

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

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Exhibit 1

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

September 9, 2021



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

Record Number: 3033517-LU

CF Number: 314441

Applicant Name: Andy Paroline of Paroline Associates for Wallace Properties –
Park at Northgate LLC

Address of Proposal: 10713 Roosevelt Way Northeast

SUMMARY OF PROPOSAL

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

The following approvals are required:

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

SEPA - Environmental Determination (SMC 25.05)

SEPA DETERMINATION:

Determination of Non-significance

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

BACKGROUND

Proposal Description

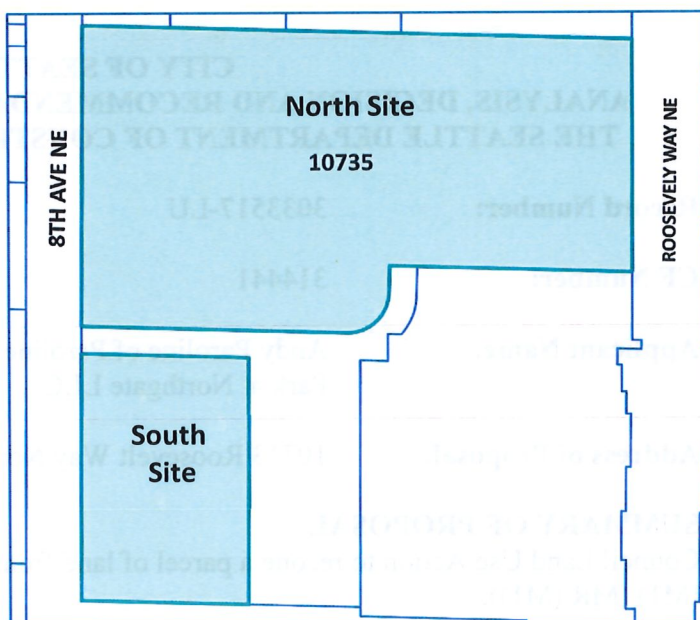
The applicant proposes a rezone to change the zoning designation of two properties from Lowrise 3 with a Mandatory Housing Affordability (MHA) suffix of M (LR3(M)) to Midrise with a MHA suffix of M1 (MR(M1)). No development on each site is proposed at this time; therefore, this rezone application will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

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

Site and Vicinity Description

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

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



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

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

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

Zoning

Site Zone: LR3(M)

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

Lot Area: 228,319-square feet

Environmentally Critical Areas: Riparian Management Area

Public Comment

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

I. ANALYSIS – REZONE

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

The applicable requirements for this rezone proposal are stated in:

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

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

SMC 23.34.004 Contract Rezones

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.34.006 Application of MHA suffixes in Type IV rezones

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

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

- B. When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*

- 1. If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
- 2. If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
 - a. Have a (M1) suffix if it currently has an (M) suffix; or*
 - b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
- 3. If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

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

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

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

SMC 23.34.007 Rezone Evaluation.

- A. *The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

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

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

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

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

- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.*

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

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

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

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

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

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

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

SMC 23.34.008 General rezone criteria.

- A. To be approved a rezone shall meet the following standards:*
- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
 - 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

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

According to Director's Rule 13-2021 (Determination of State Environmental Policy Act (SEPA) Review Exemption Levels for Infill Residential and Mixed-Use Development in Urban Centers and Urban Villages, effective August 9, 2021), the growth target for the Northgate Urban Center has not been exceeded. According to the SDCI Urban

Center/Village Housing Unit Growth Report (dated May 6, 2021), the Northgate Urban Center has presently achieved only 7.9% of its residential growth target. The proposed rezone will not reduce the zoned capacity for the Northgate Urban Center. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units.

The proposed rezone is consistent with SMC 23.34.008.A.1. as the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposed rezone is consistent with SMC 23.34.008.A.2. as the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan.

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

This rezone does include a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required and is contained below. Based on the analysis in the responses below, the project site is suited for the proposed MR designation.

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

The zoning history of the subject sites included both residential and commercial zoning designations, with a strictly multifamily designation since 1968.

The zoning designation of the subject sites changed most recently in 2019, after adoption of provision for mandatory housing affordability (MHA). In 2015, the Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council that included mandatory housing affordability for residential and commercial development. Included were area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement MHA requirements for multifamily and commercial development in certain areas.

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

On November 9, 2017, the City issued the MHA SEPA Final Environmental Impact Statement (FEIS). The Preferred Alternative changed the subject site's zone from LR3 to

LR3 with a MHA suffix of M (LR3(M)). The applicant's materials document the submission of comments during that process, requesting the sites' zone be changed to (MR(M1)). Subsequently, the citywide rezone was adopted, effective April 19, 2019, changing the subject sites' zone from LR3 to LR3(M). The applicant now proposes the rezone from LR3(M) to MR(M1).

The table B below identifies the subject sites' zoning designation by year.

TABLE B: SUBJECT SITES ZONING HISTORY

YEAR	ZONING DISTRICT
1947	First Residence District, Area District A (R1-A)
1954	Single Family Residence 7200 (RS7200)/General Commercial (CG)
1962	CG
1968 (06/28/1968)	GC/Multiple Residence (RM)
1968 (08/24/1968)	RM/RS7200
1968	RM
1982	Lowrise 3 (L-3)
2011	Lowrise 3 (LR3) per Ordinance 123495
2019	LR3 with MHA suffix (LR3(M) per Ordinance 125791

Previous zoning changes in and around the area include the following: a city-initiated rezone of portions of the Northgate area in 1993 (Ordinance number 116794); four contract rezones between the years 1999 and 2016; designation of the Northgate area as an Urban Center in 2004 (Ordinance number 121701); and the city-initiated MHA rezone in 2019 described above (Ordinance number 125791).

The 1993 city-initiated rezone accompanied adoption of the Northgate Area Comprehensive Plan pursuant to ordinance number 116794. Portions of the Northgate Area were rezoned to help achieve the goals of the Northgate Area Comprehensive Plan and "protect and promote the health, safety, and welfare of the general public" (ordinance number 116794). The City published a FEIS studying the effects of the zone change, along with final rezone maps in 1992. The subject sites were not rezoned at this time; however, notable is that the property immediately abutting to the north was rezoned from NC2-40 to L-3.

The four contract rezones approved between 1999 and 2016 each increased the allowable height, and in two instances, the zoning designation changed from MR to NC. The below table (Table C: Previous Contract Rezones in Area) identifies each contract rezone with project number references and existing and approved zoning districts. The last column (Current Zone) reflects the impact of the city-wide MHA rezone of 2019 (described above). There are no contract rezones proposed in the vicinity as of the date of this document.

TABLE C: PREVIOUS CONTRACT REZONES IN AREA

YEAR	ADDRESS	MUP #	CF #	ORDINANCE	PREVIOUS ZONE	APPROVED ZONE	CURRENT ZONE
1999	300 NE Northgate Way	9802979	302803	119621	MR	NC3-65	NC3-75(M)
2012	11200 1 st Ave NE	3006101	311240	124025	MR	NC3-85	NC3-95(M)
2013	525 NE Northgate Way	3014776	312357	124272	NC3-65	NC3-85	NC3-75 (M) and NC3-95(M)
2016	10711 8 th Ave NE	3018442	314287	125035	NC3-40	NC3-65	NC3-75(M)

In 2004, the Northgate area, including the subject sites, was designated an Urban Center with adoption of an updated Comprehensive Plan. The area was found to be a unique area of concentrated employment and housing, with direct access to high-capacity transit, and a wide range of supportive land uses such as retail, recreation, public facilities, parks, and open space.

Lastly, the city-wide MHA rezone in 2019 rezoned portions of the Northgate area, including the contract rezones listed above and the subject sites. The MHA rezone changed the sites' zoning designation from LR3 to LR3(M). The applicant now proposes a change from LR3(M) to MR(M1).

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

D. Neighborhood Plans

- For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The subject sites (North Site and South Site) are within the Northgate Neighborhood Plan and are covered by the adopted portions of that plan which can be found in the City of Seattle Comprehensive Plan, Adopted Neighborhood Plans section. This Neighborhood Plan was adopted in 1993 and was amended in 2004 (effective 2005) and again in 2012 (Ordinance number 123854).

The adopted portions of the Northgate Neighborhood Plan include goals and policies that relate to rezones and properties within the Northgate Neighborhood Plan area generally and the core subarea specifically. The subject sites are located within the

Northgate Neighborhood Plan but outside the core subarea which is located across the street to the west. The applicable plan goals and policies include:

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

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

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

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

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

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

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

The proposed rezone is in conformance with the applicable policies of the Northgate Neighborhood Plan in the following ways:

The rezone will further the vitality of the mixed-use center by increasing residential density and promoting livable high-density housing and reducing reliance of vehicle trips to access services and transit. The proposed rezone will not affect the surrounding single-family neighborhoods. Rather, it will provide a transition to the intense, dense development within the core, while in turn providing ready access to a variety of goods and services within proximity to the Northgate transit center along well-established transit routes.

The proposed rezone would have minimal if any adverse impact to the transition between the existing Neighborhood Commercial zoning to the north and west and adjacent lowrise and single-family properties to the east and south. The proposed

MR zone will provide a gradual transition from neighborhood commercial to lowrise and single-family residential zoning. The proposed rezone does not include any single family-zoned properties.

Finally, the proposed rezone site is located adjacent the North Core Subarea of the Northgate District and support of this rezone would allow for increased residential density within proximity to the Northgate transit center which is approximately within a 10-minute walk from the site. The applicant proposed, and Director supported, condition to provide an east-west public pedestrian connection through the North Site would contribute to a network of pedestrian connections that encourages pedestrian activity . The increased demand for nearby goods and services by the increased density could also reduce the number and length of vehicle trips and make travel by foot and bicycle more attractive.

No neighborhood plan amendment is pending or required.

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

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

The proposed MR(M1) zone would create a transition from the more intensive zones, neighborhood commercial to the north and west, down to the residential zones of LR3 and single-family to the south and east. A transition in height limits will also be provided by the rezone, transitioning from the tallest of 95-feet to the northwest, fronting Northgate Way NE, down to the 30-foot allowable in the single-family zone. Properties abutting to the north and west are zoned neighborhood commercial and have height limits ranging from 55 to 95-feet. Abutting to the east and south are properties zoned LR3(M) and SF7200(M) with allowable heights of 50 and 30-feet. A property zoned LR3(M) abuts the subject sites (south of the North Site and east of the South Site) and separates the two with a 30-foot wide driveway. This LR3(M) zoned property provides a gradual transition from the proposed MR(M1) to SF700(M), including height limits.

In addition to a transition in height, the impact of more intensive zones on less intensive zones is minimized by the use of buffers such as setbacks, right-of-way widths, city owned natural areas, and topography. Existing setbacks on the subject sites include an 80-foot setback on the North Site and a 22.7-foot and 43-foot setback on the South Site. Further buffering is provided by right-of-way widths including Roosevelt Way NE (with an 80-foot width) and NE 106th Street (with a 60-foot width). Additionally, buffering is provided by a Riparian Management Area (RMA) on the South Site and the Beaver Pond Natural Area which is described in response to SMC 23.34.008.E.2. below. The LR3(M) zoned property abutting the subject sites provide a transition in the more intensive zones of neighborhood commercial and midrise to the single-family zoning to the southeast.

Future development of the subject sites will be subject to setback and other development standard requirements for the zone. Additionally, the Design Review process (SMC 23.41) will likely be required for future development which will consider response to context and height, bulk, and scale transitions to the less intensive adjacent zones. While

the proposed rezone does not propose development at this time, the applicant did submit a sun shadow analysis and viewshed analysis to demonstrate potential impacts from a structure built at a maximum height of 80-feet. As shown, shadow impacts are focused primarily to the north toward the more intensive zones.

The proposed zoning aligns with existing lot lines and street centerlines. The established boundaries between commercial and residentially zoned properties remains unchanged.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. *Distinct change in street layout and block orientation;*
 - d. *Open space and greenspaces;*

Natural features such as topography, streams, an arterial, and open space/greenspace are provided between the proposed MR(M1) zoning and the single-family zoning to the east and south.

The subject sites have a moderate slope from north to south of less than ten percent, with the southernmost portion of the South Site approximately 30-feet lower than the northern portion of the North Site. Due to the topography, existing developments north and west of the site are higher than the maximum height of 80-feet allowed by the proposed zoning of MR(M1). Additionally, the closest single-family development, located south of the subject sites, is at an elevation approximately 40-feet higher than the lowest portion of the site (at the site's southernmost end).

Immediately abutting the sites to the south is the Beaver Pond Natural Area and Thornton Creek, a City owned greenway and natural area. The natural area provides an additional 400-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the North Site and adjacent single-family development to the south and a 130-foot buffer (in addition to the 60-foot-wide NE 106th Street) between the South Site and single-family development to the south.

As mentioned above in response to SMC 23.34.008.E.1., the Roosevelt Way NE right-of-way width of 80-feet provides a physical buffer between the proposed MR(M1) zoning and existing residential development to the east. Additionally, the LR3(M) zoned property abutting to the southeast will provide a buffer through existing conditions such as building setbacks, easements, and parking access. This property bisects the North and South Sites with an approximately 30-foot wide stretch of land and various access, encroachment, and driveway easements.

Furthermore, any future development of the site will likely be subject to the Design Review process (SMC 23.41) which will consider design strategies to minimize the appearance of height, bulk, and scale and consider transitions to adjacent properties to mitigate the impacts of the zone edge.

Physical buffers such as topography, Thornton Creek and the Beaver Pond Natural Area, and the right-of-way widths of Roosevelt Way NE and NE 106th Street provide an effective separation between the proposed rezone and existing, lower intensity zoning to the east and south.

3. *Zone Boundaries*

- a. In establishing boundaries, the following elements shall be considered:*
- (1) Physical buffers as described in 23.34.008E.2; and*
 - (2) Platted lot lines.*

The proposed zone boundaries follow existing platted lot lines and those physical buffers as described in response to SMC 23.34.008.E.2. above.

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

The proposed rezone would maintain the existing pattern of commercially-zoned properties facing residential properties on 8th Avenue NE and residentially-zoned properties facing residentially zoned properties on Roosevelt Way NE. The proposed rezone will not create a new boundary between commercial and residential areas.

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

The subject sites are located in an urban center and the proposed rezone would allow a maximum building height of 80-feet. The proposed zone with 80-foot height limit is consistent with the Northgate Neighborhood Plan and existing built character of the area.

- F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*
- 1. Factors to be examined include, but are not limited to, the following:*
 - a. Housing, particularly low-income housing;*

A total of 148 existing residential units are located on site within six, three-story apartment buildings: four buildings on the North Site and two on the South Site. The applicant notes that each unit rents at a rate in the 70-90% average monthly income (AMI) range. The proposed rezone would increase the floor area ratio from 2.3 to 4.5. The applicant notes that the rezone would allow a total of 1,100 residential units (ranging from studio to two-bedroom units) and proposes a condition requiring future residential development include 148 new market rate two-bedroom units be provided in order to replace the existing two-bedroom units and reduce potential displacement impacts. The applicant proposes this be a condition of the PUDA.

In addition to providing 148, two-bedroom units with future development, the applicant proposes to provide on-site MHA performance at a rate of nine percent and voluntary participation in the MFTE Program at a rate of 20% of all units.

Future development will be subject to the requirements of MHA (SMC 23.58B and/or SMC 23.58C); therefore, the Director recommends a modified condition that would require on-site performance at a rate required by the land use code and associated Director's Rules at the time of application of future development.

These applicant-proposed conditions appear consistent with the Northgate Neighborhood Plan policy NG-P6 which states, "Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas," and the Director recommends modified conditions as listed in response to SMC 23.24.004.A. above and at the end of this document. The modified conditions would require MHA performance on site and participation in the MFTE program.

b. Public services;

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services. With future development, increased security provided by security lighting and the surveillance of eyes on the street is seen as having a positive impact and may be seen as mitigating the increased demand.

Any future development and increased demand for services such as fire protection, police protection, public transit, health care, and schools, will be typical to urban residential uses.

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

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by residential activities, as is permitted with the current zoning. Future construction will be required to comply with the applicable requirements of codes such as the Noise Ordinance (SMC 25.08) and Street Use Ordinance (SMC Title 15).

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 30-feet height at this site. Future Air Quality measures shall comply with applicable Federal, State, and City emission control requirements.

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be infiltrated or conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be in conformance with City of Seattle standards.

Flora and fauna – No noticeable change in impacts will result from a change in zoning. Existing landscaping and trees may potentially be removed for future construction, but additional vegetation proposed shall comply with Land Use Code requirements and the Tree Ordinance, if applicable. The change in zoning would not reduce the vegetation requirements for future development.

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

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

Shadows – The increase in height from 50-feet to 80-feet will create additional shadows. The applicant submitted shadow studies, massing diagrams, and related materials demonstrating potential impacts from possible future development. Shadow impacts from the North Site to the east are mitigated by the 80-foot wide right-of-way width of Roosevelt Way NE. Shadow impacts from the South Site may impact the existing LR3(M) zoned property abutting to the east in the afternoon. While the additional height may create some additional shadow impacts, future development will be subject to the Design Review process (SMC 23.41) and SEPA analysis (SMC 25.05) which will include consideration and potential mitigation of shadow impacts.

Energy – No noticeable change in impacts will result from a change in zoning. Future development will be required to comply with the City of Seattle energy codes and may perform better than the code requirements due to available programs that incentivize improved energy performance.

d. Pedestrian safety

No noticeable change in impacts will result from a change in zoning. Future development will likely be required to provide public right-of-way improvements for pedestrian safety, such as a new sidewalk and planting strip which is expected to increase pedestrian safety. Pedestrian safety related to specific development proposals will be regulated by requirements in SMC 23.53 (Requirements for Streets, Alleys, and Easements), SMC 23.71 (Northgate Overlay), and the Street Improvement Manual. Furthermore, the applicant proposes a condition be included in the PUDA requiring an east-west pedestrian accessway be provided along the north property line of the North Site at time of any future development to facilitate access to transit and improve pedestrian connectivity in the neighborhood. The Director supports this condition and recommends the Hearing Examiner condition the project as such. A recommended condition is included at the end of this report.

e. Manufacturing activity;

The existing and proposed zoning would both prohibit manufacturing activity at this site. No change will result from the change in zoning.

f. Employment activity;

The proposed zoning would permit some ground floor commercial uses at this site. Uses are limited in type and size. The sites' proximity to the Northgate Core Subarea makes

this an appropriate location for limited commercial uses and could increase employment activity in the area.

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

The site is not within or near a character area recognized for architectural or historic value.

h. Shoreline view, public access and recreation.

The proposed sites are located approximately two-miles east of the shoreline of Puget Sound, 3.5-miles west of the shoreline of Lake Washington, one-mile north of the shoreline of Green Lake and therefore will not directly impact shoreline view, public access, or recreation. Due to existing development and vegetation, there are no views visible from Roosevelt Way NE or NE 8th Street. There are no nearby public parks with shoreline views across the subject property.

The Land Use Code does not include criteria for protection of views from private property. Most private property views of Puget Sound, Lake Washington, and Green Lake would be blocked by topography and development built to the current maximum zoning at the site. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

The applicant submitted view studies, massing diagrams and related materials demonstrating that there are no territorial views, and existing and proposed developments to the north, south, and west are at a higher elevation than the subject site. Viewshed impacts to the Northgate Manor Apartments immediately west of the site are no greater or different than those that would be associated with redevelopment of the site under the existing LR3(M) zoning as the north-south massing would be identical but with a lower height. Views would not be possible over an MR(M1) building or an LR3(M) building, so the additional height is negligible when it comes to views.

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

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*

The subject properties abut Roosevelt Way NE, 8th Avenue NE and NE 106th Street. The applicant submitted transportation analyses (Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1, TENW, March 17, 2020; Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that analyzed access and capacity in the area. For the purpose of the traffic analysis, year 2025 was selected as the build-out year based upon anticipated completion of future redevelopment in a phased approach. Phase I (297 units) by 2023, Phase II (402 units) in 2024, and Phase III (401 units) in 2025.

Street access, street capacity, transit service, and parking capacity are discussed therein, and were reviewed by the SDCI Transportation Planner. Transportation concurrency review in the City of Seattle is evaluated first by determining applicable screenlines. A screenline is an imaginary line drawn across several arterials at a particular location where the volume to-capacity ratio (v/c) is calculated. Baseline traffic volumes for the screenline were obtained from the Director's Rule 5-2009. Project-generated traffic was then added to baseline traffic volumes at the screenline. The total traffic volume, including the proposed development's trips, was then divided by the capacity of all roadways crossing the screenline to obtain a volume to capacity (v/c) ratio. This ratio was then compared to the level of service (LOS) standard. As shown in the studies, the v/c ratios with the anticipated future redevelopment were less than the LOS standard for all screenlines. Therefore, no system concurrency mitigation is required. Additional analysis is provided below in the SEPA analysis. The site is located within a five-minute walk of transit stops served by Metro Routes 41, 67, 75, 347, and 348: each meets the definition of frequent transit. An existing transit stop is located adjacent the North Site on Roosevelt Way NE. Furthermore, the site is within a half-mile of the future Northgate Light Rail Station.

The proposed rezone will not exceed the service capacities in the area. In December 2009, the City prepared and issued a programmatic FEIS in conjunction with reviewing and potentially modifying the zoning for some properties within the Northgate Urban Center, including the subject site. The City examined a No Action Alternative and three action alternatives (Alternatives 1, 2 and 3) for amending the subarea plan along with other potential code amendments. The subject site is located within Subarea D of the Northgate Urban Center in the FEIS. The alternatives that were evaluated included rezoning of multiple properties to NC3-65 or higher. One alternative evaluated rezoning to 125-feet. No service deficiencies were anticipated by any of these alternatives which were all contemplating rezones much greater in area than the subject proposal.

Development which can reasonably be anticipated based on the proposed development potential is not anticipated to exceed the service capacities which can reasonably be anticipated in the area, including street access to the area, street capacity in the area, transit service, and parking capacity.

e. Utility and sewer capacity;

Existing public drainage infrastructure includes an eight-inch sanitary sewer main at 8th Avenue NE and an 18-inch storm drainage main at both 8th Avenue NE and Roosevelt Way NE. Future development will be subject to review and shall conform to applicable stormwater management, flow control, and/or water quality standards.

The King County Wastewater Treatment Division (WTD) indicated that any direct connections to a King County WTD sewer will require review and approval (December 13, 2019).

The applicant submitted a conceptual stormwater plan and Stormwater Improvements Assessment (BCRA, June 15, 2017). As noted, the parcel is required to provide flow control, water quality, and on-site Best Management Practices to the maximum extent feasible at time of future development. Due to the site's proximity to Thornton Creek,

future development will be subject to flow control wetland protection standards of the Seattle Stormwater Manual and shall prevent impacts to the wetlands (SMC 22).

No adverse impacts to utility and sewer capacity are anticipated.

f. Shoreline navigation

The area of the rezone is not located within a shoreline environment; therefore, shoreline navigation is not applicable to this rezone.

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

As mentioned above, in November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004. Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the subject site's zone from LR3 to LR3(M).

Approximately one-half mile to the west of the site is the location of the future Northgate Link Light Rail Station. The Northgate Link Extension light rail system was a component of the region's voter approved Sound Move and Sound Transit 2 plans, Sound Transit's program for regional high capacity transportation. City Council passed resolution 31465 approving the alignment and transit station location in September 2013. Construction is currently underway and opening of the station is anticipated for 2021.

In a 2019, a MUP (3031301-LU) was issued for the redevelopment of the Northgate Mall, an approximately 40-acre site one-half mile to the west. The redevelopment of that site included construction or renovation of up to 15 total buildings including an indoor participant sports facility (National Hockey League training center and community ice rinks), office, retail, restaurants, and hotel, along with 2,818 parking spaces. The development proposal looks to transform Northgate Mall into a walkable, mixed use, transit-oriented district, with a special focus on active and healthy lifestyles. A network of new streets and pedestrian corridors breaks down the superblock of the existing site, organizing the new development while providing access to new and existing buildings. Completion of Phase I will coincide with the opening of the Link Light Rail Northgate Station in 2021.

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

The site is not located in any of Overlay Districts defined in the Land Use Code, including:

- Airport Height Overlay District (SMC 23.64)
- Shoreline SMC (23.60A)
- Station Area Overlay SMC (23.61)
- Special Review Districts SMC (23.66)
- Southeast Seattle Reinvestment Area (SMC 23.67)
- Major Institution Overlay (SMC 23.71)
- Sand Point Overlay (SMC 23.72)
- Pike/Pine Conservation Overlay District (SMC 23.73)
- Stadium Transition Area Overlay District (SMC 23.74)

The site is located within the Northgate Overlay (SMC 23.71). This district was amended in April 2019 (Ordinance number 125792/Council Bill 119445). The amendment did not impact the site. The proposed rezone for additional density and height is consistent with the Northgate Overlay District.

The Northgate District Overlay includes specific development standards as described in SMC 23.71. The purpose of the overlay is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:

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

The proposed rezone request to allow for additional density and height will allow a greater density in near the core subarea of the Northgate Urban Center, which in turn will increase pedestrian activity, support the subarea's growing commercial center and leverage the City's investment in the Northgate transit center. No significant impacts on surrounding residential neighborhoods are expected.

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

The site is mapped as containing a steep slope area on the North Site and a riparian management area at the southern portion of the South Site. The North and South Sites are both currently developed with three-story apartment buildings, surface parking lots, and landscaping. Beaver Pond Natural Area is located to the south and southeast of the sites. Based on review of the various reports submitted by the applicant (Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE, Altmann Oliver Associates, LLC, April 14, 2020; Preliminary Site Research Report, BCRA, June 12, 2019; Utility and Environmental Critical Areas (ECA) Exhibits, BCRA, June 12, 2019; Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA, Altmann Oliver Associates, LLC, March 6, 2019; and Stormwater Improvements Assessment, BCRA,

June 15, 2017) future redevelopment of the properties will require compliance with the applicable regulations of the critical areas ordinance (SMC 25.09).

As demonstrated in these reports, the area mapped steep slope erosion hazard area on the North Site is located in an area currently developed with two, three-story apartment buildings and associated surface parking and lawn areas and appear to be created by human activity. The mapped riparian corridor is more specifically described as a riparian management area and covers a small area at the southern portion of the South Site, an area currently paved and serving as driveway and surface parking and maneuvering area. The riparian management area is required due to the existence of a nearby watercourse located to the south.

Specifically, a Category III wetland is located off-site to the south and is associated with Maple Leaf Creek, a Type F watercourse. This category of wetland requires a 110-foot buffer (SMC 25.09.160), and this type of watercourse requires a 100-foot riparian management area (SMC 25.09.200). Given the sites' proximity to these features, and according to the Wetland and Stream Reconnaissance Report (Altmann Oliver Associates, LLC, March 6, 2019), the following buffers would be required: a wetland buffer along the southeast portion of the North Site and a wetland buffer and riparian management area along the south portion of the South Site.

SDCI reviewed the reports and development that future development will require compliance with the standards of SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conservation areas).

The applicant notes that no development is proposed now, or in the future, for this portion of the site, and recommends a condition be included in the PUDA to prohibit future development in this area. Alternatively, if necessary, the applicant would be amenable to removing that portion of the site encumbered by the riparian management area from the proposed rezone such that it remains zoned LR3(M).

The prohibition of development within this riparian management area, along with future development's compliance with applicable codes such as the critical areas ordinance (SMC 25.09) and stormwater code (SMC 22) are anticipated to mitigate potential impacts to the nearby critical area. The Director recommends that a condition be included in the PUDA prohibiting future development within that area of the South Site encumbered by the riparian management area and that a restoration plan be submitted with future development, consistent with the requirements of the critical areas ordinance (SMC 25.09).

Furthermore, the additional density allowable from the rezone to MR is anticipated to potentially impact the nearby ECA. It is the City's policy to protect the ecological functions and values of fish and wildlife conservation areas and prevent erosion on steep slopes, protect public health, safety, and welfare, and avoid development that causes physical harm to people, property, public resources, or the environment (Comprehensive Plan, Land Use page 68).

Land Use Policy 17.5 states, "Review rezones in or adjacent to an environmentally critical area or a hazard-prone area by considering the effects on the ecological functions

and values of the critical area and on public health, safety, and welfare, and recognize that lower-intensity zones and uses are generally more appropriate than higher-intensity zones in these areas. Review subdivisions and lot-boundary adjustments in or adjacent to wetlands, fish and wildlife habitat conservation areas, steep slope–erosion areas, and other environmentally critical areas by considering the effects on the ecological functions and values of those critical areas.”

As noted above, future development would require compliance with the standards of the critical areas ordinance, such as SMC 25.09.160 (Development standards for wetlands and wetland buffers) and SMC 25.09.200 (Development standards for fish and wildlife habitat conservation areas) which are intended to mitigate impacts to the critical areas and mitigate effects on the ecological functions and values of the critical areas and on public health, safety, and welfare.

The proposed rezone to MR is a lower intensity zone than the adjacent existing Neighborhood Commercial zones to the north and east, allowing for multifamily development with limited commercial uses at the ground floor. The Director finds the MR zone an appropriate designation for the subject sites and recommends a condition to prohibit development within the riparian management area to further mitigate potential impacts to the ecological functions and values of the nearby critical areas and on public health, safety, and welfare.

23.34.020 - Lowrise 3 (LR3) zone, function and locational criteria

A. Functions. The dual functions of the LR3 zone are to:

- 1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
- 2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

The subject sites are located in the Northgate Urban Center, adjacent the Northgate Core Subarea, an area characterized as containing a variety of multifamily and commercial development of moderate greater scale. Existing structures range in height from two to eight-stories. The North Site fronts Roosevelt Way NE, an arterial street with a mix of commercial and residential structures. The South Site fronts 8th Ave NE, a non-arterial street characterized as a predominantly multifamily neighborhood of moderate scale and density.

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

- 1. The area is either:*
 - a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City*

Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or

- b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*

The subject sites are located in the Northgate Urban Center, immediately adjacent to the Northgate Core Subarea, with moderate to greater height, scale, and density. Uses include multifamily and commercial.

- 2. The area is near neighborhood commercial zones with comparable height and scale;*

The subject sites abut neighborhood commercial zones to the north and west at heights of 55 to 95-feet. The height and scale permitted within these commercial zones is greater than that permitted in an LR3 zone.

- 3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*

The subject sites do not abut LR1 or LR2 zones, but are located such that a transition could be provided between existing LR3 and SF700 zones and neighborhood commercial zones. The parcel bisecting the North Site and South Site, as well as abutting to the south and east, is zoned LR3(M) and provides a transition to the SF7200 zoning further to the south and east.

- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

The North Site has frontage on Roosevelt Way NE and NE 8th Avenue. Two-way traffic and parking along at least one curb are available on both streets along the site's frontages. The South Site has frontage on 8th Avenue NE and NE 106th Street. Two-way traffic and parking along at least one curb is provided on 8th Avenue NE, but NE 106th Street lacks an improved width to accommodate two-way traffic or parking.

- 5. The area is well served by public transit;*

The subject sites are within an area designated as a frequent transit area. An existing bus stop is located on the frontage of the North Site along Roosevelt Way NE. The Site is within a five-minute walk of stops served by the Metro 41, 67, 75, 347 and 348 routes, all of which meet the frequent transit standard. The Northgate Light Rail Station is located within a half-mile radius of the sites and is anticipated to open in 2021.

- 6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*

The subject sites are located on or near arterial streets: NE Northgate Way and Roosevelt Way NE. NE Northgate Way is located approximately 300-feet north, while Roosevelt Way NE abuts the North Site to the east.

7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The area is well supported by existing and projected facilities and services used by residents, such as a variety of retail sales and services, the Beaver Pond Natural Area, Homestead Park, the Northgate Community Center, Seattle Public Library, and pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The subject sites are not located in the Delridge High Point Neighborhood Revitalization Area.

- D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*
 1. *was created by human activity, or*
 2. *is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

As described in greater detail in response to SMC 23.34.024 below, the subject sites contain small areas mapped ECAs due to their proximity to off-site wetlands and Thornton Creek. SDCI Geocortex mapping indicates the North Site has a mapped steep slope erosion hazard area in an area currently developed with apartment buildings and predominately flat. The technical reports submitted by the applicant (and referenced in response to SMC 23.34.024.A. below) explain that the off-site watercourse would necessitate a riparian management area on the southern portion of the South Site. The sites are not designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.

The area is predominately developed to an intensity greater than LR3. The applicant notes that, if necessary, they would be amenable to removing the riparian management area from the proposed rezone such that it remains zoned LR3(M). The Director does not support this approach as it would create a zoning boundary within a parcel and not follow physical buffers as described in 23.34.008E.2. or and platted lot lines.

SMC 23.34.024 Midrise (MR) zone, function, and locational criteria

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

The subject site is located in the Northgate Overlay District, an area that provides concentrations of housing, pedestrian oriented urban development with convenient access to regional transit stations, a full range of residential services and amenities, and opportunities to live within walking distance of employment. The Sound Transit light rail station is located within one half mile from the site, and many commercial and office employment opportunities are located nearby. The immediate area includes a concentration of housing including densities of 15 units per acre.

B. Locational criteria

- 1. Threshold conditions. Subject to subsection 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:*
 - a. Properties already zoned Midrise;*
 - b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*
 - c. Properties within an urban center or urban village.*

The subject site is located within the Northgate Urban Center in an area already developed predominately to the intensity permitted by the Midrise zone. The proposed zoning designation would allow for a floor area ratio (FAR) of 4.5 (SMC 23.45.510) which is identical to the FAR permitted in the NC-65 zone (SMC 23.47A.013) which abuts the North Site to the north and west.

- 2. Environmentally critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:*
 - a. Was created by human activity, or*
 - b. Is a designated peat settlement, liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.*

The South Site contains properties designated as environmentally critical. Approximately 1,350-square feet, three percent, of the South Site is designated as Riparian Management Area (RMA). The applicant submitted the following reports and materials further describing this area:

- *Off-Site Wetland & Stream Delineation for 10735 Roosevelt Way NE (Altmann Oliver Associates, LLC, April 14, 2020);*
- *Preliminary Site Research Report (BCRA, June 12, 2019);*
- *Utility and Environmental Critical Areas (ECA) Exhibits (BCRA, June 12, 2019);*
- *Wetland and Stream Reconnaissance for: Northgate Parcel 292604-9617, Seattle, WA (Altmann Oliver Associates, LLC, March 6, 2019); and*
- *Stormwater Improvements Assessment (BCRA, June 15, 2017).*

As demonstrated in these reports, this RMA, located at the southeast portion of the South Site, is associated with the nearby watercourse located off-site to the south and east. This portion of the site is currently developed with existing paved parking lot. Any future development within the RMA will require compliance with the standards of the Environmentally Critical Areas (ECA) Ordinance (SMC 25.09), namely SMC 25.09.200 (Development standards for fish and wildlife habitat conversation areas).

As stated above in response to SMC 23.34.007 (Rezone Evaluation), the provisions of chapter 23.34 have been weight and balanced together to determine which zone designation best meets the provisions of the chapter, this includes the zone function statements to assess the likelihood that the proposed rezone will function as intended. As described in response to the MR zone function statement above (SMC 23.34.024.A.), the Director finds the proposed MR zone will function as intended.

Furthermore, no provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval; thus, the various provisions have been weighed and balanced together to determine the appropriate designation for the site (as described in response to SMC 23.34.007.B. above). The Director has weighed and balanced the various provisions of Chapter 23.24, including this criterion, and finds that the appropriate designation for this site is MR.

As noted in response to the locational criteria of SMC 23.24.024.B.1., the North and South Sites may be considered for the MR designation; therefore, the Director recommends that the entirety of the North and South Sites be rezoned to MR(M1). Then, in response this criterion (SMC 23.24.024.B.2.) and given the existence of the environmental critical designation on the southeast corner of the South Site, the Director recommends future development within this portion of the South Site be restricted and the area restored consistent with the provisions of the ECA Ordinance (SMC 25.09). The restriction of development in this area is intended to mitigate potential impacts to the ECA resulting from the rezone and increase in anticipated density as explained in response to SMC 23.34.008.I. above. The Director recommends the following conditions be included in the PUDA (these conditions are also included at the end of this report):

- Prior to Issuance of Council Action 3033517-LU, the applicant shall submit a signed and recorded Environmentally Critical Areas Ordinance covenant restricting future development within the Riparian Management Area located on the South Site. The covenant shall be consistent with the provisions of the ECA Ordinance (SMC 25.09.335).
- Prior to Issuance of a Master Use Permit for future development of the South Site, the applicant shall submit a restoration plan for the area of the South Site encumbered by the Riparian Management Area. The restoration plan shall be consistent with the applicable requirements of the Environmentally Critical Areas Ordinance (SMC 25.09).

In addition to the RMA located on the southeastern portion of the South Site, the North and South Sites contain properties mapped as steep slope erosion hazard area and wetland buffer. These areas are also currently developed with existing structures and associated parking areas and are relatively flat in grade. After review of the technical documentation submitted by the applicant (listed above) it was determined that the steep slope erosion hazard area was created by human activity and the wetland buffer is not a designated environmentally critical area; therefore, these portions of the North and South Sites may be rezoned to the MR designation and no conditioning is recommended.

3. *Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*
 - a. *Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The subject sites are located adjacent to business and commercial areas with comparable height and bulk. Properties abutting to the north and west are zoned Neighborhood Commercial, range in height from 55-feet to 95-feet and are in the Northgate Core Subarea of the Northgate Urban Center. Commercial uses predominately face NE Northgate Way.

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

The subject sites are located in an area designated as a frequent transit area and are served by major arterials, including NE Northgate Way to the north and Roosevelt Way NE to the east. The applicant submitted transportation impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that demonstrate the street capacity could absorb the potential traffic generated by midrise development. Additional analysis is included in the SEPA section below.

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

The subject sites are located in close proximity to major employment centers including the Core Subarea of the Northgate Urban Center, Northgate Mall, Seattle Kraken practice facility (projected to open in 2021) and a number of other commercial uses. The John Lewis Bridge is scheduled to open late in 2021, connecting the subject site to the walkshed of North Seattle College.

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

The subject sites are located in close proximity to the following open space and recreational facilities: Beaver Pond Natural Area (abutting to the south and east); Hubbard Homestead Park; Northgate Park; Northgate Community Center; Seattle Public Library, and the future Kraken Community Iceplex.

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

As described in response to SMC 23.24.008.E. above, the sites are located along Roosevelt Way NE, an arterial street, and in an area where topographic changes provide a transition in scale to the single-family development to the south.

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

The subject sites are in an area where the prevailing structure height is greater than 37-feet and include heights ranging from 50 to 95-feet. Properties abutting to the north are

generally higher in elevation and allow for greater structure heights. Existing development consists of both heights at the maximum allowable building height, and older development below maximum allowable height for the zone.

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

The topography of the subject sites results in a moderate slope from north to south of less than 10%. Relative to abutting properties, the sites lie lower, resulting in the perception of a lower maximum building height. The height and bulk of existing structures have already limited or blocked views from within the multifamily area to upland areas. The applicant submitted a viewshed analysis demonstrating views from around the site of potential development at the LR3(M) heights and MR(M1) heights.

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

The subject sites have a modest slope from north to south and there are no east-west views perpendicular to the site's slope. The single-family developments to the south are on a steep slope and site approximately 40-feet higher than the site. The mature vegetation within the Beaver Pond Natural area (between the sites and the single-family development to the south) obscure any views of the site.

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

The subject sites have a modest slope from north to south. The bulk of any future development would be obscured from the south by the mature vegetation of the Beaver Pond Natural Area. Properties west of the site sit higher and have no views across the site to the east.

Based on the analysis above, the project site is suited for the proposed MR designation.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone (below), and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from LR3(M) to MR(M1) be approved with conditions.

The Director recommends conditions be included in the PUDA; these are listed at the end of this document.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 18, 2018. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the project file submitted by the applicant or agents, and pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

SHORT TERM IMPACTS

As a non-project action, the proposed rezone would not have any short-term impacts on the environment. Future development affected by this legislation maybe subject to SEPA which would analyze anticipated short-term impacts on the environment.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions, parking, and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, historic resources, height bulk and scale, parking, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with future project construction and the future project energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Future development may be reviewed under SEPA. No mitigation is warranted pursuant to SMC 25.05.675.A.

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the Land Use Element of the Seattle Comprehensive Plan. Subject to the Overview Policy set forth in SMC 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (Height, Bulk and Scale), M (Parking), R (Traffic) and O (Public Services and Facilities) and are not addressed under this policy.

As analyzed in the rezone criteria, the department concludes that no adverse land use impacts are anticipated as a result of the rezone proposal. No mitigation is warranted pursuant to SMC 25.05.675.J.

Height, Bulk, and Scale

The proposed rezone does not include a development proposal. Future development will be subject to the Design Review process (SMC 23.41). Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c. of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

Despite no specific development proposed, the applicant submitted various massing analyses demonstrating potential impacts from a massing at maximum zoning potential (80-feet in height). The height, bulk and scale of future proposed development and relationship to nearby context will be addressed during the Design Review process for any new project proposed on the sites. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Historic Preservation

The existing structures, cabana, and pool on the sites are more than 50 years old. These features were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the features on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board, LPB 725/19, December 5, 2019). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H. No structures are proposed for demolition at this time.

Parking

The proposed contract rezone does not include a specific development proposal. Instead, the applicant submitted traffic and parking analysis (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) that analyze what the rezone could generate in terms of parking impacts. As indicated in the studies, the rezone could allow a net increase in 954 new housing units which would result in a peak demand for approximately 630 vehicles from the proposed rezone. Peak residential demand typically occurs overnight. The traffic consultant estimated the project's residential parking demand using the King County Right Size Parking model, an empirically based regression model that provides estimates of peak parking demand for multifamily projects in King County. After the study for this project was completed, the County updated the Right Size Parking model, incorporating additional parking data. Using the updated model, the project is forecast to have a peak parking demand of approximately 630 vehicles. The studies note that all spaces will be provided on-site; therefore, no additional mitigation is warranted per SMC 25.05.675.M.

Transportation

The traffic impact analyses (The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, June 28, 2019, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts Response to Correction Notice #1 Traffic Impact Analysis, TENW, March 17, 2020, The Park at Northgate – Comprehensive Plan/Zoning Analysis of Traffic Impacts, TENW, March 19, 2020) indicate that the rezone could allow a net increase of 954 new housing units which is expected to generate a net total of 3,410 daily vehicle trips, with 239 net new PM Peak Hour trips.

The additional trips are expected to distribute on various roadways near the project site, including (Roosevelt Way NE and 8th Avenue NE) and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R. Future review of proposed development may be required to submit a project specific transportation analysis.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030(2)(c).

The lead agency for this proposal finds that it does not have a probable significant adverse impact on the environment. An EIS is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS uses the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from LR3(M) to MR(M1) subject to the following conditions, which shall be contained in the PUDA:

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

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

Prior to Issuance of a Master Use Permit for Future Development

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

RECOMMENDED CONDITIONS – SEPA

None.

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

Date: September 9, 2021

CG:adc

3033517-LU Decision.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met, and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

