹ Port’s Br. at 19-20.

26 ¹⁵⁰ Port’s Br. at 20.

27 ¹⁵¹ Ports Br. at 19, citing PCA00231, indicating “residential development in the . . . (STAOD) that would
 28 exacerbate ongoing challenges for industrial and maritime uses. . . .[and] erode[] the foothold in the
 29 Duwamish Manufacturing/Industrial Center (MIC) for industrial and maritime development that is essential to
 30 the regional and state economy.”

31 ¹⁵² Port’s Br. at 19, citing PCA00047, indicating the Ordinance “will add additional stress on the transportation
 32 system in the STAOD.”

¹⁵³ Port’s Br. at 19, citing PCA00683, indicating that “Adding hundreds of housing units in the . . . Stadium
 District only decreases freight mobility and operational efficiencies and guarantees increased traffic and
 opportunities for conflict between residential and freight use of these Major Truck Streets”).

¹⁵⁴ Referencing the BERK Consulting transportation analysis.

¹⁵⁵ City’s Br. at 37, 40-41.

1 manner to reduce potential conflict with adjacent existing industrial business operations . .
 2 ..”¹⁵⁶ That the Port’s claims of “obvious impacts” do not reflect the record and are inconsistent
 3 with the “2016 EIS was looking at the impacts of adding another stadium in the area, which
 4 would generate thousands of vehicles for basketball and other stadium events”¹⁵⁷

5 While it is evident that intermodal rail facilities as well as truck traffic accessing the
 6 Port facilities rely on the City’s Major Truck streets within the STAOD, there is an absence of
 7 evidence which would demonstrate the Ordinance, by its terms, fail to encourage or
 8 otherwise thwarts the goal of efficient multimodal transportation systems or that it is contrary
 9 to regional priorities or not coordinated with county and city comprehensive plans. Instead,
 10 the record contains conclusory statements regarding what the Port see as self-evident. This,
 11 as the City points out, is insufficient to demonstrate the Ordinance substantially interferes
 12 with the GMA’s transportation goals. As such, the Board agrees with the City that the Port
 13 has failed to meet its burden as to the GMA transportation goal.¹⁵⁸

14 With respect to economic development, the City must:

15
 16 *Encourage economic development throughout the state that is consistent with*
 17 *adopted comprehensive plans, promote economic opportunity for all citizens of*
 18 *this state, especially for unemployed and for disadvantaged persons, promote*
 19 *the retention and expansion of existing businesses and recruitment of new*
 20 *businesses, recognize regional differences impacting economic development*
 21 *opportunities, and encourage growth in areas experiencing insufficient*
 22 *economic growth, all within the capacities of the state’s natural resources,*
 23 *public services, and public facilities.*¹⁵⁹

24 The Port asserts the City erred because it myopically focused on a residential proposal rather
 25 than properly balancing any purported benefits against the potential degradation to Port
 26 operations, and without ensuring it was consistent with the City’s Comprehensive Plan, or
 27 whether it interfered with countervailing economic development considerations, specifically

28
 29
 30 ¹⁵⁶ City’s Br. at 42, citing SMC 23.50A.062.F (though it appears the correct citation is SMC 23.50A.062.C.6),
 SMC 23.50A.060 (Criteria for all conditional uses) and SMC 23.50A.062 (Administrative conditional uses).

31 ¹⁵⁷ *Id.*

32 ¹⁵⁸ RCW 36.70A.020(3).

¹⁵⁹ RCW 36.70A.020(5). Italics from the Port. See Port Br. at 20.

1 the benefits relating to the Port’s EPF’s.¹⁶⁰ Further, that the City failed to address impacts to
 2 “the Port’s longstanding industrial/maritime business, or how it would impact the other
 3 businesses within the MIC that are dependent on the Port’s continued operation for their
 4 survival.”¹⁶¹

5 The City counters that many uses can co-exist without substantial impairment of the
 6 GMA economic development goal and the Port’s assertion “that the Ordinance will impair
 7 their operation due to increased traffic” is contradicted by the EIS and is offered without
 8 supporting evidence.¹⁶² Instead, the City suggests, the Ordinance will advance “economic
 9 opportunity by increasing housing to support industry and to support low-income residents,
 10 thus reducing commute times and supporting workforce retention.”¹⁶³ That is because
 11 “mixed-use development diversifies the local economy and attracts investment . . . while
 12 preserving and supporting industrial uses,”¹⁶⁴ according to the City. Further that “the STAOD
 13 draws approximately 7 million people per year, many of whom attend sporting events, which
 14 also supports economic development,” and that ultimately the Port has failed to meet its
 15 burden.¹⁶⁵

16 The Board agrees with the City and finds that the Port has failed to meet its burden of
 17 demonstrating the Ordinance will substantially interfere with the GMA’s economic
 18 development goal.

19 With respect to ensuring adequate public facilities and services, the City must:

20 *Ensure that those public facilities and services necessary to support*
 21 *development shall be adequate to serve the development at the time the*
 22 *development is available for occupancy and use without decreasing current*
 23 *service levels below locally established minimum standards.*¹⁶⁶

24
 25
 26
 27 ¹⁶⁰ Port’s Br. at 20-21.

28 ¹⁶¹ Port’s Br. at 21.

29 ¹⁶² City’s Br. at 43.

30 ¹⁶³ *Id.*

31 ¹⁶⁴ *Id.*

32 ¹⁶⁵ *Id.* referencing PCB00003 (comment from Washington State Major League Baseball Stadium Public Facilities District and the Washington State Public Stadium Authority on the Industrial and Maritime Strategy).

¹⁶⁶ RCW 36.70A.020(12). Italics from Port. The Port incorrectly references 020(5), but otherwise correctly sets out the proper GMA goal. See Port’s Br. at 21.

1 The Port says the Ordinance authorizes dense, residential development in the STAOD
 2 without providing adequate public facilities such as parks, fire,¹⁶⁷ police, schools, libraries,
 3 grocery stores, or retail stores.¹⁶⁸ The Port finds support for this assertion in the Arena
 4 FEIS¹⁶⁹ which indicated that:

5 In addition to the main factor that residential uses may be incompatible with
 6 existing industrial uses in the SoDo study area, the SoDo neighborhood also
 7 lacks the amenities and services, such as grocery stores, retail, neighborhood
 8 services and parks/open space, that are desirable to new residents.¹⁷⁰

9 The City contends the “2022 EIS found no significant avoidable adverse impacts to fire and
 10 emergency medical services, police or schools or libraries are expected for the alternatives
 11 in the FEIS with application of mitigation measures.”¹⁷¹ The Board agrees, as the FEIS found:
 12 “Ongoing City operational and capital facilities planning efforts are anticipated to address
 13 incremental increases and other changes in demand for fire [& Emergency Medical]
 14 services.”¹⁷² This is also true for law enforcement services.¹⁷³ And, according to the City, the
 15 FEIS also analyzed impacts to schools under each alternative.¹⁷⁴ While the City did not
 16 specifically explain the FEIS findings, the Board and Port both observe that “there are no
 17 public or private schools or libraries in the subarea.”¹⁷⁵ However, the FEIS contemplated
 18 residential development at this location, as well as several other locations, and it concluded
 19 over the 20-year planning period, the entire area would see an increase of 437 students
 20 (SODO, under the preferred alternative seeing 94 students) which is mitigated by ongoing
 21 Seattle School District capital facilities management planning which was anticipated to be
 22
 23
 24

25 _____
 26 ¹⁶⁷ According to the Port there is one fire station in the area.

27 ¹⁶⁸ Port’s Br. at 21.

28 ¹⁶⁹ Noticeably relying a 2016 report, rather than the more comprehensive and recent 2022 Seattle Industrial &
 29 Maritime Strategy.

30 ¹⁷⁰ *Id.*, referencing Arena FEIS Ex. 62, App. F. at 121.

31 ¹⁷¹ City’s Br. at 44, citing Exhibit 26, p. 151-152.

32 ¹⁷² FEIS 3-598.

¹⁷³ *Id.* “Ongoing City of Seattle capital improvement planning and budgeting efforts are anticipated to address
 police facility needs, including potential needs for future improvements.”

¹⁷⁴ City’s Br. at 44, citing Exhibit 26 p. 152-153.

¹⁷⁵ Port’s Br. at 22, citing See FEIS Ex. 26 at 788.

1 sufficient to address increases in student population.¹⁷⁶ Likewise for libraries. The Board is,
2 therefore, not convinced that, at the time of development, there will be insufficient public
3 services as it relates to schools, libraries, fire and EMS, or law enforcement.

4 The Port also takes issue with a lack of parks and open space,¹⁷⁷ but the City indicates
5 there are 59.13 acres of parks and 6.3 miles of trails and “while increased population may
6 require more parks to be acquired to maintain the 8 acres of park for 1,000 people, the EIS
7 concluded that ‘no significant unavoidable adverse impacts to open space and recreation are
8 anticipated.’”¹⁷⁸ The Board agrees.

9
10 From the Board’s perspective, the Port has failed to show that “at the time the
11 development” there would be inadequate public services for occupancy and use without
12 decreasing current service levels below locally established minimum standards. That is
13 because, as the City indicates and the Board agrees, “the 2022 FEIS did analyze whether
14 housing in the STAOD would impact public services and concluded it would not.”¹⁷⁹ The Port
15 has failed to present contrary evidence sufficient to convince the Board that at the time of
16 development there will be inadequate public facilities. Because the Port has failed to meet
17 its burden, **Issue No. 1 is dismissed.**

18
19 The Port also asserts the City failed to include or incorporate “best available science”
20 (BAS) by permitting residential development within the City’s designated liquefaction-prone
21 critical area in disregard of its critical areas ordinance.¹⁸⁰ The City counters that it did not
22 amend its critical areas ordinance and as a result it was not required to include BAS in
23 adopting the challenged Ordinance.¹⁸¹ The Board agrees with the City. The City was neither
24 adopting nor amending its critical areas ordinance, and, as such, was not required to include
25 BAS in adopting the Ordinance at issue.¹⁸² Because the Port has failed to convince the Board
26
27

28 ¹⁷⁶ Seattle Industrial & Maritime Strategy FEIS 3-590, Exhibit 3.13-19; 3-598.

29 ¹⁷⁷ Port’s Br. at 22.

30 ¹⁷⁸ *Id.*; City’s Br. at 44.

31 ¹⁷⁹ *Id.* quotations in the original, citing *RIN* 6, FEIS p. 3-540, p. 3-542 and 3-543.

32 ¹⁸⁰ Port’s Br. at 18, citing SMC 25.09.065(C)(2).

¹⁸¹ City’s Br. at 10-11.

¹⁸² RCW 36.70A.172(1).

1 that the City was required to include BAS in adopting this Ordinance, **Issue No. 9 must be**
 2 **dismissed.**

3 With respect to Essential Public Facilities (EPFs), the Port asserts adoption of the
 4 challenged Ordinance precludes the siting or more specifically the expansion of an EPF
 5 through the impairment of the road network that is used for the deepwater port.¹⁸³ That the
 6 “siting of 990 residential units in the middle of the Port’s EPF will render future use and
 7 expansions (both in intensity and physical footprint) impracticable.”¹⁸⁴ And that the Ordinance
 8 will burden the Port’s road network in a way that will make future expansions impossible or
 9 impracticable.”¹⁸⁵

10
 11 This City does not address whether the Ordinance makes expansion impossible or
 12 impracticable, and instead requests dismissal of Issue 10, “because the Ordinance has
 13 nothing to do with the imposition of conditions or costs related to the mitigation of adverse
 14 impacts directly caused by construction or operation of EPFs, nor does it have anything to
 15 do with the timely issuance of permits related to the construction or expansion of an EPF.”¹⁸⁶
 16 The City misses the Ports argument and instead identifies the Port’s facilities as separated
 17 by SR 99/Alaskan Way and indicates a “state roadway separates the Port facilities from
 18 SODO to the east” and that the Port failed to present “evidence that it sought to construct a
 19 new facility or expand existing facilities east of SR 99/Alaskan Way and was otherwise
 20 precluded from doing so by conditions or costs imposed by the City to mitigate adverse
 21 impacts caused by the construction or operation of the EPF.”¹⁸⁷ While permit denial or costs
 22
 23
 24

25 ¹⁸³ Port’s Br. at 17-18, citing RCW 36.70A.115 (sufficient land for development); RCW
 26 36.70A.200(5)(prohibition against precluding the siting of essential public facilities), and WAC 365-196-
 27 550(3)(a)(May no preclude the siting of an essential public facility if their combined effects would make the
 siting of an essential public facility impossible or impracticable). See also Port’s Reply at 8-9.

28 ¹⁸⁴ Port’s Br. at 17, citing *Port of Shelton v. City of Shelton*, GMHB No. 10-2-0013 (Final Decision and Order,
 29 October 27, 2010) at 23. The City asserts this case is fact dependent and specific to airports. The Board
 30 disagrees. In the *Port of Shelton* matter, the Board considered RCW 36.70A.200(5) and *Des Moines v.*
 31 *PSRC*, 108 Wn. App. 836, 845 (1999)(affirmatively addressed that siting EPF’s includes expansion or
 improvement, and activities necessary for expansion).

31 ¹⁸⁵ Port’s Reply at 8-9.

32 ¹⁸⁶ City’s Br. at 11, citing RCW 36.70A.200(5)(b).

¹⁸⁷ City’s Br. at 11.

1 is not the point here, nevertheless, the Port fails to convince this Board or point to evidence
 2 in the record that the support its position. First, the Board, as discussed above, disagrees
 3 that this will result in 990 residential units and believes the true number of units capable of
 4 being placed in the limited footprint is 375. Further, while traffic remains an issue, perhaps
 5 everywhere in western Washington, the Port fails to demonstrate any specific traffic impacts
 6 in a way that would persuade the Board that the City's adoption was clearly erroneous. Thus,
 7 the Port has failed to carry its burden on this point. Accordingly, **Issue 10 is dismissed.**
 8

9 **The Port combines issues 2, 6, 7, and 8.**

10 **Issue No. 2. Does the Ordinance fail to comply with the GMA's requirements because**
 11 **it allows development that will interfere with the planning goals enumerated at RCW**
 12 **36.70A.020(15) and RCW 90.58.020?**

13 **Issue No. 6. Does the Ordinance violate the GMA's requirements at RCW 36.70A.040**
 14 **and RCW 36.70A.130 because its terms are inconsistent with and fail to implement the**
 15 **Comprehensive Plan, including the Land Use Element, the Transportation Element,**
 16 **the Container Port Element, the Parks and Open Space Element, the Community Well-**
 17 **Being Element, the Growth Strategy Element, the Shoreline Areas Element, and the**
 18 **Greater Duwamish MIC Neighborhood Plan?**

19 **Issue No. 7. By adopting the Ordinance, has the City failed to comply with the GMA's**
 20 **requirements at RCW 36.70A.115 requiring cities to provide sufficient land capacity**
 21 **for future development of industrial facilities?**

22 **Issue No. 8. Does the Ordinance fail to comply with the GMA's requirements at RCW**
 23 **36.70A.040 and RCW 36.70A.130 due to its inconsistencies with, or failure to**
 24 **implement, the goals and policies described in King County's Comprehensive Plan,**
 25 **and Countywide Planning Policies incorporated into the City's Comprehensive Plan**
 26 **pursuant to RCW 36.70A.100 and .210?**

27 The Port claims this Ordinance creates an inconsistency with the City's
 28 Comprehensive Plan, which incorporates the Shoreline Management Act (SMA), because
 29 "the Ordinance's impacts will disrupt Port operations, within and outside of shoreline areas,
 30 further diminish scarce industrial lands, and permanently harm the regional and state
 31
 32

1 economy in the interest of a local, short-term housing gain . . .”¹⁸⁸ The City argues the SMA
 2 is inapplicable as the STAOD is outside of the Shoreline District and the SMA only applies
 3 to shorelines of the state.”¹⁸⁹ Further, that “the City’s mapped Shoreline District stops west
 4 of SR 99 and does not extend to the STAOD.”¹⁹⁰ The Board agrees with the City. The STAOD
 5 is outside the reach of the SMA and the Port and failed to convince the Board otherwise.
 6 Accordingly, **Issue No. 2 is dismissed.**
 7

8 The Port contends the Ordinance is inconsistent and fails to implement the City’s
 9 Comprehensive Plan Land Use element and calls the Board’s attention to what it describes
 10 an incongruity in the Ordinance’s recitals which expressly call for the perseverance of
 11 industrial lands, key infrastructure, and a restriction on residential development, yet the result
 12 of the Ordinance fails to do so by permitting residential development on industrial lands next
 13 to Major Truck Streets thereby impairing both.¹⁹¹ That the City conflates “workforce housing”
 14 with “dwellings for workers that are related to the industrial area and that would not restrict
 15 or disrupt industrial activity.”¹⁹² And, that the Ordinance violates King County’s
 16 Comprehensive Plan Goals, incorporated into the City’s Comprehensive Plan by the
 17
 18

19 ¹⁸⁸ Port’s Br. at 29-30.

20 ¹⁸⁹ City’s Br. at 12-13, citing RCW 36.70A.020(15). Shorelines of the state include state water bodies and
 21 adjacent shorelines within 200 feet of the ordinary high-water mark, associated floodways, floodplains,
 22 wetlands, and deltas, as well as designated coastal and riparian waters of statewide significance. RCW
 90.50.030(d)-(f).

23 ¹⁹⁰ *Id.*

24 ¹⁹¹ Port’s Br. at 22, citing Comp Plan Ex. 41, p.58 (Goal LU G10—Provide sufficient land with the necessary
 25 characteristics to allow industrial activity to thrive in Seattle and protect the preferred industrial function of
 26 these areas from activities that could disrupt or displace them), RCW 36.70A.040 (development regulations
 27 must implement the comprehensive plan), and 36.70A.130(1)(e) development regulations shall be consistent
 28 with and implement the comprehensive plan. See *a/so* LU 10.2 (Preserve industrial land for industrial uses,
 29 especially where industrial land is near rail- or water-transportation facilities, in order to allow marine- and rail-
 30 related industries that rely on that transportation infrastructure to continue to function in the city.); LU 10.3
 31 (Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in
 industrial land use designation. There should be no reclassification of industrial land to a non-industrial land
 use category except as part of a City-initiated comprehensive study and review of industrial land use policies
 or as part of a major update to the Comprehensive Plan); and LU 10.8 (Prohibit new residential development
 in industrial zones, except for certain types of dwellings, such as caretaker units and in urban industrial
 zones, dwellings for workers that are related to the industrial area and that would not restrict or disrupt
 industrial activity.).

32 ¹⁹² Port’s Br. at 23, citing LU 10.8.

1 requirement of coordination and consistency with other comprehensive plans¹⁹³ and
 2 countywide planning policies,¹⁹⁴ by permitting dense residential development in an area
 3 incompatible with residential uses which also results in industrial land conversion.¹⁹⁵
 4 Additionally, that the Ordinance violates the City's land use planning and growth strategies
 5 because it fails to maintain industrial areas that have critical supporting infrastructure and
 6 fails to provide transitions between industrial areas and less intensive areas.¹⁹⁶ And that it
 7 does not "apply the general industrial zones mostly within the designated
 8 manufacturing/industrial centers (MIC's) where impacts from industrial activity are less likely
 9 to affect residential or commercial uses.¹⁹⁷ Lastly, that the Ordinance is inconsistent with the
 10 City's growth strategy as it relates to MIC's because it doesn't promote manufacturing,
 11 warehousing, and distributions uses and discouraging uses that pose conflicts with the
 12 industrial area.¹⁹⁸
 13
 14

15 _____
 16 ¹⁹³ RCW 36.70A.100.

17 ¹⁹⁴ RCW 36.70A.210, referencing U-255 (Within the Urban Growth Area, properties with existing industrial
 18 uses shall be protected); ED-211 (King County should support programs and strategies to preserve and plan
 19 for an adequate supply of industrial and commercial land capacity); and U-227 (Industrial development should
 20 have direct access from arterials or freeways. Access points should be combined and limited in number to
 21 allow smooth traffic flow on arterials. Access through residential areas should be avoided.).

22 ¹⁹⁵ Port's Br. at 23-24.

23 ¹⁹⁶ Port's Br. at 24, citing LU 10.6 (Provide a range of industrial zones that address varying conditions and
 24 priorities in different industrial areas. Those priorities include maintaining industrial areas that have critical
 25 supporting infrastructure, leveraging investments in high-capacity transit service, providing transitions
 26 between industrial areas and less intensive areas, and promoting high-quality environments attractive to
 27 business expansion or to new industrial activities.).

28 ¹⁹⁷ Port's Br. at 24, citing LU 10.10. (Apply the general industrial zones mostly within the designated
 29 manufacturing/industrial centers, where impacts from industrial activity are less likely to affect residential or
 30 commercial uses. Outside of manufacturing/industrial centers, general industrial or the maritime,
 31 manufacturing, and logistics zones may be appropriate along waterways used for maritime uses. Consider
 32 applying the maritime, manufacturing, and logistics designation mostly within the designated
 manufacturing/industrial centers and it may also be appropriate outside of manufacturing/industrial centers
 along waterways used for maritime uses.).

¹⁹⁸ Port's Br. at 24, citing GS 1.15. Designate areas as manufacturing/industrial centers (MIC's) consistent
 with the following characteristics and with the Countywide Planning Policies: Existing zoning that promotes
 manufacturing, warehousing, and distribution uses; zoning that discourages uses that pose short- or long-
 term conflicts with industrial uses, or that threaten to convert significant amounts of industrial land to
 nonindustrial uses; zoning that strictly limits residential uses and discourages land uses that are not
 compatible with industrial uses; buffers that protect neighboring, less intensive land uses from the impacts
 associated with industrial activity (provided by generally maintaining existing buffers, including existing
 industrial buffer zones); sufficient zoning capacity to accommodate a minimum of ten thousand jobs; relatively

1 The result, the Port says, strips the STAOD of its transition purposes between
 2 commercial and residential uses and the heavy industrial uses in violation of land use
 3 policy.¹⁹⁹ The City, the Port claims, has previously recognized the incompatibility of placing
 4 residential uses adjacent to industrial uses and found:

5 [I]ndustrial uses are extremely limited geographically, with few options to
 6 expand the existing industrial land base, making the preservation of this scarce
 7 resource all the more imperative . . . [t]his resource cannot be duplicated if
 8 marine lands are converted to nonindustrial uses (as has occurred elsewhere
 9 in the region).²⁰⁰

10 As a result, the Port says, the Ordinance enables development with conflicting uses in
 11 industrial lands.²⁰¹

12 The City counters, and the Board agrees, that local jurisdictions enjoy broad discretion
 13 in comprehensive planning choices which are left to local policy makers and circumstances,
 14 provided they are bound by the constraints contained within the GMA, and that the burden
 15 rests with the Petitioner to demonstrate the challenge ordinance is inconsistent with, or will
 16 thwart, the policy.²⁰² "Consistency," means that no feature of a plan or regulation is
 17 incompatible with any other feature of a plan or regulation; consistency is indicative of a
 18 capacity for orderly integration or operation with other elements in a system.²⁰³ A finding of
 19 inconsistency requires a showing of actual conflict between competing provisions of a local
 20
 21
 22
 23

24 flat terrain allowing for efficient industrial processes; reasonable access to the regional highway, rail, air,
 25 and/or waterway systems for transportation of goods.

26 ¹⁹⁹ Port's Br. at 24-25, referencing LU 10.6, LU 10.22, and GS 1.15.

27 ²⁰⁰ Port's Br. at 24, referencing Ex 49.

28 ²⁰¹ Port's Br. at 23-25, citing LU G10, LU 10.6, LU 10.10, GS 1.15, U-255, ED-211, and U-227; MIC Plan Ex.
 29 49, at 26-27; Arena FEIS Ex. 62, App. F, at 109; SMC 23.74.002(A). The Stadium Transition Area centers on
 30 large sports facilities and allows uses complementary to them. It is intended to contribute to a safer
 pedestrian environment for those attending events and permits a mix of uses, supporting the pedestrian-
 oriented character of the area as well as the surrounding industrial zone, while minimizing conflicts with
 industrial uses.

31 ²⁰² City's Br. at 31-32.

32 ²⁰³ WAC 365-196-210(9). The City incorrectly cites WAC 365-196-210(8), City's Br. at 32, but that reference
 is to concurrency.

1 jurisdictions policy and regulation.²⁰⁴ As we noted in *Friends of San Juan*, the Board's
 2 determinations of inconsistencies are found when there is a direct conflict between the
 3 comprehensive plan goal or policy and the adopted development regulation.²⁰⁵ For example,
 4 in *Peranzi*, like in this matter, a comprehensive plan policy prohibited uses incompatible with
 5 industrial uses and the record established the proposed residential use was incompatible.²⁰⁶

6
 7 The City says its Ordinance is in harmony with the comprehensive plan “to establish
 8 that the small amount of industrial lands identified as transitional areas zoned UI . . . that
 9 provide a buffer between heavier industry and residential mixed-use areas are appropriate
 10 places to allow industry-supportive housing in a limited capacity as an administrative
 11 conditional use.”²⁰⁷ That the Ordinance is consistent with Comprehensive Plan Land Use
 12 Goals, Policies, and Strategy, and that the Port ignores the 2023 Industrial Strategy which
 13 the City claims strengthened protections of industrial lands while providing for some “limited
 14 new residential use ancillary to a non-residential mixed-use development” that would
 15 “provide needed affordable housing for both industrial workers and the community, and the
 16 need to spur redevelopment allowing for the creation of light manufacturing maker spaces
 17 and other non-residential uses appropriate for the industrial zone, and specifically here, the
 18 STAOD.”²⁰⁸

19
 20 The City’s Industrial Areas Land Element goal is to “provide sufficient land with the
 21 necessary characteristics to allow industrial activity to thrive in Seattle and protect the
 22 preferred industrial function of these areas from activities that could disrupt or displace them.”
 23 Through the Maritime and Marine Strategy, the City zoned 376 acres into a new UI zone, a
 24 portion of which is at issue here.²⁰⁹ The City then adopted specific policies, relevant here, to
 25

26
 27 ²⁰⁴ *Leenstra v. Whatcom County*, WWGMHB No. 03-2-0011 (Final Decision and Order, September 26, 2003)
 at 15.

28 ²⁰⁵ *Friends of the San Juans, et al, v. San Juan County*, GMHB No 13-2-0012c (Final Decision and Order,
 29 September 6, 2013) at 24.

30 ²⁰⁶ *Peranzi v. City of Olympia*, GMHB. No. 11-2-0011 (Final Decision and Order, May 4, 2012) at 21, 22.

31 ²⁰⁷ City’s Br. at 32.

32 ²⁰⁸ City’s Br. at 33, referencing LUG 10, LU 10.6, LU 10.10, LU 10.22, GS 1.15.

²⁰⁹ City’s Br. at 33, citing *RIN* 6, FEIS, p. 1-32-33. (see also Exhibit 128 at page 10 of this decision for a
 visual).

1 **“preserve industrial land for industrial uses, especially where industrial land is near**
 2 **rail- or water-transportation facilities, in order to allow marine- and rail-related**
 3 **industries that rely on that transportation infrastructure to continue to function in the**
 4 **city,”**²¹⁰ “ensure predictability and permanence for industrial activities in industrial areas by
 5 limiting changes in industrial land use designation. There should be **no reclassification of**
 6 **industrial land to a non-industrial land use category except as part of a City-initiated**
 7 **comprehensive study and review of industrial land use policies or as part of a major**
 8 **update to the Comprehensive Plan;”**²¹¹ “provide a range of industrial zones that address
 9 varying conditions and priorities in different industrial areas. **Those priorities include**
 10 **maintaining industrial areas that have critical supporting infrastructure,** leveraging
 11 investments in high-capacity transit service, providing transitions between industrial areas
 12 and less intensive areas, and promoting high-quality environments attractive to business
 13 expansion or to new industrial activities’.²¹² **Prohibit new residential development in**
 14 **industrial zones, except for certain types of dwellings, such as caretaker units and in**
 15 **urban industrial zones, dwellings for workers that are related to the industrial area and**
 16 **that would not restrict or disrupt industrial activity;**²¹³ and that the City is to “**apply the**
 17 **general industrial zones mostly within the designated manufacturing/industrial**
 18 **centers, where impacts from industrial activity are less likely to affect residential or**
 19 **commercial uses.....”**²¹⁴

20
 21
 22
 23 To support industrial development and ensure compatibility with adjacent land uses,
 24 the King County Countywide Planning Policies call for the **protection of properties with**
 25 **existing industrial uses within the Urban Growth Area.**²¹⁵ That the County, and by
 26 extension the City, should support programs and strategies to **preserve and plan for an**
 27

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 29 ²¹⁰ LU 10.2 (emphasis added).

30 ²¹¹ LU 10.3 (emphasis added).

31 ²¹² LU 10.6 (emphasis added).

32 ²¹³ LU 10.8 (emphasis added).

²¹⁴ LU 10.10 (emphasis added).

²¹⁵ U--225 (Within the Urban Growth Area, properties with existing industrial uses shall be protected).

1 **adequate supply of industrial and commercial land capacity**, including participating in
 2 the Puget Sound Regional Council’s Industrial Lands Analysis, actively apply for resources,
 3 promote redevelopment and infill, **and prevent the encroachment of nonindustrial uses**
 4 **on industrially zoned land and the rezoning of industrial land to other uses.**²¹⁶ Lastly,
 5 that **industrial development should have direct access from arterials or freeways . . .**
 6 **and access through residential areas should be avoided.**²¹⁷

8 Each of these policies, as the City correctly notes, strengthens protections of industrial
 9 lands. Perhaps the most significant among them was the policy prohibiting the
 10 reclassification of industrial lands to non-industrial uses except as part of a major update to
 11 the comprehensive plan. The Board finds the City’s adoption of Ordinance 127191 was not
 12 part of a major update to the City’s Comprehensive Plan and that the Ordinance permitted
 13 the reclassification of industrial lands to non-industrial use which was contrary to the City’s
 14 policy.²¹⁸ The Board further finds the Ordinance permits residential dwellings in the UI zone
 15 which are neither restricted to caretaker units, nor are they restricted to dwellings for workers
 16 that are related to the industrial area. Instead, the only restrictions related to affordability,
 17 and then only that half of the “units must be at or below 60% of median income for SEDUs,
 18 80 percent of median income for studio and one bedroom units, and 90 percent of median
 19 income for two-bedroom and larger units.”²¹⁹ While the Ordinance does permit a developer
 20 to elect to make all units industrial or caretaker quarters, which is limited to 3 units per single
 21 business, they may also elect to make half of the units “affordable” with the other half leasing
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26 ²¹⁶ ED-211 (King County should support programs and strategies to preserve and plan for an adequate
 27 supply of industrial and commercial land capacity, including but not limited to participating in the Puget Sound
 28 Regional Council’s Industrial Lands Analysis, Actively apply for resources, promote redevelopment and infill,
 29 prevent the encroachment of nonindustrial uses on industrially zoned land and the rezoning of industrial land
 to other uses.)

30 ²¹⁷ and U-227 (Industrial development should have direct access from arterials or freeways. Access points
 31 should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential
 areas should be avoided).

32 ²¹⁸ LU 10.3.

²¹⁹ City’s Br. at 22, citing SMC 23.50A.062.C.9.

1 at market rate.²²⁰ This is directly contrary to the City’s policy to restrict residential
 2 development in this area. It is also contrary to the Countywide Planning Policy to protect
 3 properties with existing industrial uses within the Urban Growth Area and prevent the
 4 encroachment of nonindustrial uses on industrially zoned land and the rezoning of industrial
 5 land to other uses, as well as avoiding accessing industrial development through residential
 6 development. Placing residential dwellings which are unrelated to the industry, adjacent to
 7 Major Truck Streets while simultaneously removing a 200-foot buffer disrupts associated
 8 industrial activity and restricts industry access.²²¹ The Board also finds Ordinance 127191
 9 failed to preserve industrial land for industrial uses by encroaching on and removing the
 10 200- foot buffer which protected and preserved the City’s Major Truck Streets for the rail and
 11 water-dependent operations that rely on them, specifically the Port and BNSF. This is
 12 particularly concerning because the City failed to conduct comprehensive review as required
 13 by its policy, and as demonstrated in the brevity of the public process in this matter, failed to
 14 “ensure predictability and permanence for industrial activities in industrial areas by limiting
 15 changes in industrial land use designation.”²²²

16
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 18 **As to Issue Nos. 6 and 8**, the Board is left with a firm and definite conviction that
 19 Ordinance 127191 is inconsistent with the City’s policies and the Countywide Planning
 20 Polices noted above and is therefore inconsistent with the City’s Comprehensive Plan Land
 21 Use element. Accordingly, Ordinance 127191 is non-compliant with the GMA.²²³

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 24
 25 ²²⁰ SMC 23.50A.062.C.9. The City permits developers to select between limiting occupancy to either: a. “All
 26 dwelling units are live-work units in which the commercial activity qualifies as industrial, or are caretakers’
 27 quarters associated with a business on the same site provided no single business shall have more than three
 28 associated caretakers’ quarters; or b.A minimum of 50 percent of the dwelling units are made available at
 29 affordable rent or affordable sale price for a period of 75 years beginning January 1 of the year following final
 30 certificate of occupancy to eligible households with annual incomes at or below 60 percent of median income
 for SEDUs, 80 percent of median income for studio and one bedroom units, and 90 percent of median income
 for two-bedroom and larger units. Standardized procedures and definitions established by the Office of
 Housing for administration of Chapter 5.73 shall apply. Dwelling units eligible for the multifamily housing tax
 exemption may be counted towards the minimum 50 percent.

31 ²²¹ LU 10.8.

32 ²²² LU 10.3.

²²³ RCW 36.70A.040, RCW 36.70A.130, RCW 36.70A.100, and RCW 36.70A.210.

1 The Port also asserts the Ordinance is inconsistent and does not implement the City's
 2 Transportation Element because it fails to implement goal 5 (Improve mobility and access
 3 for the movement of goods and services to enhance and promote economic opportunity
 4 throughout the City) and goal 8 (Maintain and renew existing transportation assets to ensure
 5 the long-term viability of investments, reduce ongoing costs, and promote safe conditions.)
 6 Further that the Ordinance is contrary to policy T 5.2 (Develop a truck freight network in the
 7 Freight Master Plan that connects the city's manufacturing/industrial centers, enhances
 8 freight mobility and operational efficiencies, and promotes the city's economic health),²²⁴ T
 9 5.3 (Ensure that freight corridors are designed, maintained, and operated to provide efficient
 10 movement of truck traffic), and T 7.5 (Plan for the city's truck freight network, developed as
 11 part of the Freight Master Plan, to connect to the state and regional freight network, and to
 12 continue providing good connections to regional industrial and warehouse uses). The Port
 13 asserts by removing the 200-foot separation between residential uses and Major Truck
 14 Streets, and permitting multi-family development of up to 990 units adjacent to major truck
 15 streets, the Ordinance permits and will lead to additional pedestrian, cycle, truck, and other
 16 traffic accidents, undoubtedly detracting from the safe operation of those routes.²²⁵ Further,
 17 that permitting residential development in this area directly contradicts the City's policy to
 18 improve intermodal freight connections involving Port container terminals and support the
 19 efficient movement of truck traffic from the Port to regional and state transportation
 20 networks.²²⁶

21 The City counters the impacts have been analyzed and vehicle travel, including freight
 22 with "no measured difference in travel times compared to the "no action" alternative.²²⁷ That
 23 the City has the only analysis of transportation, which did study up to 990 housing units, and
 24 it found no measured difference in travel times.²²⁸ That because the overlay already calls for

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²²⁴ Port's Br. at 26, citing Policy 5.2, but it should be referenced as T 5.2.

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ City's Br. at 41-42.

²²⁸ City's Br. at 37.

1 configuration that reduces potential conflicts, along with other measures, the Port has failed
 2 to establish the Ordinance substantially interference with the City’s transportation goal.²²⁹
 3 Additionally, that “... limited residential use on First Ave S is not inconsistent with the
 4 guidance for [M]ajor [T]ruck [S]treets,” and that the City continues to improve mobility, and
 5 maintain transportation assets through funding and on-going projects.²³⁰
 6

7 Largely the City’s goals and policies call for no specific actions and as the City
 8 correctly notes, the only evidence before the Board, in terms of a study, fails to demonstrate
 9 what the Port claims. From the Board’s perspective, the Port has failed to meet its burden
 10 with respect to an inconsistency with the City’s transportation element.

11 The Port also asserts the Ordinance is contrary to the City’s Container Port element
 12 because it permits residential uses along Major Truck Streets and removes the 200-foot
 13 separation requirement, and as a result, the City fails to provide sufficient land capacity for
 14 development.²³¹ The Port claims this will lead to permanently convert industrial land to a
 15 nonindustrial use.²³² And, that the City made no attempt to engage in a joint effort as
 16 contemplated by the City’s Container Policy.²³³
 17

18 The City refutes this indicating CP 1.5 allows for a wider range of uses within this
 19 transition area, and, that the City engaged with the Port during the adoption of 2023 Industrial
 20 Maritime Strategy, as well as at the February 24, 2025, public meeting by permitting an
 21 opportunity to present the Port’s concerns, leading, in the City’s view, to the “technical
 22 amendments” as “compromised legislation.”²³⁴ Lastly, that any impacts are speculative and
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25 ²²⁹ *Id.*

26 ²³⁰ City’s Br. at 27-28.

27 ²³¹ Port’s Br. at 27, citing RCW 36.70A.115, CP 1.3 (Discourage nonindustrial land uses, such as retail and
 28 residential in industrial zoned areas to minimize conflicts and conversion of industrial lands), CP 1.7 (Provide
 29 safe, reliable, efficient, and direct access between Port marine facilities and the . . . interstate system, and
 30 between Port terminals and railroad intermodal facilities), CP 1.11 (Continue joint City and Port efforts to
 31 implement relevant Port recommendations, such as recommendations contained in the Container Terminal
 32 Access Study”).

²³² Port’s Br. at 28.

²³³ Port’s Br. at 28, citing CP 1.11, See Port’s Br. Appendix 1 (Resolution 32097).

²³⁴ City’s Br. at 38, referencing CP 1.5 (Consider the value of transition areas—which allow a wider range of
 uses while not creating conflicts with preferred cargo-container activities and uses—at the edges of general

1 have been studied by the FEIS.²³⁵

2 As with the Transportation element, the Board is unpersuaded as there is a lack of
3 evidence to support the Port's claims.

4 The Port also indicates the Ordinance violates the City's Park and Open Space
5 Element because the City has not extended park services to the STAOD.²³⁶

6 The City counters that "the City-owned park and recreation system comprise about 11
7 percent of the total city land area and includes parklands throughout the City" and noted
8 many other City features, and suggests the Port's 2016 study is contrasted by recent
9 experiences from a public commenter from the neighborhood: "[W]e're half a block from the
10 streetcar, a block from the waterfront, two blocks from the ferry system, four blocks from
11 Uwajimaya where I shop. It's a really great neighborhood."²³⁷ It is unclear to this Board how
12 this addresses the Port's argument related to parks, though it does speak to whether there
13 is a grocery store in the area, but what is clear to this Board is that, aside from the level-of-
14 service requirement addressed elsewhere by this Order, the balance are aspirational goals
15 without specific requirements, and the Port has failed to demonstrate an inconsistency or
16 impairment by the adoption of this Ordinance.

17 Next, the Port asserts the Ordinance does not comport with the goals and policies of
18 the Greater Duwamish Manufacturing/Industrial Center (MIC) Neighborhood Plan.²³⁸ From
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22 industrial zones. In this context, zoning provisions such as locational criteria and development standards are
23 among the tools for defining such edge areas.).

24 ²³⁵ *Id.*, citing *RIN 6*, Seattle Industrial & Maritime FEIS, pp. 3-386 to 3-498.

25 ²³⁶ Port's Br. at 29, citing PG 1 (Provide a variety of outdoor and indoor spaces throughout the city for all
26 people to play, learn, contemplate, and build community); P 1.2 (Provide a variety of parks and open space to
27 serve the city's growing population consistent with the priorities and level-of-service standards identified in the
28 City's Parks and Open Space Plan); P 1.10 (Create healthy places for children and adults to play, as well as
29 areas for more passive strolling, viewing, and picnicking.).

30 ²³⁷ City's Br. at 39.

31 ²³⁸ Port's Br. at 30, referencing GD-G3 (Land in the Duwamish Manufacturing/ Industrial Center is maintained
32 for industrial uses including the manufacture, assembly, storage, repair, distribution, research about or
development of tangible materials and advanced technologies; as well as transportation, utilities, and
commercial fishing activities); GD-G8 (The Duwamish Manufacturing/Industrial Center remains a
manufacturing/industrial center promoting the growth of industrial jobs and businesses and strictly limiting
incompatible commercial and residential activities); GD-P5(Limit the location or expansion of nonindustrial
uses, including publicly sponsored nonindustrial uses, in the Duwamish Manufacturing/Industrial Center); GD-

1 the Port’s perspective, “these policies all stand for the notion that lands within a designated
 2 MIC should be reserved and preserved for industrial uses and the City must reject the
 3 encroachment of incompatible uses within the MIC . . . by strictly limiting non-industrial
 4 development in the UI zone.”²³⁹ And here, “targets the portion of the MIC that is most critical
 5 to the Port’s operations,” specifically the Major Truck Streets critical to freight movement.

6 The City counters that the Greater Duwamish MIC specifically contemplated actions
 7 permitted by the Ordinance and was intended, since 2000, to permit stadium and stadium-
 8 related uses within the STAOD.²⁴⁰

9 The Board agrees with the City. The actions contemplated by the Ordinance
 10 harmonize several competing goals. As the Port notes, residential development and
 11 encroachment is discouraged, but it is not prohibited, especially against the goal of creating
 12 an overlay district limited to the area near the stadiums that discourages encroachment on
 13 nearby industrial uses, creates a pedestrian connection from the stadiums north to
 14 Downtown, and creates a streetscape compatible with Pioneer Square.

15 As to **Issue Nos. 6 and 8**, an inconsistency with or a failure to implement the
 16 Comprehensive Plan as it relates to the Land Use element, and an inconsistency with the
 17 Countywide Planning Policies, the Board finds Ordinance 127191 is inconsistent with the
 18 City’s Comprehensive Plan and the Countywide Planning Policies and is therefore not
 19 compliant with the GMA.²⁴¹ However, the Board does not reach the same conclusion with
 20 respect to the City’s Transportation, Container Port, Parks and Open Space, Growth
 21 Strategy, or Shoreline Areas elements, or the Greater Duwamish MIC Neighborhood Plan.
 22 Because the Port has failed to convince the Board of an inconsistency with those elements,
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27 _____
 28 P8 (Strive to protect the limited and nonrenewable regional resource of industrial, particularly waterfront
 29 industrial, land from encroachment by nonindustrial uses.).

30 ²³⁹ Port’s Br. at 30.

31 ²⁴⁰ City’s Br. at 40, referencing GD-P20 (Seek to integrate stadium and stadium-related uses into the
 32 Duwamish MIC by creating an overlay district limited to the area near the stadiums that discourages
 encroachment on nearby industrial uses, creates a pedestrian connection from the stadiums north to
 Downtown, and creates a streetscape compatible with Pioneer Square).

²⁴¹ RCW 36.70A.040, RCW 36.70A.130, RCW 36.70A.100, and RCW 36.70A.210.

1 those matters are dismissed.

2 Furthermore, as discussed above, the Port has failed to convince the Board that the
3 Ordinance fails to provide sufficient land capacity for future development of industrial
4 facilities. Accordingly, **Issue No. 7 is dismissed.**²⁴²

5 **Invalidity Determination**²⁴³

6 The Board is charged with adjudicating GMA compliance and, when necessary,
7 invalidating non-compliant plans and development regulations.²⁴⁴ A determination of
8 invalidity may be issued if the Board finds the Ordinance failed to comply with SEPA, or that
9 continued validity would substantially interfere with the fulfillment of the GMA's goals.
10 Invalidation depends on the facts and before the Board. As we noted in *Friends of Sammamish*
11 *Valley*,²⁴⁵ a local jurisdiction's authority to act is qualified by the requirements of SEPA and
12 the failure to properly conduct the required environmental review could interfere with
13 fulfillment of the GMA's environmental goal and, upon such a finding, invalidate the relevant
14 ordinance.²⁴⁶ Invalidation requires three separate actions by the Board: a finding of
15 noncompliance with the Act, with an order of remand; a determination that continued validity
16 will interfere with the Act's goals; and identification of the specific part of the regulation, and
17 reason for invalidity.²⁴⁷ The Board has fully addressed, above, the areas of the City's
18 Ordinance which are noncompliant with the GMA and with this Order remanded the matter
19 back to the City for resolution, and below addresses why invalidity is warranted.

20 The Port claims it has demonstrated several GMA and SEPA violations in the adoption
21 of the Ordinance that substantially interfere with the goals and policies of the GMA such that
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27 ²⁴² RCW 36.70A.115.

28 ²⁴³ The Port frames this as an issue (Issue 17); however, the Board views invalidity as a remedy such that it is
29 not framed as an issue but separately briefed to explain whether it is warranted in the instant matter.

30 ²⁴⁴ RCW 36.70A.280, RCW 36.70A.302.

31 ²⁴⁵ *Friends of Sammamish Valley v. King Cnty.*, GMHB No. 20-3-0004c (Final Decision and Order, January 3,
32 2022) at 41.

²⁴⁶ *Id.*, citing *Davidson Serles & Assocs. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 159 Wn. App.
148, 158 244 P.3d 1003, 1007 (2010).

²⁴⁷ RCW 36.70A.302(1).

1 invalidation is appropriate principally because there is a high risk of a project vesting.²⁴⁸
 2 The Port indicates the City's code²⁴⁹ allows for a project applications to vest upon submission
 3 or approval, depending on the application type, and in this matter there is a development and
 4 owner group intending to develop residential development.²⁵⁰ The Board also finds the
 5 effective date of the Ordinance is June 30, 2025.²⁵¹ From this finding, the Board concludes
 6 the City has not delayed or suspended the effective date of the action subject to the Petition
 7 before the Board until after the Board issues a final determination.²⁵²
 8

9 The City does not directly respond to the Port's argument, and instead broadly argues
 10 that the Port's claims of substantial interference with transportation, economic development,
 11 and public facilities and service, are speculative and inconsistent with the evidence in the
 12 record.²⁵³
 13

14 The Board disagrees with the City. The failure to follow the City's public participation
 15 plan deprived the City of a Director's Report that presumably would have observed the
 16 several deficiencies found by the Board, including the failure to comply with the City's SEPA
 17 obligations, and to seek Commerce's review prior to adoption. These failures were significant
 18 in the Board's view.

19 Continued validity of the Ordinance substantially interferes with GMA Planning Goals
 20 10 and 11 in RCW 36.70A.020, which are as follows:

21 (10) Environment. Protect the environment and enhance the state's high quality
 22 of life, including air and water quality, and the availability of water.
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25 ²⁴⁸ Port's Br. at 2-3, citing RCW 36.70A.302(1)(b); *Friends of Clark Cnty. v. Clark Cnty.*, GMHB No. 22-2-0002
 26 (Final Decision and Order, March 22, 2023) at 23; and *Futurewise v. Whatcom Cnty.*, GMHB Nos. 11-2-
 27 0010c, 05-2-0013 (Compliance Order and Order Following Remand on Issue of LAMIRDs, January
 4, 2013) at 90. See also Port Reply at 3 and 10.

28 ²⁴⁹ SMC 23.76.026.

29 ²⁵⁰ Port's Br. at 4., referring to property owned by an owner's group controlling most of three contiguous
 blocks in the Stadium District (the "WSA Property") that presented renderings, site plans, and other
 information during the adoption of the Ordinance.

30 ²⁵¹ See Amendment G to CB 120933.

31 ²⁵² Per WAC 242-03-820(2)(b). However, the Parties have agreed to stay the effective date of the Ordinance
 by order in King County Superior Court in Case No. 25-2-10758-2 SEA.

32 ²⁵³ City's Br. at 40-41.

1 (11) Citizen participation and coordination. Encourage the involvement of citizens
 2 in the planning process and ensure coordination between communities and
 3 jurisdictions to reconcile conflicts.

4 The facts of this matter support a finding that the Ordinance substantially interferes
 5 with GMA Planning Goal 10. As noted above, SEPA is an environmental full disclosure law²⁵⁴
 6 that requires local jurisdictions to analyze the environmental effects of proposed actions in
 7 order to achieve good land use decision-making by involving and informing both the public
 8 and the decision-makers about the environmental consequences of proposed actions.²⁵⁵ The
 9 Court of Appeals has stated that failure to comply with SEPA review can justify a finding of
 10 invalidity:
 11

12 On the appropriate facts, the Board could find that failure to properly
 13 conduct the required environmental review for a city or county action
 14 interfered with fulfillment of the GMA's environmental goal and, upon such
 15 a finding, could invalidate the relevant ordinance.²⁵⁶

16 The City's authority to act is qualified by the requirements of SEPA. Completion of a
 17 SEPA document is a legal prerequisite to the County's action. It is incumbent upon a
 18 jurisdiction to establish *prima facie* SEPA compliance, which the City did not do in this matter.
 19 This action interferes with GMA Planning Goal 10. As set forth in the briefing in this matter,
 20 development authorized by the Ordinance could have impacts to surrounding land uses,
 21 traffic, and noise. SEPA is intended to address, identify, analyze, disclose, and consider
 22 mitigation of those impacts. Failure to follow the procedural requirements of SEPA fails to
 23 meet that intent and substantially interferes with GMA Planning Goal 10.
 24

25 Vesting of development in the area would render the SEPA procedures as ineffectual
 26 and moot -- if such project vesting were to occur, then the remand of this case to the City
 27 would be meaningless and there would be no practical way to address SEPA compliance.
 28

29 _____
 30 ²⁵⁴ *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 272, 552 P.2d 674 (1976).

31 ²⁵⁵ *Dartford Austin Neighborhood v. Spokane Cnty.*, GMHB No. 21-1-0004 (Final Decision and Order,
 32 September 14, 2021) at 9.

²⁵⁶ *Davidson Serles & Assocs. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 159 Wn. App. 148, 158,
 244 P.3d 1003, 1008 (2010).

1 This action also interferes with GMA Planning Goal 11. The failure to comply with
 2 proper SEPA procedures also denied the public an opportunity to file an appeal and have an
 3 open record hearing with the City Hearing Examiner, which in turn would develop a record
 4 for subsequent consideration by this Board and a subsequent court - an element of public
 5 participation. Again, subsequent public process would be ineffective and moot if vesting of a
 6 project in the area were to occur.
 7

8 The Board finds these deficiencies substantially interfered with goals and
 9 requirements of the GMA and a determination of invalidity of the entirety of the Ordinance is
 10 warranted. Accordingly, Ordinance 127191 is declared invalid.²⁵⁷
 11

12 **V. ORDER**

13 Based upon review of the Petition for Review, the briefs and exhibits submitted by the
 14 parties, the GMA, prior Board orders and case law, having considered the arguments of the
 15 parties, and having deliberated on the matter, the Board finds:

- 16 • The City has failed to comply with SEPA’s procedural requirements;
- 17 • The Board defers consideration of Issues 15 and 16;
- 18 • Ordinance 127191 is non-compliant with the GMA;
- 19 • Ordinance 127191 is remanded to the City for compliance pursuant to the
- 20 following schedule below; and
- 21 • Continued validity of Ordinance 127191 substantially interferes with the
- 22 fulfillment of GMA Planning Goals 10 and 11 and therefore declares it invalid.
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32 ²⁵⁷ RCW 42.31C.030(C); RCW 36.70A.300.

Item	Date Due
Compliance Due	May 11, 2026
Compliance Report/Statement of Actions Taken to Comply and Index to Compliance Record	May 25, 2026
Objections to a Finding of Compliance	June 8, 2026
Response to Objections	June 18, 2026
Telephonic Compliance Hearing Zoom link to be provided at a later date.	June 25, 2026 1:00 p.m.

Length of Briefs – A brief of 15 pages or longer shall have a table of exhibits and a table of authorities. WAC 242-03-590(3) states: “Clarity and brevity are expected to assist a board in meeting its statutorily imposed time limits. A presiding officer may limit the length of a brief and impose format restrictions.” **The City’s Compliance Report/Statement of Actions Taken to Comply shall be limited to 25 pages, 35 pages (Petitioner/Port) and 10 pages (BNSF/Intervenor) for the Objections to Finding of Compliance, and 20 pages for the Response to Objections.**

SO ORDERED this 10th day of November, 2025.



Mark McClain, Board Member



Rick Eichstaedt, Board Chair



Alex Sidles, Board Member

Note: This is a final decision and order of the Growth Management Hearings Board issued pursuant to RCW 36.70A.300.²⁵⁸

²⁵⁸ A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty days as provided in RCW 34.05.514; RCW 36.01.050. See also RCW 36.70A.300(5); WAC 242-03-970. It is

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Appendix A: Procedural matters

Hearing on the Merits

The Hearing on the Merits convened October 7, 2025. The Board initially addressed under Preliminary Matters the Board’s October 3, 2025, Order Granting, in Part, the Port’s request to supplement the Record. The City did not wish to provide argument against the Board’s Order and did not object to the inclusion. However, the City raised objection to the Port’s referencing matters which were not included in the Record. The Board did not consider matters which were not included within this record in reaching its decision and afforded no weight to any argument not supported by the Record.

incumbent upon the parties to review all applicable statutes and rules. The staff of the Growth Management Hearings Board is not authorized to provide legal advice.

Director's Report and Recommendation

Repeal of Ordinance 127191

March 17, 2026

Background and Project Description:

CB 121171 would repeal Ordinance 127191 as the City's action to comply with the Growth Management Hearing Board under their order of November 10, 2025. Ordinance 127191 would have permitted residential uses within a portion of the Stadium Transition Area Overlay District.

On March 18, 2025, the Seattle City Council voted to approve Council Bill 120933, as amended by the City Council, which became Ordinance 127191. The Ordinance amended the development regulations that apply within the Stadium Transition Area Overlay District (STAOD) to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. The Port of Seattle appealed the ordinance in a petition to the Growth Management Hearings Board (GMHB). The GMHB issued a Final Decision and Order on November 10, 2025, concluding, among other things, that the City had failed to follow proper procedures related to SEPA review, notification to the Department of Commerce, and public participation.

Repealing the ordinance would revert to the Land Use Code language adopted as part of the Industrial and Maritime Strategy, which prohibited residential uses in the STAOD that were allowed in other Urban Industrial zoned areas under SMC 23.50A.062.C.

Analysis:

The proposal is consistent with the One Seattle Comprehensive Plan, including the City's industrial land use policies; particularly policies LU-13.1 and LU-13.2:

LU 13.1 - Designate industrial zones generally where:

- *The primary functions are industrial activity and industrial-related commercial functions.*
- *The basic infrastructure needed to support industrial uses already exists.*
- *Areas are large enough to allow a full range of industrial activities to function successfully.*
- *Sufficient separation or special conditions exist to reduce the possibility of conflicts with development in adjacent less intensive areas.*

Finding: Consistent with LU 13.1, the zoning designation of industrial lands were last amended in 2023. This proposal does not amend the underlying zoning designation of any

industrial lands. Reverting to the prior 2023 language of the Land Use Code would be consistent with the objectives of this Policy LU 13.1 in the current Comprehensive Plan just as it was before the code provisions now proposed to be repealed.

LU 13.2 - Preserve industrial land for industrial uses, especially where industrial land is near rail- or water-transportation facilities to allow marine- and rail-related industries that rely on that transportation infrastructure to continue to function in the city.

Finding: Reverting the text of Chapter 23.74 SMC back to the code language adopted as part of the Industrial and Maritime Strategy is consistent with Policy LU 13.2 of the One Seattle Comprehensive Plan. The prior code language prohibited residential use in the STAOD, and reverting back to that language is consistent with the policy to preserve industrial land for industrial uses, especially in an area relatively close to rail- and water-transportation facilities that are important for supporting marine and rail-related industries that are economically important to the city and region.

Prior to Ordinance 127191, the ordinance supporting the Industrial and Maritime Strategy distinguished between the accommodation of residential uses in Urban Industrial zoned areas while prohibiting residential use in the STAOD in the Land Use Code regulations.

LU 13.3 – Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in industrial land use designation. There should be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated comprehensive study and review of industrial land use policies or as part of a major update to the Comprehensive Plan.

Finding: Because CB 121171 does not propose to reclassify any industrial land to a non-industrial land use category, LU 13.3 does not apply to the Bill and the Bill is consistent with LU 13.3.

LU 13.8 – Prohibit new residential development in industrial zones except for certain types of dwellings, such as caretaker units and, in urban industrial zones, dwellings for workers, that are related to the industrial area and that would not restrict or disrupt industrial activity. Within the Stadium Area Transition Overlay District, only allow residential uses east of First Avenue S and do not expand that area.

Finding: Reverting the text of Chapter 23.74 back to the code language adopted as part of the Industrial and Maritime Strategy is consistent with LU 13.8. LU 13.8 generally prohibits new residential development in industrial zones, and although there is an exception for urban industrial zones, including a portion of the STAOD, it would not be inconsistent with LU 13.8 for the text of Chapter 23.74 to once again revert back to code language prohibiting residential uses in the STAOD otherwise allowed under SMC 23.50A.062.C.

These factors, plus procedural shortcomings in the adoption process, support repeal of Ordinance 127191, and the outcome would be consistent with City policy.

Public Engagement and Notice:

A 30-day notice of public hearing was published in the Land Use Information Bulletin and the Daily Journal of Commerce. A public briefing was held at the Land Use and Sustainability Committee's March 4th meeting. A public hearing will occur on April 1, 2026. Notice to the Washington State Department of Commerce is being given for this repeal proposal, and these actions will fulfill public engagement and notice requirements.

Recommendation:

The Director recommends adoption of the proposed repeal ordinance to comply with the GMHB Final Decision and Order, so that Seattle remains in compliance with the Growth Management Act.



Legislation Text

File #: CB 121195, **Version:** 1

Screen Reader Users: Make sure settings include reading strikethrough and underline font attributes.

The City of Seattle

Ordinance

Council Bill

An ordinance relating to land use and zoning; adopting interim provisions to expand the capacity of transitional encampments; and amending Sections 23.42.054 and 23.42.056 of the Seattle Municipal Code.

Be it ordained by The City of Seattle as follows:

Section 1. The City Council finds and declares:

A. On November 2, 2015, the Mayor of the City of Seattle declared a civil emergency regarding the homelessness crisis within the City of Seattle. The emergency remains in effect.

B. Since declaring the emergency, according to the King County Medical Examiner's Office, there has been an approximately 150 percent increase in deaths annually of people presumed to be homeless - 312 decedents in 2024 compared to 124 in 2015.

C. According to the most recent Point-in-Time Count, from the King County Regional Homelessness Authority in 2024, there are 16,868 individuals experiencing homelessness countywide, a 26 percent increase from 2022 and a 260 percent increase from 2014. 58 percent of those individuals are unsheltered.

D. According to data from the Office of Civil Legal Aid, eviction filings involving low-income tenants in King County totaled 6,375 between July 2024 and March 2024, placing the state on track

for a record number of evictions in 2025.

E. The homelessness crisis is worsening. The negative public health and safety consequences of homelessness, both upon persons experiencing homelessness and more generally, have been amply documented. Experiencing homelessness is traumatic and can trigger, create, or exacerbate health conditions, substance use, and mental and behavioral health conditions. In 2024 there were 1,042 overdose deaths countywide, with fentanyl the leading cause of deaths among the homeless population in 2023. Sleeping outdoors increases the likelihood of developing exposure-related conditions.

F. Since 2015, the City has worked to advance a comprehensive set of solutions both to prevent persons from entering homelessness and to provide housing that enables persons experiencing homelessness to become housed.

G. That strategy has recognized the importance of permanent supportive housing as a long-term solution to allow many homeless persons to become, and stay, housed.

H. Even under the best possible scenario, developing permanent supportive housing requires substantial funds and takes substantial time. Thus, the City has also recognized the importance of temporary solutions that enable persons experiencing homelessness to become housed while sufficient permanent supportive housing is developed.

I. A temporary solution that has shown great potential, both because of its acceptance among homeless persons and its relatively low cost, is the development of “tiny house villages,” also known as microshelters, a concept covered by the Land Use Code’s definition of “transitional encampment.” Based on experience gained thus far in addressing the homelessness crisis, the City is embarking on a major effort to develop additional microshelter villages.

J. The urgency of this effort has recently increased dramatically due to recent actions by the federal government. The City’s approach to the development of permanent supportive housing is

based on the concept of “housing first,” under which persons are provided permanent housing even if they are still addressing mental health, addiction, or similar issues. Evidence demonstrates that this approach increases the likelihood of those issues being successfully addressed, while also returning substantial public benefits including the reduction of costs in public services.

K. Housing-first programs have decades of research proving their efficacy. A 2009 study in the *Journal of the American Medical Association* found that the Downtown Emergency Service Center’s 1811 Eastlake housing-first program dramatically reduced costs on public services, where the average cost from a person experiencing homelessness was \$4,066 per month from corrections, shelter, substance use treatment, and healthcare costs, and after clients moved into 1811 Eastlake the average cost offset per person per month was \$2,449. The medical journal *Psychiatric Services* published a five-year study of the Pathways to Housing housing-first program based in New York City where data showed that in nearly 90 percent of cases where a person experiencing homelessness moved into one of their apartments the resident retained their housing five years later.

L. The federal government, in a major shift in policy, has recently decided to penalize local jurisdictions that use a “housing first” approach. The Department of Housing and Urban Development (HUD) issued a FY25 Notice of Funding Opportunity (NOFO) for \$3.9 billion dollars to fund programs to reduce homelessness nationwide, with \$65 million available to the Seattle-King County Continuum of Care (CoC), but prohibited more than 30 percent of funds to be spent on “housing first” programs. This would have pushed 170,000 formerly homeless residents back into homelessness across the United States, and places at risk up to 4,500 residents in Seattle and King County currently living in permanent supportive housing.

M. In previous years CoC funds provided as much as 80 percent of the funds available for permanent supportive housing programs, and an abrupt 30 percent funding cap on all housing programs will destabilize the entire housing sector dedicated for formerly homeless veterans,

formerly homeless families, people with disabilities, and chronically homeless people.

N. On November 25, 2025, Washington State, along with 19 other states and Washington, D.C., filed suit in federal court, followed by a companion lawsuit from King County and a coalition of seven local governments and four nonprofit organizations to challenge the legality of HUD's devastating cuts to this crucial housing program. However, the CoC contracts that fund 28 permanent supportive housing buildings in Seattle begin to expire in 2026 and the state and county litigation may not reach resolution in time to preclude a gap from when existing CoC contracts lapse.

O. Given the extremely negative tenor of the federal government's actions and the unpredictability of the current federal administration, it is unclear whether the City will be able to mitigate the effect of federal cutbacks over the medium- to long-term. The City must brace itself for an imminent and major disruption of the pathway that it has worked to build to provide persons at risk of or experiencing homelessness with access to the ultimate solution of permanent supportive housing.

P. One of the consequences of this impending disruption is an immediate need to create additional temporary shelter options, such as microshelter villages, that can provide persons experiencing homelessness with a place to live when permanent supportive housing is not available.

Q. While microshelter villages are quicker and less expensive to establish than permanent supportive housing, the time required to locate sites, obtain permits, and construct facilities is not insignificant. In light of the worsening of the homelessness crisis and particularly in light of recent federal actions and the resulting impending disruptions, it is necessary to quickly pursue development of microshelter villages to serve as many people as possible.

R. One of the impediments to rapidly increasing the number of persons who can be served by microshelter villages is the Land Use Code's 100-person limit on the number of occupants in a transitional encampment. Finding sites that can be developed at all for microshelter villages is

difficult, and finding sites that can be developed quickly is even harder. Many of the sites that can be developed with the greatest efficiency and speed are located on City-owned property. When City-owned property is available, maximizing the number of persons served on a given site is a critical strategy for making spaces in tiny house villages available quickly. Given the limited number of City-owned sites, the most viable sites already have microshelter villages on them, and expanding those sites is hindered by the existing 100-person limit even though there may be significantly more land available to use on the site. Even on privately-owned sites, increasing the number of occupants in each transitional encampment would increase the speed with which the overall number of spaces in tiny house villages can grow.

S. Amending the Land Use Code to increase the maximum permissible number of occupants in particular transitional encampments will allow the City to more quickly address the homelessness crisis by enabling the completion of more tiny homes in transitional encampments. Moreover, accelerating the timeline for adoption of those amendments will address the need for immediate action to prepare for and mitigate against the disruptions caused by federal government restrictions hindering the provision of permanent supportive housing.

T. Given the foregoing, the City Council determines that an exemption from conducting review under the Washington State Environmental Policy Act (SEPA) of the proposal in this ordinance is necessary under Seattle Municipal Code Section 25.05.880. For the reasons explained in this section, the proposal must be implemented immediately or within a period too short for full compliance with Seattle Municipal Code Chapter 25.05 to avoid an imminent threat to public health and safety.

U. Similarly, the City Council determines that the matters set forth in the foregoing findings create an emergency under Seattle Municipal Code Section 23.76.062 that justifies the adoption of the ordinance without a pre-adoption public hearing. Holding a public hearing (with 30 days' notice)

would significantly delay the proposed changes.

V. Adopting this legislation as an interim ordinance under RCW 36.70A.390 addresses the need for immediate action as set forth in this section. In addition, the City Council finds that it is appropriate for this interim ordinance to have a duration of one year to provide time for the Seattle Department of Construction and Inspections (SDCI) to carry out a work plan under which SDCI will undertake additional investigation and analysis to inform permanent legislation.

W. To support the success of the City's expanded shelter system, the City will also promote community safety strategies with leadership from the Community Assisted Response & Engagement (CARE) Department, crime prevention programs offered by the Seattle Police Department, and other relevant public safety agencies to support public safety needs in neighborhoods.

Section 2. Section 23.42.054 of the Seattle Municipal Code, last amended by Ordinance 126042, is amended as follows:

23.42.054 Transitional encampments located on property owned or controlled by a religious organization

* * *

B. The encampment operator or applicant shall comply with the following provisions:

1. ~~((Allow no more than 100 persons to occupy the encampment site as residents of the encampment.))~~ Limit the number of encampment occupants as follows:

a. No more than 100 persons shall occupy a transitional encampment having more than fifty percent of shelter as tents; and

b. No more than 150 persons shall occupy a transitional encampment in which the persons occupy vehicles or micro-modular structures as shelter. For the purposes of this Section 23.42.054, a micro-modular structure is a small, prefabricated structure intended to temporarily shelter one household.

2. Comply with the following fire safety and health standards:

- a. Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department;
- b. Provide and maintain a ~~((400))~~150-person first-aid kit;
- c. Establish and maintain free of all obstructions access aisles as required by the Fire Department;
- d. Install appropriate power protection devices at any location where power is provided;
- e. Designate a smoking area;
- f. Keep the site free of litter and garbage;
- g. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and
- h. Post and distribute to encampment residents, copies of health or safety information provided by the City of Seattle, King County, or any other public agency.
- i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.

3. Provide toilets, running water, and garbage collection according to the following standards:

- a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location;
- b. Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and
- c. Remove garbage frequently enough to prevent overflow.

4. Cooking facilities, if they are provided, may be located in either an indoor location or

outdoors according to the following standards:

a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;

b. Provide a nonabsorbent and easily-cleanable food preparation counter;

c. Provide a means to keep perishable food cold; and

d. Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and the Seattle Department of Construction and Inspections to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

6. Individuals under the age of 18 years that are not accompanied by a parent or legal guardian shall not be permitted in an encampment.

7. File a site plan with the Seattle Department of Construction and Inspections showing the arrangement of the encampment, including numbers of tents or similar sleeping shelters, all facilities that are separate from the sleeping shelters, and all existing structures on the property, if any. The site plan is for informational purposes and is not subject to City review or permitting requirements.

* * *

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to

the requirements of this Section 23.42.056.

* * *

F. Limit on the number of encampments and occupants

1. Maximum number of encampments. No more than 40 transitional encampment interim use encampments shall be permitted and operating at any one time(~~(, and each encampment shall not have more than 100 occupants)~~). The limit (~~(of 40 transitional interim use encampments shall)~~) does not include transitional encampments located on property owned or controlled by a religious organization.

2. Maximum number of occupants. The maximum number of encampment occupants is limited as follows:

a. No more than 100 persons shall occupy a transitional encampment having more than fifty percent of shelter as tents; and

b. No more than 150 persons shall occupy a transitional encampment in which the persons occupy vehicles or micro-modular structures as shelter, except that one transitional encampment with up to 250 occupants may be permitted. For the purposes of this Section 23.42.056, a micro-modular structure is a small, prefabricated structure intended to temporarily shelter one household.

~~((2-))~~ 3. Existing encampments established by and operating under temporary use permits. Encampments presently operating under temporary use permits issued pursuant to subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1 and subsection 23.42.056.F.2. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

Section 4. The interim development regulations set forth in this ordinance shall be in effect for a period of one year from the effective date of this ordinance and shall automatically expire after the one-year period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 5. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this ordinance to take public testimony and to consider adopting further findings.

Section 6. Under RCW 36.70A.390, the Council approves the following work plan for the development of permanent regulations to address the issues in this ordinance and directs the Seattle Department of Construction and Inspections to transmit proposed legislation to the Council for adoption after resolution of any appeals under SEPA.

SDCI undertakes investigation and analysis to inform permanent legislation and conducts SEPA review Spring of 2026 through Fall of 2026 Mayor transmits permanent legislation to Council Anticipated January, 2027 Council considers and approves permanent legislation Anticipated Winter/Spring, 2027 Permanent controls effective Anticipated Spring, 2027 □

As part of the work plan, SDCI shall collect relevant data and perform analysis to make recommendations regarding (1) the appropriate maximum number of occupants per transitional encampment and whether the same maximum number should apply to all transitional encampments, and (2) if a different maximum number of occupants should apply in different cases, whether there should be a limit to the total number of transitional encampments that are allowed a particular maximum number of occupants, separate from the 40-encampment limit in Seattle Municipal Code subsection 23.42.056.F.1, and whether there should be a dispersion requirement or other limitations for transitional encampments that are allowed a particular maximum number of occupants. SDCI's analysis should take into account the following nonexclusive considerations: (1) the environmental and other impacts to surrounding areas that may result from transitional encampments depending on the maximum number of occupants allowed, (2) the effect that particular maximum occupant limits,

dispersion requirements, or other limitations would have on the City's ability to make full and efficient use of City-owned property for transitional encampments and on the availability and efficient use of sites of all types for transitional encampments, and (3) the effect that particular maximum occupant limits, dispersion requirements, or other limitations would have on the effectiveness of transitional encampments in serving their populations, including in terms of access to transit or other services.

Section 7. Based on the authority of RCW 36.70A.390 and the findings of Section 1 of this ordinance, the public hearing requirement of Seattle Municipal Code Section 23.76.062 is waived for the adoption of this ordinance.

Section 8. The City may renew these interim regulations in accordance with RCW 36.70A.390.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council and signed in open session in authentication of its passage on .

President of the City Council
on .

Katie B. Wilson, Mayor

Attested on .

Scheereen Dedman, City Clerk

Seal

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Mayor's Office	Jon Grant	Sarah Burtner

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; adopting interim provisions to expand the capacity of transitional encampments; and amending Sections 23.42.054 and 23.42.056 of the Seattle Municipal Code.

Summary and Background of the Legislation: On January 15th, 2026 Mayor Katie B. Wilson announced a goal to open 1000 new shelter and emergency housing beds in 2026.

This piece of legislation is one in a package of three bills that takes several steps to advance that goal.

This proposed legislation would increase the census limit for transitional encampments to 150 people per site citywide, and allow one site up to 250 people per council district. The current land use code limits the size of each transitional encampment to 100 people per site. This creates a significant barrier to efficiently use limited City-owned lands, in particular if there is already a smaller microshelter on the site that has the potential to be expanded.

When City-owned property is available, maximizing the number of persons served on a given site is a critical strategy for making spaces in tiny house villages available quickly. Given the limited number of City-owned sites, the most viable sites already have microshelter villages on them, and expanding those sites is hindered by the existing 100-person limit even though there may be significantly more land available to use on the site. Even on privately-owned sites, increasing the number of occupants in each transitional encampment would increase the speed with which the overall number of spaces in tiny house villages can grow.

On November 2, 2015, the City of Seattle declared a civil emergency regarding the homelessness public health crisis. The emergency remains in effect. Indeed, the homelessness population has continued to grow year after year since the declaration. In order to act with the necessary urgency to accelerate the production of temporary shelter, particularly given recent federal government funding action penalizing local jurisdictions that use a "housing first" approach to providing permanent supportive housing, the bill waives the Title 23 requirement for a pre-adoption public hearing and also determines that the proposal is exempt from review under the State Environmental Policy Act pursuant to Seattle Municipal Code Section 25.05.880. The Council shall hold a post-adoption public hearing within sixty days of adoption. This proposal is being introduced as interim legislation with a duration of one year pending development of permanent legislation. In the interim period, the Seattle Department of Construction and Inspections will conduct a study to inform the scope and parameters of the permanent legislation.

Without accelerated action as set forth above, hundreds of shelter units will be delayed in their production.

The other two pieces of companion legislation also advance this effort by:

- Expanding the Director of Finance and Administrative Services’ (FAS) lease signing authority for land used for transitional encampments, and to allow rental costs at market rate. Under existing code the FAS Director is prohibited from signing a lease agreement if the land exceeds 18,000 square feet, and caps the cost per square foot. This proposal will increase the square foot limit to 65,000 square feet and allow a market rental rate for land. The average microshelter village exceeds the current square footage limit, and for a large site having rental costs capped below market significantly restricts the pool of available land for this use. As a result the work of securing sites rests with non-profit providers with an artificially narrow pool of site options, which can take months to secure a site and negotiate a lease. From the time funds are appropriated, procured, awarded, by the time land is secured through a lease this can result in seven to twelve months to stand up a program. However, if the FAS Director had discretion to sign a lease agreement at the front end of the process, and then turn the site over to a non-profit provider to build and operate the shelter program, it could reduce the timeframe to just 3-4 months to stand up a microshelter village.
- Amending the 2026 Budget to make available resources to pay for capital and operating costs associated with standing up transitional encampment programs. The proposed changes impact two fund sources, the Downtown Health and Human Service Account, and the Low-Income Housing Fund. The Low-Income Housing Fund funding is sourced from Community Development Block Grant (CDBG) funds with the Office of Housing that were previously allocated for a revolving loan fund. Due to the federal regulations on this program, it went underutilized. This legislation uses that unappropriated fund balance for capital costs to stand up more shelter. The unappropriated fund balance in the Downtown Health and Human Service Account must be spent to benefit downtown Seattle and will support new programs to house unsheltered people living downtown.

Council Central Staff Note on Pre-introduction Edits: Prior to introduction, the proposal was revised to:

- Limit the increase in transitional encampment occupants from 100 to 150 occupants to transitional encampment that utilize vehicles and micro-modular structures as shelter;
- Define micro-modular shelter as “a small, prefabricated structure intended to temporarily shelter one household;” and
- Allow only one interim use transitional encampment that shelters up to 250 occupants in vehicles or micro-modular shelters.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

Funding for any ongoing costs for future operation of the shelters resulting from this legislation will be identified as part of the Mayor's 2027-2028 Proposed Budget.

This legislation may lead to increased staff time spent updating materials to reflect this change in the land use code, but it is anticipated that the cost of this time can be absorbed by existing department staff/budget.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

N/A

Please describe any financial costs or other impacts of *not* implementing the legislation.

Studies continue to find that bringing people indoors and connecting them to services is the best practice to help support unsheltered people, and that such programs reduce overall costs on public services. A 2009 study in the Journal of the American Medical Association found that Downtown Emergency Service Center's 1811 Eastlake housing-first program dramatically reduced costs on public services, where the average cost from a person experiencing homelessness was \$4,066 per month from corrections, shelter, substance use treatment, and healthcare costs, and after clients moved into 1811 Eastlake the average cost offset per person per month was \$2,449.

Please describe how this legislation may affect any City departments other than the originating department.

The Human Services Department will conduct a procurement process and manage funding awards for standing up and operating new shelter programs, the Department of Finance and Administrative Services will negotiate and execute lease agreements with property owners to facilitate siting of shelter programs, and conduct a capital needs assessment for preparing sites for transitional encampment use. The Seattle Department of Construction and Inspection will carry out the work plan called for in the proposed ordinance to inform permanent regulations regarding changes to census limits for transitional encampments.

4. OTHER IMPLICATIONS

a. Is a public hearing required for this legislation?

A post-adoption public hearing shall be held within sixty days of adoption of the ordinance.

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

Yes.

c. Does this legislation affect a piece of property?

No.

d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

Homelessness continues to impact the most vulnerable in our community. According to the 2024 *Point In Time (PIT)* report, 17% of the total homeless population are adult survivors of domestic violence, 34% are adults with a serious mental illness, 8% are veterans, Black, Indigenous, and People of Color continue to be overrepresented.

This legislation would have a positive impact on vulnerable and historically disadvantaged populations by significantly expanding and accelerating the production of shelter and emergency housing options to give more people exit points from homelessness. By making deeper investments in behavioral health services and standing up more service rich environments for vulnerable people to receive onsite services populations that typically lack access will benefit from these essential services.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

Based on data from the King County Regional Homelessness Authority's *Point In Time (PIT)* report, Black and Indigenous people, and other People of Color are disproportionately represented in the homeless population in Seattle and King County. According to their 2024 PIT report 15% of people experiencing homelessness in King County identify as Black or African American while only making 7% of the total population countywide. 6% of people experiencing homelessness identify as American Indian, Alaskan Native, or Indigenous, but that group makes up less than 1% of King County's population.

- iii. What is the Language Access Plan for any communications to the public?**

N/A

e. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

N/A

- ii. 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

- f. 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)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

- g. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

No.

5. ATTACHMENTS

Summary Attachments: None.

Council Bill 121195: Shelter Census Limits

Land Use and Sustainability Committee

April 15th, 2026

Mayor's Office: Policy & Innovation



City of Seattle **93**

Issue Identification

Land use code currently limits 100 people per site.

There are limited publicly owned sites suitable for microshelters.

Most already have an existing microshelter sited.
A few have significant unused land adjacent to the site.

As a result, public land sits unused while demand for shelter remains high.

Policy Overview

Legislation increasing census limits for transitional encampments

- Increases citywide census limit for transitional encampments limited to micro-modular shelters or RV safe lots from 100 to 150 people.
- Allows one site for up to 250 people, limited to micro-modular shelters or RV safe lots.
- Interim legislation that expires after 12 months.
- SDCI workplan established to complete SEPA analysis and develop and transmit permanent regulations in Winter 2027.

Proven Large-Scale Models Nationwide

Cities across the country have demonstrated that large microshelter programs can operate effectively

- Microshelter programs can scale to 100–220 units per site.
- At the largest site, more than 300 people are served in a single location.



Tampa Hope, Tampa FL

215 units plus 116 platformed tents

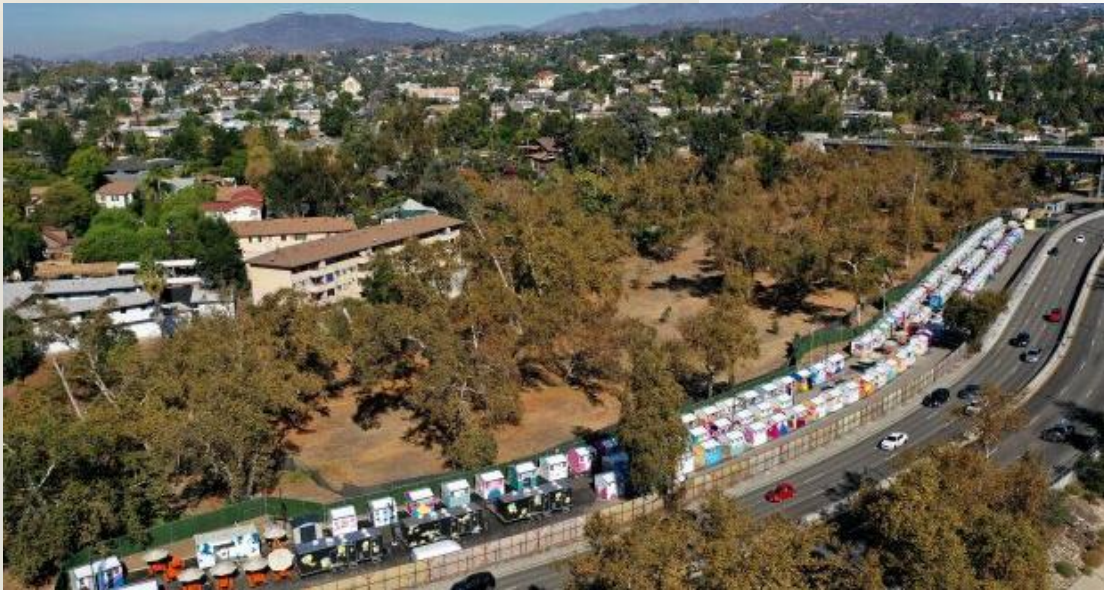
345 people served



Genesis Pallet Shelter, Chico CA

177 units

200 people served



Arroyo Seco Village, Los Angeles, CA

123 units

168 people served, capacity for 224



West LA Veterans Association

155 units

200 estimated people served

Large Site Profile: Tampa Hope

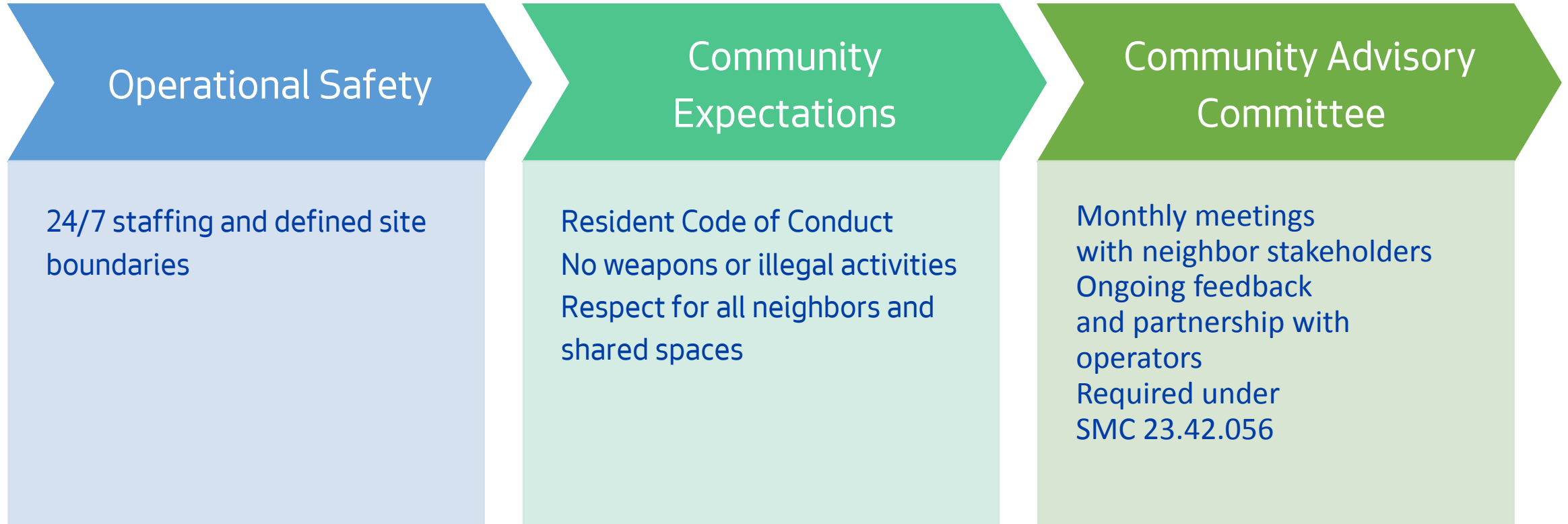
345 people served at single location

- Operated by Catholic Charities
- Tampa, Florida
- Executive Director Maggie Rogers
- 345 people served
- Plans to expand to 400 beds
- 215 shelter units, 116 platformed tents
- Services include, three daily meals, clothing, medical care, life skills and financial management classes, and substance use and mental health treatment.
- 8 case managers, 2 outreach staff, and 13 shelter monitors for 24/7 staffing.
- 550 people moved into housing since opening.



Public Safety is Community Partnership

Safe and welcoming neighborhoods are built through partnership, clear expectations, and shared responsibility.



Neighborhood Coordination and Site Safety



Supporting a Successful Launch

Close collaboration with SPD on neighborhood safety:

- The Seattle Police Department is in active development of specific strategies to target dangerous and illegal activities that may occur near or around existing PSH and shelter programs.
- The intent of these expanded efforts is to target criminal elements that attempt to take advantage of vulnerable populations found within encampments that may also be within the vicinity of existing shelter programs.



Questions and Discussion



SEATTLE CITY COUNCIL
CENTRAL STAFF

Transitional Encampment Shelter Increase

KETIL FREEMAN, ANALYST

LAND USE AND SUSTAINABILITY COMMITTEE

APRIL 15, 2026

Council Review Process – Actions Thus Far

- **CB 121184** – Authorizes the Finance and Administrative Services Department to execute leases for large sites that could accommodate larger transitional encampments. [Finance, Native Communities, and Tribal Governance Committee \(Finance Committee\)](#) recommended that the bill pass.
- **CB 121185** – Increases appropriation authority to the Human Services Department to fund new shelter in transitional encampments. [Finance Committee recommended that the bill pass, as amended.](#)
- **CB 121195** – Increases the number of allowed transitional encampment occupants on a temporary basis and establishes a work program to develop ongoing changes to regulations for transitional encampments. [Discussed in the Land use and Sustainability Committee \(LUSC\) on April 1. Introduced and referred to LUSC on April 14.](#)

Legislative Intent for Transitional Shelter Budget Increase – Amendments to CB 121185 (1 of 2)

- Reporting on implementation by September 14, 2026, with a financial plan for providing 4,000 new shelter units.
- Requesting that the Executive develop a public safety plan for transitional shelter with monthly reporting on public safety indicators.
- Standing up a shelter acuity work group to advise on services for encampments used as shelter.
- Requesting that HSD utilize providers who have expertise providing culturally appropriate services.

Legislative Intent for Transitional Shelter Budget Increase – Amendments to CB 121185 (2 of 2)

- Providing at least one transitional shelter be provided for people in recovery from substance abuse disorders.
- Providing at least two transitional shelters serving families with children with reporting on progress by September 14, 2026.
- Reporting to Council on prioritization of transitional shelters for people in the neighborhood served by the shelter prior to opening of new shelter.
- Continued prioritization of permanent supportive housing while transitional shelter capacity is increased.

Pre-introduction Edits to CB 121195

- Limit the increase in transitional encampment occupants from 100 to 150 occupants to transitional encampment that utilize vehicles and micro-modular structures as shelter;
- Define micro-modular shelter as “a small, prefabricated structure intended to temporarily shelter one household;” and
- Allow only one interim use transitional encampment that shelters up to 250 occupants in vehicles or micro-modular shelters.

Next Steps

- **Wednesday, April 29** – Continued Discussion of CB 121195, including discussion potential amendment concepts.
- **Wednesday, May 6** – Discussion and possible vote on a recommendation CB 121195 and any proposed amendments.
- **Tuesday, May 12** – Earliest date for the Full Council vote.

Director's Report and Recommendation Interim Transitional Encampment Expansion Ordinance

Proposal Summary

This proposal is intended to advance Mayor Wilson's efforts to rapidly bring unhoused people inside and expedite the expansion of shelter and affordable housing. It is part of a package of legislation focused on the creation of new transitional encampments, which can include micro-modular 'micro' shelters, and allowing transitional encampments to serve more people. Expediting production of new and expanded microshelters provides lower cost, quickly deployable, temporary options to address unsheltered homelessness and responds to federal uncertainty around funding for development and operation of permanent supportive housing.

The subject of this report is [CB 121195](#), which amends Sections 23.42.054 and 23.42.056 of the land use code on an interim basis to expand transitional encampment capacity.

Proposed amendments to Sections 23.42.0541 and 23.42.056 include:

1. Defining "micro-modular" structures, or small, prefabricated, temporary shelters, such as tiny homes
2. Raising maximum occupancy for vehicle- or micro-modular-based encampments:²
 - a. For both religious and non-religious sites, maximum occupancy increases from 100 people to 150 people
 - b. A single pilot site may increase occupancy up to 250; religious encampments are not eligible for this pilot program
3. Clarifying that encampments with temporary use permits that seek to continue operating under an interim use permit are subject to the above occupancy limits
4. Requiring encampments have a 150-person first-aid kit, rather than a 100-person kit

¹ For the purposes of this report, encampments established under SMC 23.42.054 (transitional encampments located on property owned or controlled by a religious organization) will be referred to as "religious" sites, while encampments authorized under SMC 23.42.056 (transitional encampment as an interim use) will be referred to as "non-religious." The primary difference is that non-religious sites must go through a Type I Master Use Permit process and are subject to additional land use regulations.

² The existing 100-person occupancy limit for transitional shelters where most shelter space provided is in the form of tents is unchanged. These sites are also known as tent cities.

As set forth in the ordinance, this interim legislation will be effective for one year, pending development of permanent legislation and providing time for SDCI to collect relevant data and perform analysis to make recommendations regarding:

1. The appropriate maximum number of occupants per transitional encampment;
2. Whether the same maximum number should apply to all transitional encampments;
3. If a different maximum number of occupants should apply in different cases;
4. Whether there should be a limit to the total number of transitional encampments that are allowed a particular maximum number of occupants, separate from the 40-encampment limit in SMC 23.42.056.F.1; and
5. Whether there should be a dispersion requirement or other limitations for encampments that are allowed a particular maximum number of occupants.

Without accelerated action, hundreds of new microshelter units will be delayed. The bill waives the Title 23 requirement for a pre-adoption public hearing. The legislation is exempt from review under the State Environmental Policy Act pursuant to Seattle Municipal Code Section 25.05.880. A post-adoption public hearing will be held within 60 days of adoption.

Background

The City of Seattle has had a [declaration of civil emergency regarding the homelessness crisis](#) in place since 2015. Homelessness has continued to worsen in the Seattle area. According to the King County Regional Homelessness Authority (KCRHA), as of the 2024 Point-in-Time Count, nearly 17,000 individuals experienced homelessness countywide, with 58% unsheltered. This is a 260% increase in homelessness from 2014. The King County Medical Examiner's Office reported 312 deaths of people presumed to be homeless in 2024, compared to 124 in 2015, an increase of over 150%.

The original legal framework for Seattle's tiny house villages was also created in 2015 by [Ord. 124747](#), which allowed no more than three non-religious transitional encampments in the city at once. This legislation included a sunset provision that prompted the City to enact transitional encampment reforms in February 2020, with [Ord. 126042](#). This ordinance created more opportunity for tiny house villages by expanding eligibility for encampments established under SMC 23.42.054 to sites "controlled" by religious organizations, in addition to sites owned by religious groups. It also raised the maximum number of non-religious encampments citywide from three to 40; allowed transitional

encampments in residential zones; and allowed encampment permits to be renewed in one-year increments. It retained the 100-occupant limit for individual encampments. In July 2025, a [presidential executive order](#) was announced, “ending support” for housing-first and harm-reduction programs and restricting how grants from federal agencies can be used by local governments. Many permanent supportive housing (PSH) programs in Seattle use evidence-based housing-first models. Federal Continuum of Care funds provided as much as 80% of funding for those PSH programs. Funds for 28 PSH buildings in Seattle will begin to expire in 2026 and lawsuits challenging federal cuts are unlikely to be fully resolved before existing contracts lapse; up to 4,500 PSH residents in Seattle and King County may be at risk of homelessness and displacement. Due to the lack of available federal, state, and county funding, the Seattle Office of Housing pipeline for developing new PSH has stopped. This will further limit options for Seattle’s homeless population to achieve long term stability and move out of shelter.

In April 2026, City Council adopted, and the Mayor signed, [Ord. 127423](#) and [Ord. 127424](#)—companion legislation to CB 121195, the subject of this report. Ord. 127423 is intended to facilitate the creation of new microshelters by enabling the City to easily lease properties as large as 65,000 square feet for use as transitional encampments. The intent of this companion bill is not for the City to directly provide shelter services at these leased sites, but for nonprofit providers to build and operate the microshelters. Ord. 127424 provides funding for additional shelter beds.

Analysis

This bill allows for the expansion of an already authorized use and does not modify where shelters are allowed or otherwise reduce health and safety standards. It does not modify any other permitting regulations, such as setbacks and screening requirements.

Considering rising homelessness rates and disruptions to federal housing and shelter funding, additional options for local approaches to homelessness are urgently needed. Seattle’s land use code currently limits the size of each transitional encampment to 100 occupants per site, which creates a significant barrier to efficient use of available sites. There are a limited number of vacant properties in Seattle that meet feasibility criteria and have a property owner willing to allow interim use as a microshelter. The most viable sites are publicly owned and already host microshelters. Raising the occupant ceiling allows some existing microshelters to expand into underutilized land that is already known to be available and feasible for microshelter use. This will maximize the number of people served and accelerate the overall production of shelter beds.

Conclusions From Data

Table 1 is an initial, high-level analysis that estimates the maximum potential for existing microshelters to expand under this proposal, factoring in land availability and occupancy by shelter type. These are not the only factors in determining actual maximum occupancy. **The purpose of this analysis is not to determine the feasibility of expanded occupancy at transitional encampment sites.**

Tent cities are not eligible for expanded capacity under the proposal, so they are not included in the table below. The table does not include transitional encampment sites currently in the permit pipeline, nor does it include proposed expansions of existing sites, as final site plan and occupancy may change. SDCI is currently tracking six proposals for new microshelter sites with 360 beds planned in total. Three sites are religious microshelters and three are non-religious microshelters. There is a median of 70 beds expected per site.

Occupancy data was provided for existing sites by the Seattle Human Services Department (HSD). HSD tracks the number of shelter “beds” and assumes one occupant per tiny home, tent, or other shelter space, as does the table below. Assuming some level of shared occupancy instead would not appreciably change this proposal, as the code amendments set a limit on the number of occupants per transitional encampment site, not on the number of beds.

Information on shelter type (religious, non-religious, or other) is tracked by SDCI. The King County Parcel Viewer is the source for land area data; “potential land area” includes the square footage for parcels that currently host a microshelter, plus the area of any adjacent vacant parcels that are either publicly owned or owned by the same property owner. All data was last updated on 4/27/2026.

SMC 23.42.056.B.5 requires non-religious transitional encampments to provide a minimum of 100 square feet of land area per occupant. In practice, the most compact non-religious micro-modular shelter currently in operation, Raven Village, provides approximately 400 square feet of land per occupant. Although this requirement does not apply to religious encampments—meaning microshelters authorized under SMC 23.42.054 could opt to provide less than 100 square feet per occupant—the densest existing religious micro-modular shelter, TC Spirit Village, also provides just over 400 square feet per occupant. As such, to analyze the expansion potential of existing micro-modular shelters under this proposal, the table below assumes micro-modular sites provide a minimum of 400 square feet of land area per occupant.

Table 1: Maximum potential number of beds at micro-modular shelters currently in operation

Site Name & Type	Potential Land Area (SF)	Current Bed Count	Potential Bed Count ³	Potential New Beds	
Non-religious THVs		Subtotal:	260	604	+344
Camp Second Chance	340,000	69	250	+181	
Interbay Village	118,000	76	150	+74	
Georgetown Village	44,000	45	110	+65	
True Hope THV	22,000	33	55	+22	
Whittier Heights Village	7,000	15	17	+2	
Raven Village	9,000	22	22	-	
Religious THVs		Subtotal:	313	500	+187
Junction Point	131,000	85	150	+65	
Rosie's THV	32,000	37	80	+43	
Southend Village	28,000	40	70	+30	
Maple Leaf Village	24,000	40	60	+20	
Olympic Hills Village	24,000	45	60	+15	
Henderson Village	22,000	42	55	+13	
TC Spirit Village	10,000	24	25	+1	
Legacy THVs		Subtotal:	33	35	+2
Central District Village	6,000	14	15	+1	
Northlake Village	8,000	19	20	+1	
Total:		606	1,139	533	

Under this proposal, a single non-religious micro-modular shelter site citywide can increase capacity to up to 250 occupants. Table 1 depicts a scenario where Camp Second Chance is selected for that pilot. Interbay Village and Junction Point could fit 250 occupants if chosen as alternate pilot sites or if the pilot were expanded. As a religious encampment, Junction Point would need permits to convert to a non-religious encampment under SMC 23.42.056 to access this code-authorized additional capacity.

Two tiny home villages in the table above are considered legacy sites, initially established during the COVID-19 emergency. These sites could seek new permits to expand authorized capacity, but space is extremely limited on both properties, making expansion impractical.

In addition to site size impacts analyzed above, potential occupant capacity will also be limited by the presence of steep slopes and existing structures, available utility service,

³ Only sites with over 100 potential occupants would need to utilize this proposal to increase capacity.

and other site conditions. Georgetown Village, for instance, theoretically has land area for 65 additional microshelter beds, but most of that extra land is in active use by Fire Station 27 and not available for microshelter expansion. Even sites that do increase occupant capacity above the current 100-occupant threshold may still not be able to expand to a full 150 or 250 occupants.

Financial Considerations

Various budgetary factors influence the extent to which increased microshelter capacity can be fully utilized. If the City pursues higher-cost implementation options, fewer new beds could be created with current shelter expansion funding.⁴

Depending on final implementation direction, several adopted amendments to companion ordinance 127424 have the potential to raise initial setup and operating costs for shelter programs, which would limit the ability to fund the full increase in transitional encampment capacity. Examples include:

- Larger alternatives to microshelters that may better accommodate families but could also trigger additional permitting requirements and associated permit fees⁵
- Integrating Crime Prevention Through Environmental Design (CPTED) into shelter design and operations
- Increased documentation requirements, such as public safety plans, which may also lengthen initial permit review timelines
- Capacity building for new service providers and shelter operators to serve populations disproportionately impacted by homelessness

Other potential cost drivers include:

- Increased staffing costs to serve high-acuity populations with complex needs
- Higher rental costs for privately owned land used for shelter sites, in the event there are not enough vacant, feasible public sites to meet shelter expansion goals

SDCI's permitting and associated inspection work for these projects is funded primarily through permit fees, when permits are required. Those fees are established under the

⁴ Financial analysis of estimated costs for these listed options and potential effectiveness of these options in reducing homelessness or protecting public health and safety is not within the scope of this report.

⁵ Structures 120 square feet or smaller are generally treated as accessory buildings that require no or minimal permitting. A typical tiny home structure is 8'x12,' or 96 square feet.

City's Fee Subtitle and governed by statutes (RCW 82.02.020), which limit local governments' ability to impose development-related fees and charges except as authorized. Accordingly, SDCI's permit fees are structured as cost-recovery fees for eligible Departmental costs, including processing and reviewing applications, plan review, and inspection work. Without those fees, General Fund support or another lawful appropriation would be necessary to cover the Department's associated review and inspection costs.

Based on infrequency of these encampment projects, SDCI does not have sufficient data to produce a reliable per-bed estimate of fee revenue associated with future shelter expansion. As more permit-intensive shelter projects are developed under this legislation, associated permit fee revenue could increase accordingly. A preliminary review of recent permit activity suggests that construction permit fees for those projects have been roughly in the \$5,000 to \$15,000 range per site, with electrical permit fees roughly in the \$1,000 to \$3,000 range per site, for a very preliminary combined range of approximately **\$6,000 to \$18,000 per site**. Actual future revenue would depend on the number and type of sites developed, the scope of construction and utility work, and whether particular projects follow different permitting pathways or qualify for exemptions, including projects on sites owned or controlled by religious organizations.

For illustration only, if 40 similar permit-intensive sites were developed over time, that would suggest a broad fee range of roughly \$240,000 to \$720,000, though actual revenue for SDCI's review and inspection functions could vary substantially depending on the mix of shelter types and permitting requirements. This estimate does not include fees from other permitting departments.

Consistency With Comprehensive Plan Goals and Policies

The proposal aligns with and supports relevant goals and policies of the One Seattle Comprehensive Plan, including:

- H G8** Homelessness is rare and brief, people experiencing homelessness secure housing and supportive services, and shelter is available as an interim, emergency step toward permanent and stable housing.
- H 8.1** Implement strategies and programs that preserve, improve, and expand Seattle's supply of permanent supportive housing, emergency housing, and shelter to meet all current and projected future needs.

- H 8.4** Collaborate with King County and other jurisdictions in efforts to prevent and end homelessness and focus those efforts on providing permanent housing with supportive services, expanding safe temporary shelter, and securing the resources to do so.
- H 2.3** Promote the production of housing with lower market price points, including by removing regulatory barriers to the development of social and affordable housing, to meet Seattle's projected 20-year affordable housing needs.⁶
- LU 4.1** Allow for flexibility in development standards so existing structures can be maintained and improved and new development can respond to site-specific conditions.

Public Outreach

Public and stakeholder outreach for this proposal has been led by the Mayor's Office, Innovation and Performance (IP), and HSD.

A Shelter Acceleration Launch Discussion was held in March 2026 with organizations including Purpose Dignity Action (PDA), LIHI, Evergreen Treatment Services, Therapeutic Health Services, Catholic Community Services, Chief Seattle Club, and DESC. Participants had expertise in building, operating, and servicing micro-modular shelters, such as tiny house villages. Topics covered siting criteria, site development, community engagement, shelter operations, referral processes, public safety considerations, and onsite behavioral health and medical services. HSD also met with representatives from Public Health Seattle King County and King County's Health Through Housing program in March and April 2026, respectively, to cover similar topics.

Mayor Wilson hosted a Community Briefing on Shelter Expansion in April 2026 to share information on and take questions about her shelter expansion plan, including this transitional encampment capacity bill and related budget and FAS signing authority legislation. Participants included business, neighborhood, and service provider stakeholders, such as Purpose Dignity Action (PDA), Downtown Seattle Association, and neighbors to the Olympic Hills Tiny Home Village. The community event was broadcast by

⁶ Washington state requires jurisdictions to "plan for and accommodate [housing affordable to all incomes](#)," including emergency housing, emergency shelters, and permanent supportive housing for individuals or families who are homeless or at imminent risk of becoming homeless.

the Seattle Channel and shared online, expanding engagement opportunities and accessibility via closed captioning and auto-translation features.

To provide additional time to explore these and related topics, a Provider Summit is scheduled for May with several more organizations and government entities involved in development, operations, and services for micro-modular shelter, RV safe lots, and shelter using master-leased buildings.

Recommendation

The SDCI Director recommends the City Council adopt the proposed interim legislation to facilitate the rapid expansion of much-needed shelter and emergency housing. SDCI does not have recommendations for additional land use mitigations at this time, as the scope of this proposal is narrow and a number of factors, described above, will further limit the full use of expanded site capacity.

Permanent legislation is anticipated for Council review in Q1 2027.

Amendment 1, Version 2 to CB 121195 - MO Transitional Encampment Expansion ORD

Sponsor: Councilmember Foster

Author: Councilmember Juarez

Public Safety Plan Permit Requirement

Effect: This amendment would: (1) require that interim use encampments with more than 100 occupants that are newly established or expanded through the bill develop a public safety plan with required elements and (2) authorize the Community Advisory Committee to advise on public safety plan implementation.

Amend Section 3 to CB121195, as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

A. The Director, in consultation with the Human Services Director, shall adopt a rule according to Section 23.88.010 that includes but is not limited to establishing:

1. Community outreach requirements that include:

a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment interim use is proposed to be established, at least 14 days prior to applying for a permit;

b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility clients and implementation of public safety plans required by subsections 23.42.056.D.3, as applicable. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no fewer than five and no more than ten members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff may attend the meetings; and

2. Operations standards that the encampment operator is required to implement while an encampment is operating.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

7. The operator of a transitional encampment interim use who receives funding from the City of Seattle and operates an encampment with more than 100 occupants that is established or expanded after the effective date of this ordinance shall provide a public safety plan that details the following:

a. Completion of a Crime Prevention through Environmental Design (CPTED) assessment prior to the opening of the transitional encampment, and integration of any CPTED recommendations into the transitional encampment's design and operations;

b. A protocol for contributing to the data collection and reporting requirements requested in Section 4 of Ordinance 127424, including, but not limited to, the critical incident reports, 911 call data, and Unified Care Team deployments; at a minimum the protocol shall include a requirement that all public safety calls made by the provider that originate from activity in or around the transitional encampment be recorded and reported to the Mayor's Office, with a priority for immediately reporting public safety calls that result in an arrest; and

c. Contact information for a City liaison that neighborhood residents can contact if there are issues occurring outside the transitional encampment boundaries that are beyond the provider's control or authority to address.

Amendment 2, Version 2 to CB 121195 - MO Transitional Encampment Expansion ORD

Sponsor: Councilmember Hollingsworth
Good Neighbor Agreement Requirement

Effect: This amendment would require that newly established transitional encampment enter into a Good Neighbor Agreement (GNA) and prescribes minimum communication and public safety protocols that must be included in the GNA.

Amend Section 3 to CB 121195, as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

7. The operator of a transitional encampment interim use who receives funding from the City of Seattle and operates an encampment with more than 100 occupants that is established or expanded after the effective date this ordinance shall enter into a Good Neighbor Agreement. The Good Neighbor Agreement shall include:

a. The Good Neighbor Agreement physical boundaries and a corresponding map:

- b. The roles and responsibilities of the operator as a good neighbor;
- c. Communication protocols for community concerns, including:
 - i. A point of contact for initial concerns, which is posted at the transitional encampment and on the operator’s website,
 - ii. A process for community stakeholders to escalate concerns within the operator’s organization,
 - iii. Timeframes for responses from initial contact and each subsequent contact within the escalation process, and
 - iv. Commitment to responding to the concern or complaint within 72 hours unless an emergency;
- d. A commitment to attend regular community meetings, such as those held by community or business organizations;
- e. Rules and behavioral standards for transitional encampment residents and their guests;
- f. Description of the remedies the operator will use when responding to an infraction of the rules and behavioral standards by transitional encampment residents or their guests;
- g. Commitment to reporting crime observed by operator staff to the Seattle Police Department at the time of observation;
- h. The hours that operator staff will be on-site to provide services to residents; and

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- i. A Commitment to publish the Good Neighbor Agreement on the operator's website as well as distribute to neighbors, neighborhood organizations and neighborhood businesses within the Good Neighbor Agreement boundaries.

Amendment 3, Version 2 to CB 121195 - MO Transitional Encampment Expansion ORD

Sponsor: Councilmember Rinck

Staffing Minimums

Effect: This amendment would require that operators of new or expanded encampments with more than 100 occupants have at least two staff on site 24 hours a day.

Amend Section 3 to CB 121195, as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

7. The operator of a transitional encampment interim use who receives funding from the City of Seattle and operates an encampment with more than 100 occupants that is established or expanded after the effective date of this ordinance shall have two staff members on site 24 hours a day every day the encampment is operating.

Amendment 4, Version 2 to CB 121195 - MO Transitional Encampment Expansion ORD

Sponsor: Councilmember Rinck

Case management ratio

Effect: This amendment would set a goal that operators of new or expanded encampments with more than 100 occupants strive to provide intensive case management for encampment occupants at a ratio of one case manager for every 15 occupants with high-acuity needs.

Amend Section 3 to CB 121195, as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

7. The operator of a transitional encampment interim use who receives funding from the City of Seattle and operates an encampment with more than 100 occupants that is established or expanded after the effective date of this ordinance shall strive to provide intensive case management for encampment occupants and consider a ratio of at least one case manager for every 15 high-acuity occupants.

Amendment 5, Version 2 to CB 121195- MO Transitional Encampment Expansion ORD

Sponsor: Councilmember Strauss

50 Shelter Unit Encampment Neighborhoods

Effect: This amendment would require that operators of new or expanded encampments with more than 100 micro-modular structures or vehicle shelter units be divided into neighborhoods of no greater than 50 shelter units with allowed discretion by the Human Services Department Director to increase the number of shelters up to 60 in a neighborhood based on site characteristics.

For encampments with more than 100 occupants, shelter units must be micro-modular shelter or vehicles.

Amend Section 3 to CB 121195, as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

7. The operator of a transitional encampment interim use who receives funding from the City of Seattle and operates an encampment with more than 100 micro-modular structures or vehicle shelter units that is established or expanded after the effective date of this ordinance shall separate the encampment into self-contained neighborhoods with no more than

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50 micro-modular structures or vehicles per neighborhood and controlled access to each neighborhood. The Director in consultation with the Director of the Human Services Department may allow up to 60 micro-modular structures or vehicles in a neighborhood to accommodate site constraints across the transitional encampment.



Legislation Text

File #: CF 314549, **Version:** 1

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).

The Extension Request is provided as an attachment.

1. Basis for the Application for Extension and Reasonableness under the Circumstances

The City and Washington State are in a self-proclaimed “unprecedented housing crisis.”¹ Eagle Rock Ventures, a local developer with longstanding community connections, asks the City Council to extend the MUP for a “shovel-ready” project that will provide 104 apartments, 4 townhomes, and 3 live-work units. Twenty percent of the units will be affordable through the City’s MFTE program, and an additional 9% will be affordable housing or a payment made for affordable housing through the City’s Mandatory Housing Affordability (MHA) program. In addition to providing affordable housing, the proposal provides additional public benefits through “family-sized” units, including two three-bedroom units. This housing, once constructed, will be a direct response to the housing crisis and deliver on the City Council’s desire to provide more affordable and market-rate housing.

The Code directs the Council to consider whether the extension is reasonable under the circumstances. In response, it would be **unreasonable** for the Council *not* to grant an extension for a shovel-ready project during an “unprecedented housing crisis.”

In response to why this project has yet to be constructed, we offer the following observations, which can be summarized as “bad timing”.

- **The housing project was one of the last to go through the old “Seattle Process.”** The project’s contract rezone was initiated approximately five years prior to building permit approval, a timeline influenced by fluctuating City policy and review standards. During this five-year window:
 - The project was subject to four public design review board meetings spanning more than two years during which time the size of the building was reduced to secure DRB approval, eliminating approximately 10% of the planned units, making the building less efficient and financially attractive to build. Now, the City has curtailed its design review process and four meetings and a reduction in housing yield would be illegal under state law.
 - The City enacted Mandatory Housing Affordability during project review. As a result, the project became the test case for demonstrating MHA compliance. As a test case, months of delay occurred attempting to meet shifting compliance requirements that, among other items, demanded the applicant provide plan sets dimensioned to a thousandth (!) of a foot (.001’). Now, the City has pivoted on many of these early and impractical MHA compliance requirements.
 - The City used SEPA to demand many detailed and supplemental studies. Now, the City has curtailed the use of SEPA for housing projects, in part, to remove the delay and expense that this project encountered.
- **COVID-19 Destroys Financial Markets.** Compounding the old “Seattle Process” delay, the City approved the MUP and building permit just as the regional economy was impacted by the COVID-19 pandemic. Like many across the city, the project faced financial hardship during this period, including difficulty securing construction financing and sharply rising construction costs and interest rates. These challenges reflect broader market instability that the City has acknowledged through policies allowing permit extensions based on COVID-related hardship.
- **Today’s Challenging Financial Markets.** Although conditions have improved, continued inflation and elevated interest rates remain substantial barriers to financing. Importantly, the project is now shovel-ready. It has received full MUP and building permit approvals, and construction drawings

¹ Mayoral Proclamation of Civil Emergency, City of Seattle (2015); House Bill 1110, 2023 Legislature (“The Legislature finds that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations.”)

are complete. Given these circumstances and the proximity to construction start, this extension request is both reasonable and necessary to build housing.

- **Project Timing:** The owners are exploring creative financing methods to commence construction, including nonprofit financing. In addition, they have submitted this property to Seattle Social Housing as a shovel-ready project that they can purchase and build immediately.

2. Changed Circumstances in the Area that Support an Extension

As described above, the housing crisis is the primary “changed circumstance” in the area (and the state) that supports an extension.

But other changed circumstances in the neighborhood further support an extension. The project was intended to be a 65’ mixed-use “pioneer” structure that would spur growth in Columbia City. Now, the proposal will complement new development that has occurred since the City enacted area-wide MHA rezones in 2019. NC2-55 zoning is adjacent to the site and NC2-75 across the street to the north. The contract rezone to NC3-65, once forward-looking, is now well-supported by the broader zoning context. In addition, a multi-family development of similar scale at 5231 Rainier Avenue South, directly adjacent to the project site, has been completed, helping to establish a mid-rise urban character along this corridor. The subject site, currently a vacant corner lot, represents a key opportunity for infill development to fortify the fabric of a growing Columbia City as an urban hub in South Seattle.

3. Additional Time Necessary to Comply with Conditions of Approval Prior to Expiration

The development team has made sustained efforts to comply with all conditions of the Council's approval and has completed all required entitlements. The project has already received MUP and building permit approval, and all construction documents are finalized. This is a shovel-ready project that could begin construction promptly once financing is secured. The project remains in full compliance with current land use regulations, and in some cases exceeds today's requirements. A full SEPA review was completed, including comprehensive traffic and geotechnical studies, even though some of these reviews are no longer required for projects of this scale. The project also offers a thoughtful unit mix that addresses a gap in local housing supply, where recent development has focused heavily on townhomes or small efficiency dwelling units (SEDUs). This supports both neighborhood needs and City housing goals.

Conclusion

This request is supported by demonstrated progress, a path to construction, and significant public benefits. Changed conditions in the neighborhood validate the approved rezone, and the applicant has acted in good faith to bring the project to construction despite economic obstacles. Extending the Council land use decision will allow this shovel-ready, affordable housing project to move forward and deliver on the City's land use and housing policy goals. We respectfully request your consideration and approval.

Jared Pechauer

From: Natalie Gualy <natalie@eaglerockventures.com>
Sent: Tuesday, December 30, 2025 11:42 AM
To: Carly.Guillory@seattle.gov
Cc: Scott E. Shapiro
Subject: Re: 3018378-LU Extension Renewal

Hi Carly,

Thank you for working with us to extend the MUP associated with a contract rezone under SMC 23.76.060 for the multifamily project at 5201 Rainer. This project will provide 104 apartments, 4 townhomes and 3 live-work units. The “shovel-read” housing project provides affordable housing through MFTE and MHA. A MUP extension under SMC 23.76.060 is necessary to make sure years of work to provide housing are not lost.

To avoid any confusion, we wanted to address the items that you raised in your email dated December 9, 2025. We will attach the correspondence to our application to avoid confusion during the MUP extension process.

Request: Our request is to have the City Council extend the MUP as authorized under SMC 23.76.060.E. We will be submitting an application for the MUP extension.

MUP Expiration Date. Your email mentioned that “verifying the [MUP expiration date] is imperative.” We disagree. SDCI Staff may review background information, but we do **not** support paying for SDCI Staff time to review and second guess an expiration date that is printed on the face of a final and issued permit for 3018378-LU. We also do not support any delay that this unnecessary historical review may cause. That permit and MUP expiration date of 5/15/2026 are final as a matter of law.

As background, the MUP was set to expire on 5/15/21. We extended this permit in 2021 under the City’s MUP extension policies during COVID. We have a string of emails explaining this extension with Nathan Torgelson and Andy Higgins, but the permit speaks for itself. The City cannot second-guess the expiration on final and issued permit. There’s strong case law on this point. See *Chelan County v. Nykreim*, 146 Wn.2d 904 (2002) (County prohibited from second-guessing its issued and final decision).

MUP Extension Approach. Thank you for raising the building permit approach to extend the life of the MUP. We agree that the MUP would be extended for the life of the building permit. But we do not want to extend our MUP via pulling building permits because the project does not have financing or a builder. Thus, an approach to keep this MUP alive to provide housing is under SMC 23.76.060.E (Extension of contract rezone MUPs)

MUP Extension Review Criteria for Contract Rezones. SMC 23.76.060.E provides the procedural and substantive review authority for contract rezone extensions. We identify the path below:

- Extension request deadline: 120 days before expiration.
- Extension Time Limits: None. (“Council may extend for two years or such other time as Council may deem appropriate ...”).
- Review:
 - Council may request recommendation from the Director.
 - No Hearing Examiner Review required.
- Notice / Comment: provided under 23.76.012.B1, B2, and B3. Notice of opportunity to comment shall be provided to those persons who were provided written notice of the Hearing Examiner’s recommendation on the original Type IV application to the extent reasonably practicable.
- Approval Criteria in SMC 23.76.060.E.1: The project must be in conformance “with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time application for an extension is made. This code section mirrors the requirement for Type II MUP extensions in SMC 23.76.032.A (also

requiring conformance with “applicable regulations”). SDCI has consistently held that “applicable regulations” means Title 23 and 25 SMC.

- “Consideration” Criteria in SMC 23.76.060.E.2: In making its decision, the Council shall consider:
 - The reason or basis for the application for the extension and whether it is reasonable under the circumstances;
 - Whether changed circumstances in the area support an extension;
 - 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.

NEXT STEP. As a next step, we will be submitting an application requesting that the City Council approve a MUP extension as authorized under SMC 23.76.060.E. Thank you for your assistance in keeping this “shovel ready” project alive.

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

From: Guillory, Carly <Carly.Guillory@seattle.gov>
Date: Tuesday, December 9, 2025 at 4:53 PM
To: Natalie Gualy <natalie@eaglerockventures.com>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: Re: 3018378-LU Extension Renewal

Natie:

The extension process is that outlined in SMC 23.76.060. I am not aware of a different pathway.

Regarding the energy code, I hear your concern. I wonder, however, will the energy code be reviewed as part of a MUP renewal/extension? SMC 23.76.060 states, "The Council may not extend the time limit for a Type IV land use decision for a project that is not in conformance with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time application for an extension is made." This sounds like a MUP renewal is reviewed against the dev standards of the land use code.

Also, like I mentioned before, verifying that date from the permit sheet (5/15/26) is imperative. Given the Council action was July 30, 2018, I dont see how your expiration date can be eight years from May 15, 2018. Secondly, a careful review of SMC 23.76.060 is needed - your MUP may still be alive by virtue of the construction permit not yet being issued.

At this stage I recommend submitting a MUP renewal request. This will get the application in front of a zoning reviewer who will be able to verify these outstanding questions. You can submit a MUP renewal application via the Seattle Portal.

Also, using our [online chat function](#) will get you in front of a zoning planner in real time, right there, so you could ask specifically about the applicability of the energy code before you submit your renewal.

I hope this information is helpful.

Carly Guillory
Senior Land Use Planner
[Seattle Department of Construction and Inspections](#)
M: 206-561-7571
carly.guillory@seattle.gov

From: Natalie Gualy <natalie@eaglerockventures.com>
Sent: Tuesday, December 9, 2025 3:27 PM

To: Guillory, Carly <Carly.Guillory@seattle.gov>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: Re: 3018378-LU Extension Renewal

You don't often get email from natalie@eaglerockventures.com. [Learn why this is important](#)

Hi Carly,

I am following up to the email/extension below. Is there a different path to take to ask for an extension with the existing codes in place on the original MUP? Changing the energy code on this design will likely stop this projects in its tracks with the cost upgrades.

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

From: Natalie Gualy <natalie@eaglerockventures.com>
Date: Tuesday, December 2, 2025 at 2:36 PM
To: Guillory, Carly <Carly.Guillory@seattle.gov>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: Re: 3018378-LU Extension Renewal

Hi Carly,

I hope your Thanksgiving was nice. Please see the attached file which shows the 5/15/26 MUP expiration date.

Correct, our building permit has been approved but has not been issued. Changing the energy code on the MUP would dramatically increase the construction costs. Is there a different path to take to ask for an extension with the existing codes in place on the original MUP?

Let me know if you need anything else.

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

From: Guillory, Carly <Carly.Guillory@seattle.gov>
Date: Tuesday, December 2, 2025 at 1:43 PM
To: Natalie Gualy <natalie@eaglerockventures.com>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: Re: 3018378-LU Extension Renewal

Natalie:

Thank you for the emails.

Few questions - where does the 5/15/26 date come from? I see a council action date of 7/30/18. Also, looks like your building permit (6692365-CN) is not yet issued, is that right? With your building permit not yet issued, it may be that your MUP, and therefore rezone, are not yet expired. This is something we'll need to confirm.

I agree, SMC 23.76.060.E. offers a route for a Council approved extension. This section requires the project meet current code requirements, so I suspect we'd process the request as a MUP Revision.

Thank you,
Carly Guillory

Senior Land Use Planner

[Seattle Department of Construction and Inspections](#)

M: 206-561-7571
carly.guillory@seattle.gov

From: Natalie Gualy <natalie@eaglerockventures.com>
Sent: Friday, November 21, 2025 1:22 PM
To: Guillory, Carly <Carly.Guillory@seattle.gov>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: Re: 3018378-LU Extension Renewal

You don't often get email from natalie@eaglerockventures.com. [Learn why this is important](#)

CAUTION: External Email

Hi Carly,

I am following up to this email from earlier this week. Can you help us understand what's the best way to move forward under this code to get this approval from Council?

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

From: Natalie Gualy <natalie@eaglerockventures.com>
Date: Monday, November 17, 2025 at 10:06 AM
To: Carly.Guillory@seattle.gov <Carly.Guillory@seattle.gov>
Cc: Scott E. Shapiro <scott@eaglerockventures.com>
Subject: 3018378-LU Extension Renewal

Hi Carly,

We worked with you for our permit (3018378-LU - attached on email) for our project at 5201 Rainier Ave S. It's been a bit we remain active in getting this project built. Current interest rates make that impossible right now so we'll need another extension. Our extension expires on 5/15/26. We would like to work with you on this shovel-ready project to extend the contract rezone and the MUP. It looks like there is a path forward under SMC 23.76.060.E which allows us to go to City Council for an extension. Can you help us understand what's the best way to move forward under this code to get this approval from Council?

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528



City of Seattle
 Department of Construction and Inspections
 700 Fifth Avenue, Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019
 (206) 684-8850

SDCI Project Number

3018378-LU

Statement of Financial Responsibility/ Agent Authorization

Project Address	5201 Rainier Ave S
------------------------	--------------------

NAME AND ADDRESS OF FINANCIALLY RESPONSIBLE PARTY (Required)

A. Name of Individual or Entity (<i>Company, Partnership, etc.</i>) Assuming Financial Responsibility	5201 Rainier LLC
B. Name of Individual Signing on Behalf of an Entity (<i>Company, Partnership, etc.</i>)	Natalie Gualy
C. Financially Responsible Party Relationship to Property	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Property Lessee <input type="checkbox"/> Property Contract Purchaser <input type="checkbox"/> Public Agency <input type="checkbox"/> Service Requestor (check only if request does not directly relate to the development of real property i.e. request for interpretation, legal building site letter)
D. Mailing Address (<i>of individual signing statement</i>)	520 S. King St., Seattle, WA 98104
E. Telephone (<i>of individual signing statement</i>)	206-280-9528
F. Email (<i>of individual signing statement</i>)	natalie@eaglerockventures.com

Individual Declaration of Financial Responsibility (*must match the individual's name listed in "A" above*)

I _____ (printed name) declare that I am the _____ (relationship to project or service request) and that I am responsible for payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature _____ Date _____

Entity Declaration of Financial Responsibility (must match the individual name in "B" above and have authority to bind entity named in "A" above)

I, Natalie Gualy (printed name) declare that in my capacity as Project Manager (position within entity - ie manager, CFO, etc) for 5201 Rainier LLC (financially responsible entity named in "A" above) I have the authority to bind the Financially Responsible party named above to payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

DocuSigned by:
Natalie Gualy
C95E245FB22D42E...

1/14/2026

Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize the individual named below to act as the primary contact (aka primary applicant) for this project. This individual is not responsible for the payment of fees.

Primary Applicant Name: Jared Pechauer

Primary Applicant Phone: 206.430.5804

Primary Applicant Email: pechauer@cone-arch.com

Primary Applicant Address: 1319 N 49th St, Seattle, WA 98103



**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Record Number: 3043809-LU

Clerk File Number: CF 314549

Applicant: Jared Pechauer, Cone Architecture

Address of Proposal: 5201 Rainier Avenue South

SUMMARY OF PROPOSAL

Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

The following approval is required:

- I. **Council Land Use Action – (SMC Chapter 23.76)** - to extend the time limit on Type IV land use decision (contract rezone).

SEPA DETERMINATION

- Determination of Nonsignificance (DNS)
 - Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
 - No mitigating conditions of approval are imposed.
- Determination of Significance (DS) – Environmental Impact Statement (EIS)
- Determination made under prior action.
- Exempt

BACKGROUND

The contract rezone was approved by City Council on July 30, 2018 (Ordinance number 125632/Clerk File 314311). The contract rezone changed the zone from Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 3 with a 65-foot height limit and a Medium 1 Mandatory Housing Affordability suffix (NC3-65 (M1)). The approval of the contract rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved by the ordinance. The development project associated with this contract rezone includes a three-story, four-unit townhouse structure and six-story structure with 104 apartment units, three live-work units, and 1,607 square feet of restaurant space. The new zoning designation expires according to SMC 23.76.060. The applicant now requests an extension to this contract rezone pursuant to SMC 23.76.020.

SITE AND VICINITY

Site Description: The site is generally rectangular in shape and located at the intersection of Rainier Avenue South and 39th Avenue South.

Site Zone: Neighborhood Commercial 3 with a 65-foot height limit and Medium 1 Mandatory Housing Affordability (MHA) Suffix (NC3-65 (M1))

Zoning Pattern: (North) NC3P-40 and NC2-55 (M)
(South) LR2 (M) and NC2-65 (M1)
(East) NC2-55 (M) and NC2-65 (M1)
(West) LR2 (M) and NC2-75 (M)

Environmentally Critical Areas: Liquefaction prone soils



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

PUBLIC COMMENT

The public comment period ended on March 25, 2026 after a request for an extension. 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 sharing support for housing. Comments were also received that are beyond the scope of this review and analysis per SMC 23.76.060.

I. ANALYSIS – COUNCIL LAND USE ACTION

SMC 23.76.060 - EXPIRATION AND EXTENSION OF COUNCIL LAND USE DECISIONS

E. Extensions. The Council may extend the time limits on Type IV land use decisions for two years or such other time as the Council may determine appropriate, upon an applicant's filing an application to the Department at least 120 days before the approval's expiration. The Council may request a recommendation on the extension application from the Director, but the Hearing Examiner hearing and recommendation requirements of Section 23.76.052 do not apply. Notice of applications for extensions of Type IV land use decisions and an opportunity to comment shall be provided pursuant to subsections 23.76.012.B.1 or B.2, and subsection 23.76.012.B.3, and notice and an opportunity to comment shall also be provided to the parties of record in the Council's original Type IV land use proceeding and to those persons who were provided written notice of the Hearing Examiner's recommendation on the original Type IV application to the extent reasonably practicable.

- 1. The Council may not extend the time limit for a Type IV land use decision for a project that is not in conformance with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time application for an extension is made.*

The project is in compliance with applicable regulations.

- 2. In deciding whether to grant an extension, the Council shall consider:*

- a. *The reason or basis for the application for the extension and whether it is reasonable under the circumstances;*

The applicant cites four reasons for the extension request: City of Seattle permitting requirements and process; Covid-19 pandemic; financial markets; and project timing. SDCI reviewed the applicant's reasons and found them reasonable.

- b. *Whether changed circumstances in the area support an extension;*

In April 2019, approximately nine months after the approval of this contract rezone, properties in the area were rezoned via a citywide rezone effort (Ordinance number 125791). This zoning effort generally resulted in increases in height and density and added a Mandatory Housing Affordability (MHA) suffix to the zoning designations. Nearby maximum structure height limits range from 40 to 75 feet.

Additionally, development in the area has increased since approval of this contract rezone, one such example is the property abutting to the south at 5231 Rainier Avenue South (Master Use Permit (MUP) number 3034542-LU) for a four and five story apartment building with 120 small efficiency dwelling units.

- c. *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 PUDA contains two Council conditions of approval: one requiring the site be developed in substantial conformance with the final approved plans for the MUP number 3018378-LU; and that the site be subject to MHA.

The MUP (3018378-LU) and related construction permit (6692365-CN) are both approved. The applicant describes the project as a "shovel-ready project" that may "begin construction promptly once financing is secured".

SMC 23.76.060.E. states the Council may extend the time limits on Type IV land use decisions for two years or such other time as the Council may determine appropriate. The applicant's request does not include a specified timeframe in which this project could be completed. SDCI supports an extension of time for two years or such other time as Council may determine appropriate.

RECOMMENDATION – COUNCIL LAND USE DECISION

SDCI recommends approval of this Council Land Use Decision application request to extend the time limit on the Type IV land use decision (Contract Rezone MUP number 3018378-LU) pursuant to 23.76.060.E.

RECOMMENDED CONDITIONS – COUNCIL LAND USE DECISION

None.

Carly Guillory, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: April 8, 2026



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Documents Included Below:

- [file?filename=70b1e5d36b124ddc9e9173c1d89de0bf-Shapiro.pdf](#)

Robert Wallace

I support extending the permit. Please see attached.

Comment submitted on: Wed Mar 04 2026 18:06:27 GMT-0600 (CST)



WALLACE
PROPERTIES

INVESTMENT/DEVELOPMENT · BROKERAGE · PROPERTY MANAGEMENT

March 4, 2026

Seattle City Council
Seattle, WA via city portal.

Re: 3043809-LU

Dear Councilmembers:

My firm as developed more than 1,000 multifamily units in Seattle over the last few years and hopes to produce as many more once regulatory and financial conditions make it feasible. I can attest to the fact that forces (like those we have suffered in Seattle for the last 5 years) beyond a developers control can and do delay project starts.

My understanding is that the above-referenced project has been delayed to the point where its permits are about to expire. It would seem very reasonable to extend the permit so as not to further delay or even jeopardize the provision of some 111 very much needed housing units in the Rainier Valley.

Given the unprecedented pain the industry has suffered since the pandemic, there are likely thousands of prospective units facing the same problem. I would encourage you to also consider permitting simple five year extensions for all such permits throughout the city.

Sincerely yours,

Robert C. Wallace

RCW:ad

Cc: Scott Shapiro



Report Generated: 03/04/2026

Public Comment
3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Scott Shapiro

I support the extension for project #3043809-LU. We are in a housing crisis and this shovel-ready development will create 111-units of workforce and affordable housing. There is no reason to let the permit for this project expire. Please support! Thank you!

Comment submitted on: Wed Mar 04 2026 07:17:00 GMT-0600 (CST)

Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Craig Brooks
Dear City Council,

I strongly support extending permit #3043809-LU for the proposed apartment project in Columbia City. Seattle is in the midst of a well-documented housing crisis, and the city urgently needs more housing, including affordable units. Allowing a fully permitted project like this to expire after years of review would work directly against those goals.

An enormous amount of time, effort, and expense has already gone into navigating Seattle's complex permitting process. This development would bring more than 100 homes to the neighborhood and contribute affordable housing through the City's MFTE and MHA programs. Extending the permit simply allows a long-approved project to move forward and deliver the housing Seattle clearly needs.

Please support the extension. Thank you for your consideration.

Comment submitted on: Wed Mar 04 2026 08:57:00 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Contract Rezone	
Council Action		

dan Birk

Dear City Council,

I support the extension for project #3043809-LU. Seattle is facing a serious housing affordability crisis, and we should not allow permits for shovel-ready housing projects to expire when they can help address the needs of our community.

This project will provide more than 110 new homes for people in Seattle and will include affordable housing through the City's MFTE and MHA programs. These programs are critical tools for creating housing that working families, essential workers, and longtime residents can afford.

Seattle voters have repeatedly supported new taxes and public funding through ballot measures to address the affordable housing crisis. Residents have made it clear that they want more housing built and more affordable homes available. Allowing a ready-to-build project like this to expire would run counter to the will of the voters and the urgent need for housing in our city.

Extending this permit helps ensure that much-needed housing can move forward and that more Seattle residents have access to stable, attainable homes.

Please support the extension of this project for the benefit of the people of Seattle.

Thank you for your consideration.

Comment submitted on: Wed Mar 04 2026 09:15:49 GMT-0600 (CST)

Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

michael oaksmith

Dear City Council:

I support the extension for project #3043809-LU. Seattle is in a housing crisis and we need all the entitled projects lined up as possible. I don't see any downside to allowing 102 more years on this permitting for construction to take place during the next development cycle.

Please consider the NET DELIVERABLES in apartments in Seattle over the next 3 years - they are at historic lows!! This is only going to push rents higher. If you care about rent control, you'd extend this sort of permitting - where work between the owner and city was done during the pandemic years.

The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Michael Oaksmith

Comment submitted on: Wed Mar 04 2026 09:21:17 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Jordan Selig

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 08:18:56 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Tarn Sublett
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 08:31:56 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Jesse Willard

This project looks great and is badly needed. Please don't expire this permit!

Comment submitted on: Wed Mar 04 2026 09:22:43 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Duwamish Tribe

Thank you for the opportunity to comment on the SDCI Permit located at 5201 RAINIER AVE S SEATTLE in Seattle. The Duwamish Tribe understands that this is a Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). The Proposal also includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. As well as parking for 52 vehicles proposed below grade, with the existing structures to be demolished. Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe would recommend an archaeological or cultural resources assessment, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers culturally significant and has a moderate probability of having unknown archaeological deposits. We note that there are 5 placenames within about two miles of the project location. The DAHP WISAARD predictive model indicates that an archaeological survey is contingent upon project parameters with a moderately low risk for encountering cultural resources. However, we've reviewed bore hole logs from around the area that suggest trace organics passing 10ft below surface. For this reason, we'd recommend a cultural resources assessment.

The Duwamish Tribe requests that if any archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.

In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding.

Finally we request that any permanent lighting associated with the project be dark sky compliant to reduce light pollution. Darkened skies were favorable conditions to practice traditional life pathways.

Thank you,

Duwamish Tribal Historic Preservation

Comment submitted on: Thu Feb 26 2026 17:17:56 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Contract Rezone	
Council Action		

Anonymous

Dear City Council -

I deeply support the extension for project #3043809-LU. Any project that has permitted housing that can get expedited to be delivered should be facilitated, not put back at the starting line to run through the process again at additional time and expense. We do not resolve an affordable housing crisis by adding barriers of time and expense. This project will deliver 100 units of desperately needed housing and is utilizing the MFTE and MHA programs to provide affordability. Please support the extension of this permit. Thank you.

Comment submitted on: Thu Mar 05 2026 08:55:15 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support the extension for project #3043809-LU.

Seattle desperately needs housing -- this project provides 100 units, including affordable housing.

Urban development can often be contentious, with complicated cost-benefit calculations. This is the rare case where the benefit to the community is clear and overwhelming.

There is zero reason to let the permit for this project expire.

Thank you.

Comment submitted on: Wed Mar 04 2026 07:43:56 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Vafa Fouroohi

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 08:49:51 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Erin Scannell

Comment submitted on: Wed Mar 04 2026 08:31:22 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Seattle is in desperate need of more housing. Densifying a city is a tricky endeavor but this project is a great solution. The design is beautiful and adds character to the neighborhood. I am all for extended the permit.

Comment submitted on: Wed Mar 04 2026 08:28:03 GMT-0600 (CST)



Report Generated: 02/27/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

BRAD MEACHAM

I'm writing to support the extension for Project Number: 3043809-LU. This project would be very beneficial to the neighborhood between Columbia City and Hillman City. It's far overdue. I strongly support the building up to 65' and a design that activates the street with pedestrians. Please approve this and work to accelerate construction.

Comment submitted on: Fri Feb 27 2026 09:10:30 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Michel Girard

Please approve the extension of this MUP. Covid made it impossible to move forward, so please extend so they now can move forward.

Comment submitted on: Wed Mar 04 2026 08:35:52 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Sharon Goodell
253-686-3952

Comment submitted on: Wed Mar 04 2026 17:27:17 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Please extend the permit for project #3043809-LU. As most people in the US understand by now, existing homeowners have been overly successful at preventing increased housing density. This has resulted in a housing shortage which in turn raises prices to a prohibitive level. Young and lower income individuals & families who provide the energy and diversity Seattle needs cannot afford to live here. To those who are worried about congestion, have they been to Tokyo? It's a clean, organized, wonderful city and we're not talking about Seattle approaching even a fraction of that density. All cities everywhere are becoming more congested, that's what happens in the normal course of time for a healthy, growing and vibrant city like Seattle. As much as we might like, we can't turn the clock back 10, 20 or 30 years . The key is to embrace change in a responsible way without excluding others just because you were here first. Let's keep this project moving forward and provide housing opportunities for people who can bring so much to our city - if only they could afford to live here. Thank you to the City Council, supporting staff and other agencies for your time and effort on this and the many other projects/initiatives you deal with throughout the year. Your civil service is key in making Seattle a great place to live for current and future residents.

Comment submitted on: Fri Mar 06 2026 03:33:37 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Laura Loe
Please move this forward right away.

The job of our city should be to expedite housing in a housing crisis.

History will judge you for delaying housing during a housing crisis. Extend the permit, please.

Comment submitted on: Wed Mar 04 2026 09:13:00 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Contract Rezone	
Council Action		

Anonymous

I am commenting to oppose this project based off the pdf provided reviewing the area for the new apartment being very out of date. The images of the area do not include the two new apartment buildings at 5231 Rainier Ave S. They do not mention all the new construction of new apartments north of the downtown Columbia city area. The pdf provided is almost a decade out of date. It lists the nearby Rainier ave as a 4 lane road. This is incorrect at the location of the building only 1 lane in each direction exists. Area is already near capacity. The nearby apartment buildings at 5231 Rainier ave south have no parking spaces and the new building proposed provides less than half the spaces for the new count of units. It's irresponsible to build new apartments and not foresee street parking nightmares. On top of the proposed apartment complex just across the street to the east.

In conclusion the proposal for this project the board reviewed is VERY out of date. Almost a decade now. The area has changed and the proposal does not consider congestion impacts of traffic, people and parking to the area given all the new projects in the past 10 years.

If the board saw the area how it currently is and experienced it rather than look at outdated documents from afar I'm sure opinions would change.

Comment submitted on: Mon Mar 02 2026 13:55:26 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis and allowing the permits to expire is only going to add more costs to re-entitle and further stress the project's feasibility. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 09:17:01 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE	Component Detail	Outcome
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Paul Carr

Please extend the permit on this project. 111 units in the Columbia City neighborhood will provide much needed housing supply. This is the right kind of project in the right area. The original permit was issued as the pandemic started so the project was subject to existential headwinds that were impossible to navigate. The environment is now ready for this project to begin.

Comment submitted on: Sat Mar 07 2026 13:26:30 GMT-0600 (CST)

Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

The approval process was long and arduous, taking 5 years, with approval coming at the start of COVID. Seattle says it needs housing and this project would provide over 100 units of housing and affordable housing through the MFTE and MHA programs. It seems like there isn't a good reason to let this project expire.

Comment submitted on: Wed Mar 04 2026 09:23:43 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project 3043809-LU. Seattle is in a housing crisis, and this building will provide 100+ units of housing, including affordable housing through the city's existing MTFE and MHA programs. This building is in-line with the character of the neighborhoods, and is along a transit route, allowing its future residents to contribute to decarbonizing Seattle.

Comment submitted on: Wed Mar 04 2026 09:51:38 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

John Stokke

Dear City Council:

I support the extension for project #3043809-LU. This project provides much needed affordable transit oriented housing. It is literally shove ready, and extending the permits will allow it to be built and help our City. There is no reason to let the permit for this shovel-ready project expire. Thank you.

Comment submitted on: Wed Mar 04 2026 09:53:31 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Rebecca MacQuigg

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 10:00:28 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support the extension for project #3043809-LU. We must recognize the impacts COVID had on the pipeline of housing projects to help alleviate our city's housing needs.

There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 10:10:45 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no good reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 10:13:18 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

JENNIFER REYES

The housing crisis, both locally and nationally needs more attention and support. This project was proposed many years ago and due to the pandemic and other factors, the project has been delayed. Please consider extending the permit to allow for the completion of this much needed additional housing.

Comment submitted on: Wed Mar 04 2026 11:13:06 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 11:21:40 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Jennifer Creighton

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support this! It's important to the community and important to me. Thank you.

Comment submitted on: Wed Mar 04 2026 11:43:25 GMT-0600 (CST)

Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Kevin Johnston
Dear City Council,

I strongly support the extension for Project #3043809-LU.

We are in the midst of a housing crisis, and this is not the moment to let shovel-ready housing projects lapse for procedural reasons. When a project is prepared to move forward, includes over 100 units of housing, and participates in programs like MFTE and MHA that help deliver affordable housing, the City should be working to preserve that opportunity, not lose it.

Every missed project means fewer homes, more pressure on rents and prices, and longer delays for people trying to remain in the community. Allowing this permit to expire would serve no constructive purpose. Extending it, by contrast, would help advance the City's stated housing priorities in a concrete way.

This project represents real housing, real affordability contributions, and a real chance to add needed supply. I urge you to approve the extension for Project #3043809-LU.

Thank you.

Comment submitted on: Wed Mar 04 2026 13:02:12 GMT-0600 (CST)



Report Generated: 03/17/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear Seattle city council,

Developers willing and able to work through the many headwinds currently assailing the local property development market are few and far between. Please do not let the permit for this shovel-ready project that provides affordable housing near transit - the very things the city says it supports and wants more of - expire. Thank you for your support.

Comment submitted on: Tue Mar 17 2026 16:32:31 GMT-0500 (CDT)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 11:49:50 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment
3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 11:36:43 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Hello Seattle City Council,

Please extend the permit for project #3043809-LU in Columbia City. Affordable housing is important for Seattle. It's my understanding that these units could provide affordable housing via Seattle's MFTE and MHA programs. Having a permit that's ready to build is half the battle in the residential construction world. It makes no sense to let this permit expire.

My mid-20s sons are both renters in Seattle and it's an expensive place to live for young and low income residents. The future apartment building at 5201 Rainier Ave South is in a great location with attractive services nearby and easy access into downtown and around the city. I'd love to see this building constructed in the near future.

I currently live north of Seattle, but I lived in the city for 32 years and am proud of it. Let's keep it viable for our young people who are the heart and soul, and future of this great city.

Thank you for reading my comments.

-Bryce Stevens

Comment submitted on: Wed Mar 04 2026 14:16:01 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Eric Stringham
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 14:13:29 GMT-0600 (CST)

Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

As this city has a shortage of housing, the need to work with developers to get these projects into a timeline where construction is viable needs to be accounted for by the City Council. It would be wise to enable this project to get to a point of viable investment by extending its permits to enable construction costs and rents to align into an investable development.

Comment submitted on: Wed Mar 04 2026 13:46:14 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project #3043809-LU.

We are in a housing crisis.

There is no reason to let the permit for this shovel-ready project expire.

The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs.

Comment submitted on: Wed Mar 04 2026 13:16:42 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project #3043809-LU.

We are in a housing crisis and our neighbors are being forced out of their communities.

There is no reason to let the permit for this shovel-ready project to expire, especially when the project will provide over 100 units of housing and affordable housing through the City's MFTE and MHA programs.

Comment submitted on: Wed Mar 04 2026 15:17:57 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Sharon Goodell
253-686-3952

Comment submitted on: Wed Mar 04 2026 17:27:17 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Steven Perovich

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 15:11:31 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Eric Jacobsen
Dear City Council:

I support the extension for this project. I grew up in Seattle, but it is very hard for my children to find housing in this city. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support this extension Thank you.

Comment submitted on: Wed Mar 04 2026 15:47:00 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project #3043809-LU.

We are in a housing crisis!

There is no reason to let the permit for this shovel-ready project expire.

The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs.

Comment submitted on: Wed Mar 04 2026 18:05:00 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support permit extension for project #3043809-LU. The developer, Scott Shapiro, is someone Seattle should encourage and assist. He is ethical and honorable, and as a landlord treats tenants fairly. I've known Scott for a long time and have the highest respect for his integrity. Extending his permit would serve everyone's interests. Please do so.

Comment submitted on: Wed Mar 04 2026 17:31:07 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Matt Herron

Scott is an exceptional developer who consistently thinks about the community in which he is developing a project.

I would hope that he would improve my neighborhood with one of his projects!

Comment submitted on: Wed Mar 04 2026 18:08:12 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council Members:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. I hope you'll decide to extend the permit horizon. Thank you.

Comment submitted on: Wed Mar 04 2026 19:10:52 GMT-0600 (CST)



Report Generated: 03/04/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I fully support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. And it is near the light rail, where we need more housing. Please support! Thank you.

Comment submitted on: Wed Mar 04 2026 21:02:28 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council -

I deeply support the extension for project #3043809-LU. Any project that has permitted housing that can get expedited to be delivered should be facilitated, not put back at the starting line to run through the process again at additional time and expense. We do not resolve an affordable housing crisis by adding barriers of time and expense. This project will deliver 100 units of desperately needed housing and is utilizing the MFTE and MHA programs to provide affordability. Please support the extension of this permit. Thank you.

Comment submitted on: Wed Mar 04 2026 22:25:19 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment
3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

I support the extension for project #3043809-LU.

We are in a housing crisis!

There is no reason to let the permit for this shovel-ready project expire.

The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs.

Comment submitted on: Wed Mar 04 2026 23:45:58 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Stephan Roche

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. We really need to support projects like this to increase the housing stock for Seattle's residents. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 06:05:27 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 07:33:18 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Larry Wilcynski

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 07:48:22 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council -

I deeply support the extension for project #3043809-LU. Any project that has permitted housing that can get expedited to be delivered should be facilitated, not put back at the starting line to run through the process again at additional time and expense. We do not resolve an affordable housing crisis by adding barriers of time and expense. This project will deliver 100 units of desperately needed housing and is utilizing the MFTE and MHA programs to provide affordability. Please support the extension of this permit. Thank you.

Comment submitted on: Thu Mar 05 2026 08:55:15 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

PLEASE just get this done. We don't need space for cars but for people.

Comment submitted on: Thu Mar 05 2026 09:44:18 GMT-0600 (CST)

Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Zahoor Ahmed

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 11:23:43 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 11:26:31 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Thu Mar 05 2026 11:29:34 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Mary McWilliams

I urge City Council to extend project #3043809-LU. We desperately need more multi-family housing and this project would add 111 units in Columbia City. The project was delayed by the ever changing permitting process and later by COVID and the subsequent rise in construction costs. Do not further encumber this project and delay needed housing growth. Approve the permit extension.

Thank you.

Mary McWilliams

Comment submitted on: Thu Mar 05 2026 12:06:30 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council,

I support granting the extension for project #3043809-LU. Seattle is facing a serious housing shortage, and it makes little sense to allow a shovel-ready housing project to expire. This development would deliver more than 100 new homes and contribute to affordability through the City's MFTE and MHA programs.

I encourage you to approve the extension. Thank you for your consideration.

Comment submitted on: Thu Mar 05 2026 12:54:18 GMT-0600 (CST)



Report Generated: 03/05/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council,

I support granting an extension for project #3043809-LU. With the housing shortage our region is facing, it would be unfortunate to see a shovel-ready project like this allowed to expire. The development will deliver more than 100 new housing units, including affordable housing through the City's MFTE and MHA programs. I encourage the Council to support the extension. Thank you.

Comment submitted on: Thu Mar 05 2026 13:17:24 GMT-0600 (CST)



Report Generated: 03/06/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

David Delfs
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Fri Mar 06 2026 08:01:21 GMT-0600 (CST)

Report Generated: 03/06/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council Representatives: I'm writing to express my support for an extension to project #3043809-LU. For 15+ years, I have purchased several boarded up buildings in the city and transformed them into high quality rental housing. I am familiar with this property developer and can attest to the positive impact his efforts have had on the city. He has delivered quality projects that will outlast us all. I understand that this project will have a hundred units, is part of the MFTE and MHA programs and therefore contains affordable housing units in it. It would be a loss if a shovel-ready project like this does not come to be, because the permit expired.

Comment submitted on: Fri Mar 06 2026 09:54:12 GMT-0600 (CST)



Report Generated: 03/06/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Sachin Kukreja

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Fri Mar 06 2026 10:28:46 GMT-0600 (CST)



Report Generated: 03/06/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Dave Enslow

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Fri Mar 06 2026 14:17:21 GMT-0600 (CST)



Report Generated: 03/07/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Dan Wilcynski

I strongly support the proposed extension of project #3043809-LU. We are in a housing crisis and this brand new community will provide over 100 new housing units of needed housing in the Rainier Valley, including providing affordable housing through the City's MFTE and MHA programs. It would be truly unfortunate to allow all of the time and expense of getting this project to a build-ready state to go to waste simply because the pandemic and macro-economy prevented it from proceeding to construction sooner. There is no reason to let the permit for this project expire. Please support the extension of the permit for this project! Thank you.

Comment submitted on: Sat Mar 07 2026 06:40:31 GMT-0600 (CST)



Report Generated: 03/07/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Jason Munn
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Sat Mar 07 2026 13:46:57 GMT-0600 (CST)



Report Generated: 03/07/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Sat Mar 07 2026 10:58:18 GMT-0600 (CST)



Report Generated: 03/07/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Steve SCHLEMMER

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Sat Mar 07 2026 15:40:12 GMT-0600 (CST)



Report Generated: 03/08/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Japhet Koteen
Dear City Council:

I support the permit extension for project #3043809-LU. As a region, we are in a continual state of housing crisis and we need to produce more housing in dense, transit supportive communities. This is one such project. There is no reason to let this permit expire and when built, this project will provide over 100 units of housing. Please support this extension.

Comment submitted on: Sun Mar 08 2026 14:34:51 GMT-0500 (CDT)



Report Generated: 03/07/2026

Public Comment
3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Loren Landerholm

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Loren Landerholm

Comment submitted on: Sat Mar 07 2026 16:49:08 GMT-0600 (CST)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Will Mix

I support the extension for project #3043809-LU. Given the current housing crisis, there is no reason to let this permit expire. Following through with this project will deliver 100 units of desperately needed housing and is utilizing the MFTE and MHA programs to provide affordability. Please support the extension of this permit. Thank you.

Comment submitted on: Mon Mar 09 2026 09:24:55 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Roger Valdez

I support the extension for project #3043809-LU. This project is a perfect example of the kind of affordable housing Seattle needs, providing a transit oriented, walkable, live-work space for people who want to live in a fast growing neighborhood. The project is shovel-ready. Don't let the project's permits expire. This is over 100 units of much needed housing that will use the City's MFTE and MHA programs. Please be sure this project happens. Thank you.

Comment submitted on: Mon Mar 09 2026 09:21:26 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

David Lieberman
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 10:53:48 GMT-0500 (CDT)

Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Please consider a meaningful extension to the permit life of project 3043809-LU. In the middle of a difficult time to get any new projects started, and since this project had the misfortune of issuing its permits in the first month of COVID (which arguably led to the development doldrums we are in), please consider the investment to date and additional time it would take to get this project re-started from scratch. We are in a housing crisis, which will soon get worse with the dearth of new supply forecasted for the next two years or more, and need as many "shovel ready" projects ready to go the moment it is financially feasible to do so. I think it would do the community a great disservice to eliminate these much-needed housing units simply because a time limit has elapsed, in the midst of these unprecedented economic conditions for development. Thank you.

Comment submitted on: Mon Mar 09 2026 10:47:52 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Roger Long

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 11:08:17 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Dayna Dealy
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 11:18:25 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Joshua Curtis
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 14:05:15 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 11:55:09 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Kane Fenner

I support the extension for this project. We need more housing and an extension is a sensible way to enable it. Thank you for your consideration.

Comment submitted on: Mon Mar 09 2026 15:40:38 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council,

I am a small mixed-use developer and writing to support the extension of permits for this project in Columbia City where housing is so badly needed. #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire especially given its central location in proximity to transit. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Thank you.

Comment submitted on: Mon Mar 09 2026 17:07:33 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

TJ Lehman

Please allow this project to extend their MUP. It's a great project, with great sponsorship, and the neighborhood would be better off with a project like this.

Comment submitted on: Mon Mar 09 2026 16:04:04 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Mon Mar 09 2026 17:19:35 GMT-0500 (CDT)



Report Generated: 03/09/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council Members,

I strongly support the extension for project #3043809-LU. With the housing shortage Seattle is facing, it makes little sense to let a shovel-ready project lapse. This development will bring more than 100 new homes to the city and provide affordable housing through the MFTE and MHA programs.

I encourage you to approve the extension. Thank you.

Comment submitted on: Mon Mar 09 2026 19:50:27 GMT-0500 (CDT)

Report Generated: 03/10/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Carter Nelson

To Whom It May Concern:

On behalf of NAIOP Washington State, we respectfully encourage you to approve the extension for project #3043809â€LU. As we are all aware of, our region continues to face a significant housing shortage, and every project that can move forward, especially those adding workforceâ€oriented homes, plays a meaningful role in addressing it. Allowing this permit to expire would delay more than 100 muchâ€needed units, including homes made attainable through the Cityâ€™s MFTE and MHA programs.

We are seeing more projects across the region encounter similar timing and financing challenges in todayâ€™s market. A timely extension here helps ensure this housing is delivered, and it signals that the city is committed to keeping viable projects on track. NAIOPWA and our members want to be strong partners in that effort, to ensure more homes reach the finish line.

Thank you for your consideration and for your continued focus on housing delivery,

Carter Nelson

Comment submitted on: Tue Mar 10 2026 15:17:09 GMT-0500 (CDT)



Report Generated: 03/10/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

I support the extension for project #3043809-LU. the city is desperate for lower cost housing in commutable locations. this project is perfect for what the city needs. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you. Murray

Comment submitted on: Tue Mar 10 2026 19:22:31 GMT-0500 (CDT)



Report Generated: 03/10/2026

Public Comment
3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period End Date: 3/11/2026

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Anonymous

Dear City Council:

We need low cost housing! this project provides lower cost housing in blue collar neighborhood that is also close to the light rail station so perfect for commuting people.

I support the extension for project #3043809-LU. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Sam

Comment submitted on: Tue Mar 10 2026 19:25:54 GMT-0500 (CDT)



Report Generated: 03/11/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Nate Hickey
Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Please support! Thank you.

Comment submitted on: Wed Mar 11 2026 10:01:24 GMT-0500 (CDT)



Report Generated: 03/11/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

Comment Period Extension End Date: 3/25/2026

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Marcus Jonsson
Dear City Council,

I am writing in support of the permit extension for project #3043809-LU in Columbia City. Seattle is in a housing crisis, and this project is part of the solution – 111 units of new housing, with affordable options built in through the City’s MFTE and MHA programs. The delays were caused by the pandemic and broader economic conditions, not a lack of commitment to the project. Denying this extension doesn’t make housing more affordable – it just means fewer units get built. I hope the Council will support this extension and keep the project on track.

Thank you for your consideration.

Sincerely,

Marcus

Comment submitted on: Wed Mar 11 2026 15:04:09 GMT-0500 (CDT)



Report Generated: 03/12/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Walter Sive

I support the extension for project #3043809-LU. This is a shovel-ready project that will increase the overall supply of housing in Seattle, something which is sorely needed. It also will support the City's affordable housing programs.

Comment submitted on: Thu Mar 12 2026 03:01:28 GMT-0500 (CDT)



Report Generated: 03/13/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Barbara Busetti

I support this project being allowed to extend its MUP. I am a resident, a homeowner and business owner in Columbia City, and I would love to see this development flourish, and bring the much-needed housing units to the neighborhood. Given the market and economic challenges of the last several years, this project's request for a little more time seems more than reasonable.

Comment submitted on: Fri Mar 13 2026 10:37:28 GMT-0500 (CDT)



Report Generated: 03/16/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Steve Price

I strongly support the extension of the master use permit for project 3043809-LU-PC, 111 units in Columbia City. My father was a City of Seattle Employee for 25 years. I suppose municipal government. But permitting has become a mind-numbing death star for residential development. In 2024, after completing a successful townhouse project, I swore I would never do residential development again. The permitting process was beyond atrocious and put the project at a huge amount of risk multiple times. Second on the list of stress inducing and proforma destroying problems was getting the various public and private utility agencies to do what they said they would do or to do it before the next ice age. Permitting and utility work are using up the time, money, and skills of residential developers. It doesn't have to be that way. End of rant. Back to work.

Comment submitted on: Mon Mar 16 2026 12:13:05 GMT-0500 (CDT)



Report Generated: 03/17/2026

Public Comment

3043809-LU-PC

Record Details:

Address: 5201 RAINIER AVE S, SEATTLE, WA 98118

Description of Work: Land Use Application to extend the time limit for Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40' height limit (NC2 40') to Neighborhood Commercial 3 with a 65' height limit (NC3 65') and the M1 suffix (NC3-65(M1)). Proposal includes a 3-story, 4-unit townhouse structure and a 6-story structure with 104 apartment units, 3 live-work units, and 1,607 sq. ft. of restaurant space. Parking for 52 vehicles proposed below grade. Existing structures to be demolished. Original permit issued under 3018378-LU.

MUP TYPE		
MUP Component	Component Detail	Outcome
Council Action	Contract Rezone	

Dana Behar

Dear City Council:

I support the extension for project #3043809-LU. We are in a housing crisis. There is no reason to let the permit for this shovel-ready project expire. The project will provide over 100 units of housing and provide affordable housing through the City's MFTE and MHA programs. Why would not want this? Please extend.

Sincerely,

Dana Behar

Comment submitted on: Tue Mar 17 2026 11:43:18 GMT-0500 (CDT)



City of Seattle
 Department of Construction and Inspections
 700 Fifth Avenue, Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019
 (206) 684-8850

SDCI Project Number

3018378-LU

Statement of Financial Responsibility/ Agent Authorization

Project Address	5201 Rainier Ave S
------------------------	--------------------

NAME AND ADDRESS OF FINANCIALLY RESPONSIBLE PARTY (Required)

A. Name of Individual or Entity <i>(Company, Partnership, etc.)</i> Assuming Financial Responsibility	5201 Rainier LLC
B. Name of Individual Signing on Behalf of an Entity <i>(Company, Partnership, etc.)</i>	Natalie Gualy
C. Financially Responsible Party Relationship to Property	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Property Lessee <input type="checkbox"/> Property Contract Purchaser <input type="checkbox"/> Public Agency <input type="checkbox"/> Service Requestor <small>(check only if request does not directly relate to the development of real property i.e. request for interpretation, legal building site letter)</small>
D. Mailing Address <i>(of individual signing statement)</i>	520 S. King St., Seattle, WA 98104
E. Telephone <i>(of individual signing statement)</i>	206-280-9528
F. Email <i>(of individual signing statement)</i>	natalie@eaglerockventures.com

Individual Declaration of Financial Responsibility *(must match the individual's name listed in "A" above)*

I _____ (printed name) declare that I am the _____ (relationship to project or service request) and that I am responsible for payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature Date

Entity Declaration of Financial Responsibility (must match the individual name in "B" above and have authority to bind entity named in "A" above)

I, Natalie Gualy (printed name) declare that in my capacity as Project Manager (position within entity - ie manager, CFO, etc) for 5201 Rainier LLC (financially responsible entity named in "A" above) I have the authority to bind the Financially Responsible party named above to payment of all fees associated with this project or other request to SDCl requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

DocuSigned by:
Natalie Gualy
C95E245FB22D42E...

1/14/2026

Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize the individual named below to act as the primary contact (aka primary applicant) for this project. This individual is not responsible for the payment of fees.

Primary Applicant Name: Jared Pechauer

Primary Applicant Phone: 206.430.5804

Primary Applicant Email: pechauer@cone-arch.com

Primary Applicant Address: 1319 N 49th St, Seattle, WA 98103