

FINDINGS, CONCLUSIONS, AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition:)	Clerk File 314441
Application of Wallace Properties -)	FINDINGS, CONCLUSIONS,
Park at Northgate, LLC for a contract)	AND DECISION
rezone of a site located at 10735)	
Roosevelt Way NE from Lowrise 3)	
with an M Mandatory Housing)	
Affordability (MHA) suffix (LR3 (M)))	
to Midrise with an M1 MHA suffix)	
(MR (M1)) (Project No. 3033517;)	
Type IV).)	

Introduction

This matter involves a petition by Wallace Properties – Park at Northgate, LLC (“Applicant”) for a contract rezone from Lowrise 3 multifamily residential with an M mandatory housing affordability suffix (LR3 (M)) to Midrise with an M1 mandatory housing affordability suffix (MR (M1)) of two sites – a north and south site. Wallace Properties – Park at Northgate, LLC, which also owns the sites, is a Washington limited liability company with a mailing address of 330 112th Avenue NE, Bellevue, WA 98004.

The sites are addressed as 10735 and 10713 Roosevelt Way NE and are located in the Northgate Urban Center. Both sites are currently developed with multifamily structures and associated surface parking and amenity areas. The sites are separated by a driveway, and the collective site area comprises 228,319 square feet or about 5.24 acres. The sites are located adjacent to and north of the City-owned Beaver Pond Natural Area on Thornton Creek and its associated environmentally critical areas. Attachment A shows the area to be rezoned.

On September 2021, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone, with conditions. SDCI also issued a State Environmental Policy Act threshold determination of non-significance.

The Hearing Examiner held an open record hearing on the rezone recommendation on October 6, 2021. On December 3, 2021, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On February 9 and February 23, 2022, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated December 3, 2021, with the following additional finding of fact

30. On February 24, 2022 the Applicant submitted a recorded Environmentally Critical Areas covenant restricting future development in the Thornton Creek riparian management area on the south site.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated December 3, 2021.

Decision

The Council hereby **GRANTS** a rezone of the Property from LR3 (M) to MR (M1), as shown in Exhibit A. The rezone is subject to the execution of Property Use and Development

Agreements requiring the owners to comply with the following conditions found in the Hearing Examiner's recommendation, with the amendments shown below, which are adopted by the Council.

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

Dated this _____ day of _____, 2022.

City Council President

ATTACHMENT A

