Rezone Application Submittal Information
Project Nos. 3039547-EG, 3039050-LU

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I. General Matters (Application Questions 1-15).

1. Project numbers

3039547-EG; 3039050-LU; 007468-21PA

2. Subject property address

1000 and 1020 NE Northgate Way, Seattle, Washington 98125.

APNs 5724500819 and 5724500825 (together, the "***Property***").

3. Existing and proposed zoning classification

Existing: NC3-55 (M).

Proposed: NC3-65 (M1).

According to the Seattle Department of Construction and Inspections' GIS database, the Project site is currently zoned Neighborhood Commercial 3, with a 55-foot height limit and a mandatory housing affordability designation, or "NC3-55 (M)"

The site is located within both the Northgate Urban Center and the Northgate Overlay District described in Ch 23.71 SMC. It is currently classified as a "Medium Area" for purposes of Seattle's mandatory housing affordability (MHA) program, and is subject to the Northgate neighborhood design guidelines. It has also been classified as within a Design Review Equity Area. *Id.*

The proposed rezone would increase the applicable height limit by 10 feet to 65 feet and modify associated development standards, but would not otherwise change underlying zoning.

4. Approximate size of property to be rezoned

40,285 square feet.

5. Environmentally Critical Area (ECA) information

City records indicate that a portion of the Property (on the far easterly side of 1020 NE Northgate Way) may be encumbered by a wetland buffer pertaining to a nearby but off-property bioretention pond. The bioretention pond is man-made and was constructed with adjacent development to address stormwater systems. It is not a wetland that is subject to the City's ECA regulations, nor is it functionally connected with the Property or the proposed development.

No other critical areas are known to be present on or within 25 feet of the Property. However, any final proposal to redevelop the Property will comply with all applicable ECA regulations.

6. Applicant information

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7. Property legal description

Assigned Assessor Parcel Numbers are 5725500819 and 5724500825, the abbreviated legal description is a portion of Lots 1 through 12, inclusive, Block 5, Munson & Custer's Addition to Green Lake Circle, Volume 5 of Plats, Page 88, records of King County, Washington. The complete property legal description is included in the associated Master Use Permit materials.

8. Present uses of property

The site contains two single-story commercial structures with extensive impermeable surface parking areas oriented toward single-passenger vehicles. One of the structures was most recently occupied by a regional chain restaurant (Patty's Eggnest) and the other was most recently occupied by a Jiffy Lube. The Project will not result in the displacement of any residential tenants, and no Tenant Relocation License is required.

9. What structures will be demolished or removed?

All existing structures would be demolished and removed.

10. What are planned uses for the property if a rezone is approved?

The Project proposes a seven-story mixed-use multifamily residential structure containing approximately 184 affordable units, together with on-site below-grade parking. The Project would also include residential amenity spaces, neighborhood open spaces, and ground-level commercial space that will be specifically configured for compatibility with potential daycare tenants.

11. Does a specific development proposal accompany the rezone application?

Yes. Please see project description above and associated record nos. 3039050-LU and 3039547-EG for further information.

12. Reason for the requested zoning classification and / or new use.

The rezone would increase the height and development limit on the site to allow for one additional story of transit-oriented affordable multifamily development on a currently underutilized site. Pursuant to Table A for SMC 23.47A.013, this height increase would be paired with an increase in maximum floor area ratio ("***FAR***") from 3.75 to 4.5.

13. Anticipated benefits the proposal will provide.

As augmented by the rezone, the Project will provide numerous benefits to Northgate and the greater Seattle area. Most notably, the Project will contribute positively to the City's supply of modern, affordable and transit oriented housing, by providing 188 new income-restricted units that will deliver affordable housing beyond what is required by the City's MHA program. It will also provide improved stormwater management, increased planting, and new open spaces on a site that is currently underutilized and generally configured for access and use by single-passenger vehicles.

Several other aspects of the surrounding neighborhood will complement and be complemented by the modern, affordable and transit-oriented multifamily housing that the Project will provide. Within four-tenths of a mile from the site, key neighborhood features include Victory Creek Park, Hubbard Homestead Park, Seattle Public Schools' Hazel Wolf K-8 School, Northgate Public Library, and Northgate Community Center.

Redevelopment of the site will also activate the streetscape along NE Northgate Way and Roosevelt Way NE, through street-oriented transparent or semi-transparent facades and courtyard open space. The Project also proposes a public pedestrian walkway along on the south side of the building, which will enhance

pedestrian connections through the site and to the QFC grocery store to the north, thereby further improving character of the surrounding neighborhood for pedestrians.

14. Summary of potential negative impacts of the proposal on the surrounding area.

Almost all surrounding areas are occupied by non-sensitive commercial uses, such as a TJ Maxx; a QFC and associated parking areas to the north; a Walgreens and a vacant lot to the west; and an ARCO gas station to the south.

Through the Early Design Guidance ("***EDG***") process and independently, height, bulk and scale transitions have been carefully considered with respect to several multifamily homes that are located across NE Northgate Way to the site's southeast, in order to mitigate any potential negative impacts of the proposal on these structures, which are located on parcels zoned lowrise multifamily (LR2 (M)). Fortunately, the NE Northgate Way arterial right-of way provides a 73-foot to 76-foot-wide area of transition between the Property and these lowrise multifamily properties. Furthermore, these properties are already trending toward denser development patterns that complement the Project's affordable housing proposal. One of the four original duplex-sized parcels has already been converted into a townhouse plat for eight units (see 10839-10849 11th Ave NE; 1035-1037 NE Northgate Way; 3032196-LU), and another appears to be occupied by a daycare center use (1019 NE Northgate Way). The remaining two duplex lots are under common ownership with property sales in January 2021, indicating they may be development sites in the near future.

The City of Seattle's Victory Creek Park is located approximately 120 feet away from the Property, due east along NE Northgate Way. Due to this separation and intervening uses (which includes a bioretention pond and a vehicle ingress/egress to QFC's parking lot) the proposal is not anticipated to have any negative impact on Victory Creek Park. However, the Proposal would complement Victory Creek Park by bringing a new population of individual and family park users to its immediate proximity, and in turn the park would provide a valuable recreation amenity to the affordable units the Project will provide.

To ensure appropriate transitions and prevent negative impacts, the applicant's proposed Project would thoughtfully embrace corners and streetscapes, and would provide neighborhood open spaces and through-block connections facing the LR-2 (M) zoning across NE Northgate way while providing parking and utility access on the other side, facing QFC. The through-block connection would be located on the Property boundary that falls closest to Victory Creek Park, and the daycare-compatible commercial space (to include possible pick-up/drop-off and playground areas) will face away from the LR-2 (M) properties.

Landscaping in the proposed open space facing NE Northgate Way will further soften the transition. Proposed street trees placed 35 feet on center along the street facades will also provide screening and another scale datum. Further detail on these zone transition mitigation measures are provided in the EDG materials submitted under SDCI Permit No. 3039547-EG.

The applicant has also considered potential shadow impacts on neighboring parcels that may be caused by the Project and associated street trees. Shadow studies indicate that shadowing will primarily affect the windowless side façade of the QFC as well as the QFC's expansive surface parking lot, with some lesser effects on the vacant lot and the TJ Maxx that fall west and northwest of the Site across Roosevelt Way NE. In addition, the Project and associated street trees would cast some shadows on a portion Victory Creek Park during afternoons in the wintertime, but such shadows would not be appreciably different with the rezoned height compared to the current height limit. Some shadows will also be cast on the Roosevelt Way NE right-of-way during winter morning hours. No shadows would be cast on the LR-2 (M) properties, which are south of the Project.

Importantly, the additional shadowing anticipated to be created by the height increase is not expected to be significant. Shadow studies are provided in Figure 6, below.

Other potential impacts like increased traffic, noise, and construction impacts are considerations that are anticipated to be mitigated through compliance with applicable City codes and regulations.

The closest parcels zoned neighborhood residential (NR) or residential small lot (RSL) are respectively located approximately 150 and 187 feet from the Property and are buffered by other zones and uses. No negative impacts on these parcels are anticipated.

15. List of other permits or approvals being requested in conjunction with the proposal:

The Master Use Permit for the Project will include Design Review in addition to the rezone approval contemplated by this application. The Project will also require a demolition permit, street improvement permit, a building permit and other minor permits.

II. Rezone Criteria Compliance Narratives (Application Question 16).

16. Applicant's Summary of Rezone Analysis

All of the applicable rezone criteria suggest the proposed height rezone is appropriate, and several of the applicable criteria weigh very strongly in favor of the rezone's approval. These criteria include SMC 23.34.008.C (related to zoning pattern), SMC 23.34.008.E.2 (related to physical buffers), and SMC 23.34.008.G (related to changed circumstances).

The Project's thoughtful design response also ensures the building will fit into its surroundings and suggests the height rezone is appropriate. The functional bulk and scale proposed is generally compatible with existing and proposed development in the vicinity of the Project, including the QFC, TJ Maxx, Walgreens, and the Caribbean House apartments located immediately south of the ARCO gas station that is across the street from the Property.

The Project would also be compatible in style and scale with other proposed and ongoing development projects in the immediate vicinity. For example, residential density has been dramatically increased through development of two new multifamily residential complexes at Roosevelt Way NE and NE 112th, as well as a complex of townhouses at NE Northgate Way and 11th Ave NE. The Project will be well buffered from less intensive and more sensitive uses in the broader vicinity.

Code language is provided in ***bold italics*** throughout this Section.

16.1 Criteria at 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.

The subject application is for a contract rezone. If the rezone is approved, then a PUDA will be executed and recorded by the property owner as a condition of approval.

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.

SMC Chapter 23.58B specifies a framework for affordable housing requirements associated with new commercial floor area. Those requirements apply to Land Use Code and Land Use Map amendments that increase commercial development capacity. Similarly, SMC Chapter 23.58C specifies a framework for affordable housing requirements associated with new residential development. Those requirements also apply to Land Use Code and Land Use Map amendments that increase residential development capacity. The City's affordable housing requirements for new residential and commercial capacity are called its "Mandatory Housing Affordability" program or "MHA" program.

Where a contract rezone results in increases to commercial and residential development capacity, then the MHA program requirements in SMC Chapter 23.58B and SMC Chapter 23.58C, respectively, are applicable through the terms of a contract rezone in accordance with Section 23.34.004.B. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property shall be subject to applicable requirements of the MHA program. The PUDA shall specify the payment and performance calculation amounts for purposes of applying both Chapters in this case. Here, the Project is an affordable housing project that goes beyond the requirements of the MHA program as it will be applied in the PUDA.

The actual payment or performance amounts will be contained in the final PUDA.

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 condition of the contract rezone.

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.

The applicant does not seek a waiver from bulk or off-street parking and loading requirements. Any departures from Code standards will be addressed through the Design Review process. The Project intends to seek a departure from upper-level façade setback requirements in an identified location as shown in the EDG package and MUP plans.

16.2 Criteria at SMC 23.34.007 - Rezone Evaluation

A. The provisions of this chapter 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 those 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.

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 zone and height designation for the site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

C. Compliance with the provisions of this Chapter 23.34 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 subsection 23.60A.042.C.

The proposed rezone is not a shoreline environment redesignation, so the Comprehensive Plan Shoreline Policies are not applicable or used in this analysis.

To show consistency with the City's Comprehensive Plan, all applicable sections of SMC Chapter 23.34 are addressed in this rezone application. Comprehensive Plan policies and goals are not required to be separately reviewed for non-shoreline rezones. However, additional information about consistency with Comprehensive Plan policies is provided at Table 1 below, because the Plan's policies that apply specifically to the Northgate Urban Center are consistent, compatible and complementary with the Project and the requested rezone.

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 site is located within the Northgate Urban Center established in the Comprehensive Plan. The provisions that pertain to areas inside urban centers apply to this rezone application.

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

The subject rezone is not a redesignation of a shoreline environment, so this application is not subject to the identified code sections.

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.

16.3 Criteria at 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 percent of the growth estimates 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 Urban Village Element of the Comprehensive Plan.

The site is located in the Northgate Urban Center. The City's 2035 Comprehensive Plan anticipates the creation of 3,000 additional housing units within this Urban Center by 2035. *See* Seattle Comprehensive Plan at Growth Strategy Figure 2, p. 29.

The proposed rezone does not reduce capacity below 125% of the Comprehensive Plan growth target. Instead, it would increase the zoned capacity of this Urban Center by 0.75 FAR on this site (30,213 square feet) and catalyze residential development. Therefore, the proposed rezone would *advance* the City's ability to meet the population growth target and densities in the Plan.

B. Match Between Zone 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.

No change to the Neighborhood Commercial 3 (NC3) zone designation is proposed; thus, the criteria for designation of commercial zones in SMC 23.34.072 are not applicable. The focus of this rezone application is therefore on whether increased height is appropriate.

The NC3 functional and locational criteria in SMC 23.34.078 continue to match the characteristics of the area better than other zoning designations.

Specifically, this location functions (and the Project will function) "to support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community," and incorporate businesses and "residences that are compatible with the retail character of the area," and"[i]ntense pedestrian activity" with "[t]ransit [a]s an important means of access." SMC 23.34.078.A.1-.A.5.

The NC3 zone also continues to be locationally appropriate because the Property is generally characterized as part of the "primary business district in an urban center," is served directly by two and indirectly by a third principal arterial is "[s]eparated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas," and boasts "[e]xcellent transit service." SMC 23.34.078.B.1-.B.4

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

Zoning maps dating from 1958 indicate primarily commercial zoning at the intersection of Roosevelt Way NE and Northgate Way NE (then known as E. 110th Street), surrounded by multifamily zoning beyond. This pattern can be seen on the block face containing the Property, with a pocket of General Commercial (CG) at the westerly corner and Duplex Residence Medium Density (RD-7200) extending to the east to 12th Avenue NE.

The 1973 Official Zoning Map indicates a similar zoning pattern, with nearby areas of the CG zone expanding eastward.

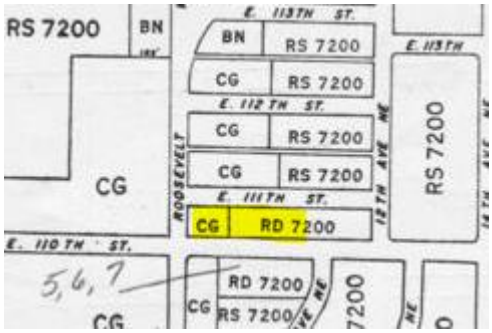


Figure 1: Excerpt from 1958 Zoning Map (Property Highlighted)

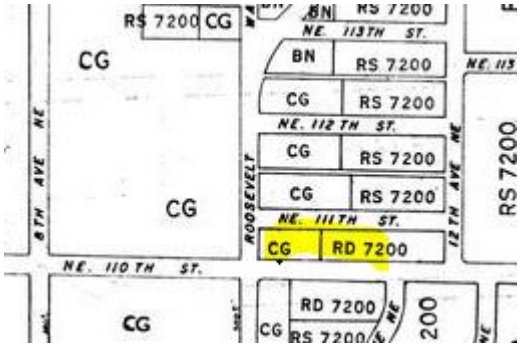


Figure 2: Excerpt from 1973 Zoning Map (Property Highlighted)

In 1982, as part of the City's Multifamily Code Update (Ordinance 110570), several neighborhood parcels were redesignated from high- or moderate-density residential to low-density residential. Later, in 1986, as part of the City's Commercial Zone Update, several neighborhood parcels were upzoned, to include the Property, which was upzoned to C1-40. Other parcels in the neighborhood bordering NE Northgate Way and 5th Avenue NE were also upzoned to more intense commercial designations (BC and CG to C1-65).

Then, in 1993, as part of the Northgate Area rezone (Ordinance 116794), several of the same parcels were downzoned, including the Property, which was then designated NC3-40.

At that time, the development site immediately north of the Property (now QFC) and east of the Property (now a bioretention pond) was consolidated and redesignated from C1-40, SF 7200 and L2 to NC3-40 to facilitate construction of the grocery store, associated parking and related stormwater infrastructure.

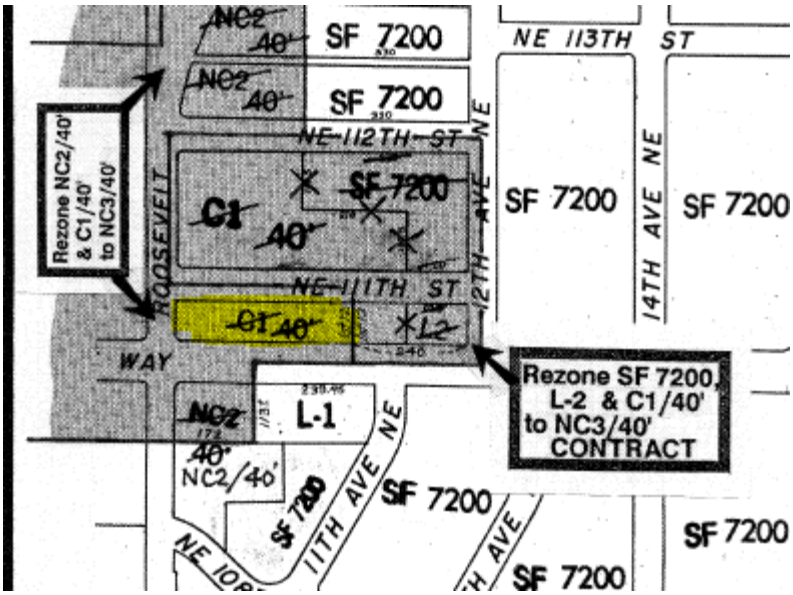


Figure 3: Excerpt from 1993 Rezone Map (Property Highlighted)

Since the 1993 rezone, the Property and its larger vicinity have followed City policy by showing a clear trend toward taller and denser zoning, with many height limits approaching the 65' that is proposed in this application. Specifically:

- In 1999, a notable contract rezone was enacted with respect to a development site several blocks west of the Property (at 3rd Avenue NE and NE Northgate Way), upzoning a portion of that site from MR to NC3-65 to facilitate construction of a Target store (Ordinance 119621, CF 302803, MUP No. 9802979).

- In 2012, the City enacted a contract rezone for two parcels at 11200 1st Avenue NE, rezoning that development site from MR to NC3-85, allowing 85-ft. heights for future mixed-use, commercial, and multi-family residential development (Ordinance 3006101, CF 311240, MUP No. 3006101).

- In 2013, the City enacted a contract rezone on property at 525 NE Northgate Way, upzoning that development site from NC3-65 to NC3-85 to allow a 7-story mixed-use residential building (Ordinance 124272, CF 312357, MUP No. 3014776).

- In 2016, another contract rezone was enacted southwest of the Property, upzoning the development site at 10711 8th Avenue NE from NC3-40 to NC3-65, thereby allowing a new 65-foot height limit to facilitate construction of two multifamily developments (Ordinance 125035, CF 314287, MUP Nos. 3018442-LU, 3020189-LU).

- In 2019, as part of the Citywide Mandatory Housing Affordability (MHA) legislation (Ordinance 125791), the Property and surrounding parcels were upzoned from NC3-40 to NC3-55. This zoning and height limit remains in effect on the Property today.

- Most recently, in 2022 a contract rezone was enacted on two parcels immediately south of the Property, upzoning the development site at 10735 Roosevelt Way NE from LR3 (M) to MR (M1), which enacts an 80' height limit. (Ordinance 126540, CF 314441, SDCI Project 3033517-LU).

D. Neighborhood Plans.

1. 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.

This criterion does not apply, because the Northgate Neighborhood Plan enacted in 1993 ("1993 Plan") predated January 1, 1995. However, the 1993 Plan supports this proposal in numerous ways, both directly and indirectly, as further discussed in the next paragraph.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

Several aspects of the 1993 Plan weigh strongly in favor of the Project and the proposed rezone. These include:

- At Policy 2, Implementation Guideline 2.1, subsection A.1, the 1993 Plan wrote that the Property[1] is a "particular location [that] provides a unique opportunity to enhance the boundary between the Northgate core and the surrounding residential neighborhood." *Id.*

- Policy 4 simply states that "additional multifamily housing opportunities of all income levels shall be promoted to the extent that a compatible scale and intensity of development can be maintained with single-family areas." *Id.* The Project and its associated height increase will promote multifamily housing for all income levels, by providing dense, livable affordable housing where none has previously existed. Thanks to the buffering described at Section E below, compatible scale and intensity will be maintained by the Project. *Id.*

- At Policy 6, Implementation Guideline 6.3 provided that this stretch of Roosevelt Way NE would become a "Key Bicycle Street." The frontage improvements proposed as part of the Project would complement this aspect of the City's 1993 vision.

- At Policy 7, Implementation Guideline 7.6, the 1993 Plan dictated that NE Northgate Way between Lake City Way NE and Roosevelt Way NE (i.e., including the Property's frontage) would be redesignated a "minor transit street [to] allow Metro service to significantly improve transit service [to] make transit a more attractive mode for shorter, northend trips." *Id.* The Project proposes to supply a dense, transit-oriented affordable housing site to compliment this status.

- At Policy 8, Implementation Guideline 8.2, the 1993 Plan specifically named "[a]ll commercially zoned lots on both sides of NE Northgate Way between 3rd Avenue NE and 11th Avenue NE" among segments then described as designated "Pedestrian Streets," and therefore "intended to serve as major links in the pedestrian network of the core." *Id.* However, this implementation tactic of the 1993 Plan (as implemented through associated Code provisions at SMC 23.71.008) has not yet been realized for this frontage, because no substantial development has yet occurred. The Project will finally bring such substantial redevelopment, in full compliance with all applicable standards. The additional height will not only catalyze the Project (and its many pedestrian-friendly features) but will also provide an additional story of residences to contribute to a strong base of pedestrians and "eyes on the street." *See generally* SMC 23.71.008.

[1] This section of the 1993 plan describes "[t]he area . . . bounded on the north by NE 112th Street, on the east by 12th Avenue NE, on the south by NE Northgate Way, and on the west by Roosevelt Way NE." *Id.*

- At Policy 8, Implementation Guideline 8.3 subsection D, the 1993 Plan dictated that "[s]afe, convenient pedestrian crossings shall be a priority at . . . Roosevelt Way NE between NE 111th Street and NE 112th Street." *Id.* The Project will compliment this goal by replacing a complex, vehicle-oriented restaurant and Jiffy Lube complex with a modern affordable housing site that incorporates up-to-date pedestrian safety measures.

- At Policy 8, Implementation Standard 8.6, the 1993 Plan stated that Roosevelt Way NE . . . shall be [among those streets] designated as Special Landscaped Arterials," to be "enhanced with special landscaping treatment and pedestrian facilities to improve the balance between the arterial's role in carrying high traffic volumes and large numbers of pedestrians." *Id.* However, this implementation tactic of the 1993 Plan (as implemented through associated Code provisions at SMC 23.71.012) has not yet been realized for this frontage, because no substantial development has yet occurred. The Project will finally bring such substantial redevelopment, in full compliance with all applicable standards. The additional height will not only catalyze the Project (and its many pedestrian-friendly features) but will also provide an additional story of residences to contribute to a strong base of pedestrians and "eyes on the street." *See generally* SMC 23.71.008.

3. 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.

This third criterion does not apply to the 1993 Plan, which predated January 1, 1995, does not establish specific policies expressly adopted to guide future rezones, and does provide for rezone of this particular site, as summarized in the following section.

4. 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.

With respect to the 1993 Plan, this factor was satisfied. The 1993 plan at Policy 2 provided generally that the Northgate subarea's existing zoning "shall be revised . . . to promote a land use pattern characterized by a concentrated core of intensive commercial and high-density multifamily zones surrounded primarily by single-family residential areas."

The 1993 Plan addressed this block specifically at subpart 2.1.A.1, stating that "this particular location provides a unique opportunity to enhance the boundary between the Northgate core and the surrounding residential neighborhood due to the stream which runs along the eastern edge of the site." That first rezone was enacted through Ordinance 116794 and an accompanying PUDA, as required by this criterion. However, that zoning has been subsequently superseded by the City's 2019 MHA upzone.

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 rezone does not change the existing zoning designation, other than a change to allowed height. Thus, no new impact of commercial zones on other zones is implicated. To any extent that the one-story increase in height represents increased development intensity, the location of the Property, the proposed attributes of the Project, area topography and nearby development patterns effectively minimize or eliminate aesthetic impacts.

Gradual transitions between height limits are generally provided by the 55' height limits that prevail in expansive areas on almost all sides of the Property. (Ref. vicinity zoning map, Appendix A, below). These gradual transitions are complemented and augmented by the buffers discussed in the following section.

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.

The Property benefits from several physical buffers that provide an effective separation, transition or buffer between different uses and intensities. Please see Figure 4.

To the Property's northeast, east and southeast, a bioretention pond, Victory Creek Park, and the larger critical areas and topographic features associated with Thornton Creek provide a curved buffer of natural features and treed spaces that generally buffer the Property and its immediate vicinity from less densely populated neighborhoods located further east.

To the Property's south and west, four-lane major traffic arterials (Roosevelt Way NE and NE Northgate Way) and their associated sidewalks and street trees provide substantial buffers. However, such buffers probably are not even necessary considering the multifamily, high-intensity and generally commercial uses that dominate areas east and south of the site.

Figure 4: Project Site highlighted yellow, together with buffering natural features, arterials and QFC complex

Finally, the expansive QFC and associated parking complex to the Property's north provides a distinctly different block orientation that serves as an effective buffer. In fact, the QFC site plan was specifically designed to provide "an excellent transition to the residential neighborhood [located further north], including a substantial landscape buffer along NE 12th Street at the north boundary, [together with the] broad open space along the stream on the eastern boundary." 1993 Plan at 2.1.A.1.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) ***Platted lot lines.***

Boundaries of zones would not be modified by the proposed action; only height limits would be changed.

See discussion of physical buffers above. Zone boundaries would continue to follow platted lot lines.

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 rezone proposal does not alter the existing location of commercial and residential zones, and therefore, it is not inconsistent with zone boundary principles.

Please see vicinity zoning maps at *Appendix A* for further information.

2. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) 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 site is entirely within the Northgate Urban Center, where heights above 40 feet are considered appropriate.

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;

The Project being proposed in connection with this rezone is primarily characterized by its positive impact on housing, and particularly on low-income and transit-oriented housing. The Project would provide approximately 184 new affordable and transit-oriented dwelling units, including 31 units that would only be possible as a result of the increased height being requested here. No affordable or market-rate housing is provided on the Property as it exists today. The Project, and the rezone, will provide a clear positive contribution to the City's overall supply of housing generally and affordable housing specifically.

b. Public services;

The new units would be included within City police and fire service areas, but the available service levels are anticipated to be sufficient due to the location in a highly developed urban area. No appreciable negative impacts to public services are anticipated due to the additional housing made possible by the height increase.

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

The requested increase in permitted height would allow approximately one story of development above the existing height, but this increase would not change the zoning designation or the types of uses

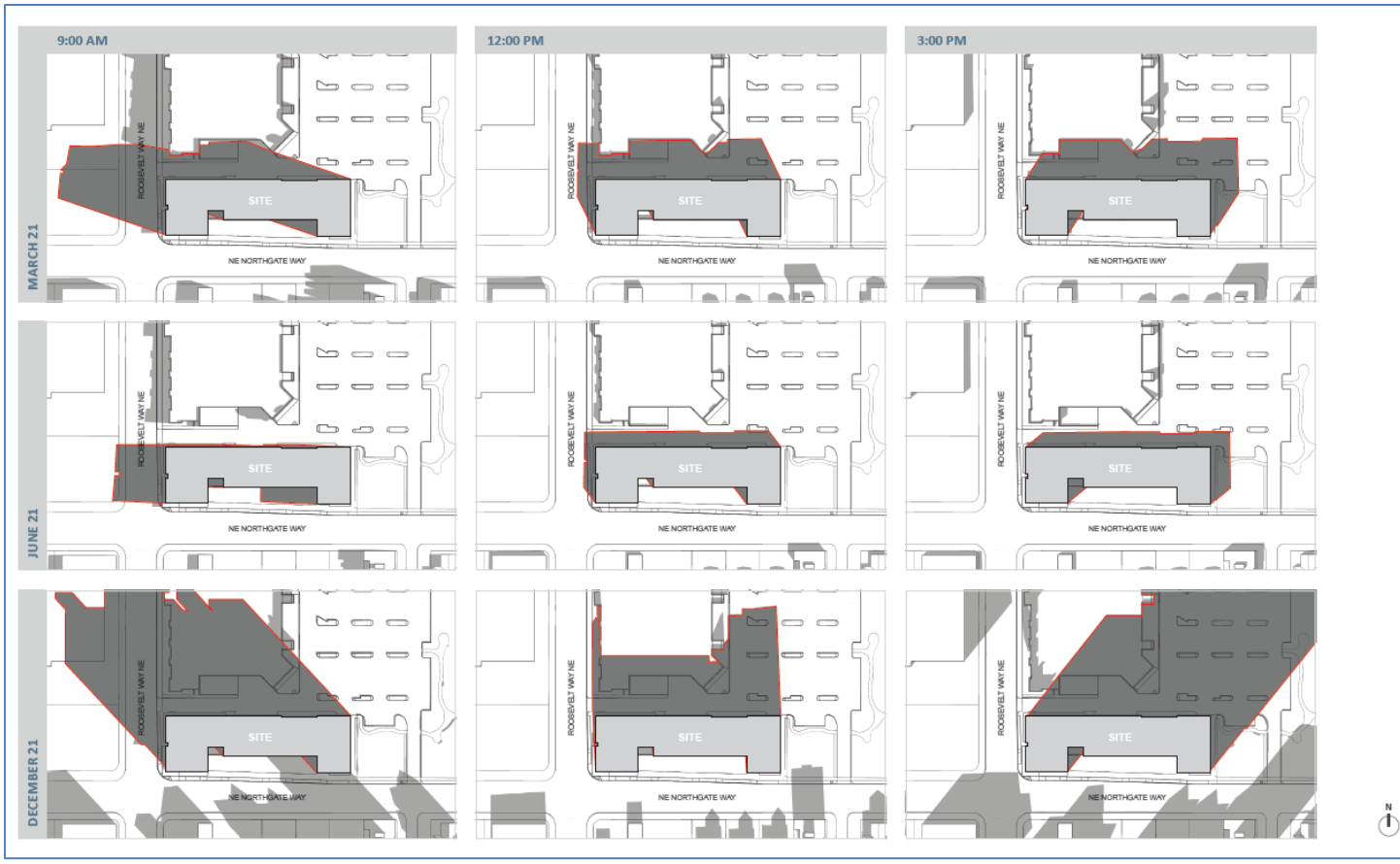
allowed on the property. Therefore, no appreciable impacts to environmental factors are anticipated as a result of the requested height increase.

There will be some minor shading on commercial properties to the north and on the Roosevelt Avenue NE right-of-way due to the height increase, but the shading is not projected to be severe, and has greatest effect on a blank QFC façade that includes no windows. Though some shadows will reach Victory Creek Park in afternoons during the winter, the area that may be shaded is a parking lot and a densely planted area without any accessible any trails or other open spaces capable of public recreation use. Further, the areas of shadowing are not materially different than would occur without the height rezone.

Figure 5: Area of Victory Creek Park that may be shaded during winter afternoons (as viewed from QFC's parking lot)

The following Figure shows the shadow effects of the Project at 3 times each day when shadowing is greatest (9 am, 12 pm, and 4 pm) on the Summer and Winter Solstices, and on the Spring and Fall Equinoxes. The Figure indicates that some shadows will reach the adjacent properties, which is further discussed at Question 14, above.

Figure 6: Shadow Studies



The Project is not expected to create any negative impacts to air quality or odors, to any flora or fauna, or to energy conservation. In fact, it will likely contribute *positively* to air quality, flora and fauna and energy conservation in the larger region, insofar as this infill, transit-oriented multifamily residential development will supply dense housing stock that might otherwise be supplied in suburbs or exurbs. In such locations, new housing development often entails longer commutes and electricity transmission distances (impacting air quality and energy conservation) as well as clearing and grading of natural areas (impacting flora, fauna, and water quality). By contrast, new housing development in this location will utilize newly-created transit infrastructure and shorter transmission distances, and will not require clearing or grading of any unimproved natural areas. Further, the Project will comply with the latest energy code requirements that result in more efficient building systems and less emissions compared to structures constructed under prior codes.

Water quality will be further improved by the redevelopment of an outdated parking site with a site plan that utilizes modern stormwater best practices throughout construction and operation.

Noise and glare impacts for the Property's current zoning have been fully and carefully analyzed though previous Environmental Impact Statements completed by the City, including with the City's 2019 MHA upzone. The additional height being requested is not anticipated to create any measurable marginal change to these items, and Project-specific impacts are also mitigated through the applicable Design Review process.

The additional 31 housing units allowed by virtue of the rezone would contribute positively to the City's housing production goals, and the implementation of and participation in the MHA program will positively contribute to housing affordability and by extension the residential environment.

d. Pedestrian safety;

The Project would increase pedestrian safety along NE Northgate Way and Roosevelt Way NE in several ways. The Project proposes to embrace the corner and streetscape, provide neighborhood open space, articulated entrances and pedestrian connections on NE Northgate Way and Roosevelt Way NE, which will break down the scale of the building and contribute to a pedestrian-friendly environment. Further, appropriate transparency is proposed on all levels of the building facing NE Northgate Way and Roosevelt Way NE. This transparency, together with the many units of housing to be provided by the Project and its increased height, will provide more "eyes on the street." Night lighting of entrances and walkways is also contemplated, which will help ensure nighttime safety. (Lighting will of course be directed downward and away from any neighboring residential uses so as to minimize any light impacts.) The Project will provide all applicable frontage improvements to the extent required by applicable standards and law. And finally, the Project's neighborhood open space and proposed pedestrian connection will likely incorporate elements such as lighting, signage, textured pavement, and other features to ensure pedestrian safety and a welcoming environment around and through the Property.

e. Manufacturing activity;

This criterion does not apply. The Project does not displace or propose manufacturing activity, the Property is not zoned for manufacturing activity, and no manufacturing activity is known to occur in the area.

f. Employment activity;

The Project would displace two existing commercial uses: Jiffy Lube and Patty's Egg Nest, each of which provides some on-site employment opportunities. According to County records, Jiffy Lube provides 3,488 net square feet of commercial space and Patty's Egg Nest provides 3,609 net square feet of commercial space, for a total of 7,097 net square feet of existing non-residential use on the Property. However, such impacts will be offset by new employment opportunities in the commercial or other non-residential space proposed for the ground floor of the Project. At present, the Project is anticipated to provide approximately 6,771 square feet of non-residential space, which is expected to provide employment opportunities. The Project is exploring whether a daycare facility could be located in this space.

To any extent that the new gross square footage of non-residential floor area does not replace jobs displaced by the discontinuance of Jiffy Lube and Patty's Eggnest, that impact will be further offset by the Project's approximately 184 new units of housing. New residents in these units are anticipated to support neighborhood business activity, which in turn will lead to additional job growth in the immediate vicinity of the site.

Importantly, this new affordable housing capacity will also support the acute need for affordable housing that is associated with job growth throughout the City.

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

The Project is not anticipated to have any negative impacts on areas recognized for architectural or historic value. There are no designated Landmark structures or districts in the vicinity.

The Jiffy Lube building was constructed in 1988, and the Patty's Egg Nest building was constructed in 1970, but the buildings are of typical non-residential typology reflective of their specific uses and neither appears to provide any architectural or historic value.

h. Shoreline view, public access and recreation.

No shorelines exist in this area, and the Project does not impact shoreline views, access, or recreation. This criterion does not apply.

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:

As of this writing, Transportation Engineering NorthWest ("TENW") has drafted a scope of work for the traffic impact study to be completed for the Master Use Permit application for this Project. When completed, the traffic impact study will contain detailed information about these service capacity criteria (a) through (d). It will include a comprehensive analysis of traffic and parking impacts of the Project in the context of the Project's transit-oriented location, as well of careful analysis and conclusions regarding Level of Service (LOS) standards for the offsite study intersection of Roosevelt Way NE/NE Northgate Way.

a. Street access to the area;

Street access in the area is outstanding, and street access service capacity is not reasonably anticipated to be an issue. The Property has substantial frontage on two principal arterials (Roosevelt Way NE and NE Northgate Way), access to a third such principal arterial (Pinehurst Way NE within three blocks, and access to northbound and southbound onramps to I-5 within ten blocks.

b. Street capacity in the area;

The Property is located in an urban area where street capacity is generally considered sufficient for development and no concurrency failure or similar issues are reasonably anticipated in the area. Based on its preliminary analyses, TENW currently estimates that the Project will generate 397 net new weekday daily trips, with 23 net new trips occurring during the weekday AM peak hour (-12 in, 35 out) and 35 net new trips occurring during the weekday PM peak hour (30 in, 5 out). Given the proximity of nearby arterials, the impacts of new traffic from the Project is expected to be minor in comparison with significant, existing traffic volumes.

c. Transit service;

The Property is very well served by transit service, and the Project is not anticipated to exceed capacity. In addition to the nearby Northgate Station's link light rail, bus rapid transit and local bus service, the Property is directly and thoroughly served by several King County Metro bus lines. Most notably, the 67 line and the 20 line are "frequent all-day routes" that provide service every fifteen minutes or less from Monday through Friday, 6 am to 7 pm, as well as every 30 minutes or less on weekends from 6 am to 10 pm. The 67 line connects the Property with Roosevelt and University District neighborhoods as well as Children's Hospital, while the 20 line connects the Property with Lake City, Green Lake, and University District neighborhoods. Other Metro lines serving the site include the 347, 348 and 984 lines.

d. Parking capacity;

The Project is not expected to cause an over-burdening of area parking infrastructure. With shared parking between the retail and residential uses, the proposed parking supply is anticipated to accommodate the parking demand without parking spillover onto the adjacent property. It will provide below-grade parking

in compliance with all applicable Code requirements, and the proximity to excellent and rapidly improving transit infrastructure is further offset any possible net effects to public parking capacity.

e. Utility and sewer capacity;

With respect to utility and sewer capacity, the Water Availability Certificate evidencing adequate water service capacity was approved and will not expire until December 13, 2024. *See* SPUE-WAC-21-01985.

The Project is located within a City of Seattle Listed Creek Basin, and will provide applicable detention as required. Onsite storm mitigation, biodetention and possibly green roofing will be provided to the maximum extent feasible such that the Project meets the applicable City of Seattle requirements. The peak flow storm water runoff from the site will be decreased due to proposed mitigation, and sewer facilities are anticipated to have adequate capacity to support the Project.

f. Shoreline navigation.

No navigable shorelines exist in the vicinity of the Property, so this criterion does not apply.

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 designations in this chapter.

Changed circumstances are not required for rezone approval. Nonetheless, several changed circumstances have occurred since the Property's current height limit took effect in April of 2019, and these changed circumstances weigh in favor of the proposed height increase.

- Possibly the most dramatic changed circumstance in the larger vicinity of the Property occurred on October 2, 2021, when neighborhood-changing complex of multimodal transportation infrastructure commenced service just over half a mile from the Property. This complex features Sound Transit's Northgate link light rail station, which (together with complementary bus service and parking facilities) provides connections to downtown, SeaTac Airport and many neighborhoods in between. On the same day, Seattle Department of Transportation opened the John Lewis Memorial Bridge, which provides a new, state-of-the-art non-motorized connection from the vicinity of the Property to North Seattle Community College and other neighborhoods west of Interstate 5. All of these facilities will complement and be complemented by increased residential density and affordable housing in the vicinity, which the Project proposes to provide.

- The vicinity of the Property also shows clear evidence of private-sector trends toward taller, denser, and more transit-oriented residential development in new buildings. For example, a five-story project under construction at 11201 Roosevelt Way NE will provide 295 new dwelling units (3034991-LU), and due north of the QFC, a vacant assemblage is undergoing improvement with a four-story complex of seven Live/Work parcels and thirteen residential units (3032523-LU and 6508131-CN). Similarly, a taller 80' height limit was just provided nearby through a contract rezone on 10735 Roosevelt Way NE from LR3 (M) to MR (M1) (Ordinance 126540, CF 314441, SDCI Project 3033517-LU).

- Finally, several anticipated but not-yet-completed changed circumstance are anticipated within the next three years and beyond. Sound Transit expects that sometime in 2024 it will commence Lynnwood Link service from the Northgate Light Rail Station, connecting the Project's vicinity with two new stations in Shoreline, one in Mountlake Terrace, and one in the Lynnwood City Center. The Lynnwood Link will provide service approximately every 4-6 minutes during peak hours. Beginning in 2026, Sound Transit will augment the Lynnwood Link by providing bus rapid transit from the Link's Shoreline South station (the

next stop from Northgate) to Lake Forest Park, Kenmore, Bothell and beyond. Finally, Sound Transit anticipates continuing service from Lynnwood north to Everett (including several neighborhoods in between) sometime between 2037 and 2051.

- It is also worth noting that some ***unchanged*** circumstances also weigh in favor of increasing residential density and affordability on this Property and throughout the Northgate Urban Center. Specifically, Seattle's ongoing crisis of housing affordability.[2]

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 located in the Northgate Urban Center and Northgate Overlay District. The Property also lies within a "Northgate Core" area that appears on a map codified at SMC 23.71.004, but this "Northgate Core" does not appear to qualify as an overlay, nor to have any direct, continuing regulatory effect on the contemplated Project.

Northgate Overlay District. The boundaries of the Northgate Overlay District, including the boundaries of the Overlay District's "Core Area," are codified at Map A to SMC 23.71.004. The purpose and intent of the Overlay District and its applicable regulations are to "[c]reate an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; . . . protect the residential character of residential neighborhoods; and [s]upport the use of Northgate as a regional high-capacity transportation center." SMC 23.71.002.

The Project, with its proposed height increase, will satisfy the codified purposes of the Overlay District by improving the pedestrian environment as further described in Section F.1.d above; supporting commercial development by increasing the Property's commercial floor area and providing approximately 184 units of additional residents who are likely to patronize neighborhood businesses as described in Section F.1.f above; and providing homes for a large population of potential transit riders who could will help improve the fare base of newly completed transit and pedestrian infrastructure within three-quarters of a mile as further described in Section G above.

Northgate Urban Center. The Property lies squarely within the boundaries of the Northgate Urban Center, as designated by Seattle's Comprehensive Plan. While neither the Plan nor the Code provides a purpose statement for this subarea, the Plan provides a list of goals policies that the Project would support, advance and compliment.

Table 1: Consistency with Comprehensive Plan Goals and Policies for Northgate Urban Center		
Goal Number	**Goal Statement**	**Project Consistency**
General Goals		

[2] *See, e.g.*, Seattle nearly doubled affordable housing funds. It's not enough. Josh Cohen, Crosscut, June 16, 2022.

NG-G1	A place where people live, work, shop, play, and go to school—all within walking distance.	**Consistent.** This rezone would facilitate increased residential for a Project that would provide new walking-distance living opportunities through the new residential units, together with play/school opportunities through the potential new childcare facility on site. Though some employment and shopping opportunities exist on the Property now and are proposed to go away (Jiffy Lube and Patty's Eggnest), the Project would also provide employment and retail services through the proposed ground-level commercial space that will either be in a daycare or other nonresidential use.
NG-G2	A thriving, vital, mixed-use center of concentrated development surrounded by healthy neighborhood residential areas transformed from an underutilized, auto oriented office/retail area.	**Consistent.** This rezone would facilitate increased residential density for a Project that aims to provide mixed-use, concentrated development, as well as street-tree, childcare, open space and through-block features that taken together would provide a contribution to the health of the surrounding neighborhood. As desired by this goal, this mixed-use Project and its neighborhood contributions would replace auto-oriented retail businesses and expansive and underutilized paved parking areas.
Please see a continuation of this Table 1 responding to additional Goals and Policies at the bottom of this Application narrative.		

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 rezone is not anticipated to have any effect on any critical area. City records indicate that a portion of the Property (on the far easterly side of 1020 NE Northgate Way) may be encumbered by a wetland buffer which pertains to a nearby but off-property bioretention pond. However, the bioretention pond is a man-made stormwater facility associated with the QFC development to the north. It is not a critical area, and to the applicant's knowledge, it is not connected with the Property.

No other critical areas are known to be present on or within 25 feet of the Property. Any final proposal to redevelop the Property will comply with all applicable ECA regulations.

Currently, the applicant contemplates an open through-block pedestrian connection that joins NE Northgate Way with a shared easement on the north side of the site as part of the Project. The applicant currently anticipates complimenting the pedestrian connection and the buffer with appropriate plantings in this general area.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:

1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or

2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned.

The current zoning applicable to the Property includes a "M" suffix, indicating MHA program requirements apply. Because the height proposed would increase the zoned capacity of the Property from a "Category 3" zone to a "Category 4" zone pursuant to SDCI Director's Rule 14-2016, the Property should receive an updated "M1" suffix through the contract rezone approval and PUDA. Regardless, the Project proposes all affordable housing, which will go beyond the requirements of the MHA program for M1 suffix properties.

16.4 Criteria at SMC 23.34.009 - Height Limits of the Proposed Rezone

If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

The applicant requests to increase allowed height limit on the Property from the current 55' to 65', without a change to the underlying zone. The proposed 65-foot height limit would be compatible with the type and scale of development intended for Neighborhood Commercial 3 zoning, which intends to provide "residences that are compatible with the retail character of the area," and where possible, "[i]ntense pedestrian activity," and transit as "an important means of access." SMC 23.24.078. The additional height provided by this rezone would serve to provide greater population density, thereby further intensifying pedestrian activity and providing a larger rider base for area transit. The proposed height limit would also be consistent with the type and scale of development intended for the Northgate Urban Center, as set discussed in Table 1 above (and continued below).

The requested height increase would allow for development of 31 additional units, which will positively benefit the economics, character and vibrancy of the immediate area by providing resident demand for goods and services within walking distance.

Displacement of "preferred" uses is not applicable. The automobile-centric restaurant site and Jiffy Lube are not use types preferred for this zone.

B. Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

The area around the Property is generally flat, so no particular topographic features are present for reinforcement by the Project. The likelihood of view blockage is very slim, due to the flat nature of the vicinity. Few, if any, uses in the area are view-sensitive. With respect to the several residential uses across NE

Northgate Way, the Project will displace their territorial view of QFC's blank façade, the two businesses to be removed, and an expansive parking area, as shown below.

Please see the above discussion of compliance with SMC 23.34.008.E.2, which addresses the topography of the site in further detail.

The SEPA Ordinance designates certain public places for which view protection is City policy. The proposed project would not adversely affect views from the listed public places under current or proposed height limits. The SEPA Ordinance also designates certain scenic routes identified as protected view rights-of-way. No adjacent streets have been identified as protected scenic routes.

C. Height and scale of the area

1. The height limits established by current zoning in the area shall be given consideration.

The Property lies within the Northgate Urban Center, and the height limits established by current zoning in the area has designated many parcels with height limits of 75 feet or more, as shown by the zoning map provided in Figure 6, above. A few LR3 parcels are located to the north of the site, but it is not uncommon for those zones to abut zones with height limits of 65 feet, and a few LR2 parcels are located to the south of the site, as further discussed below in the narrative response to SMC 23.34.009.D.2. No LR1 or NR zones exist in the immediate area of the Site.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

Higher heights are especially predominant along NE Roosevelt, which directly abuts the Property. In fact, 75- to 95-foot height limits currently apply to several lots across this arterial from the Site. A 65-foot zoned height for the site would be compatible with this range of heights.

There are a number of new developments proposed in the vicinity of the Property that signal the development potential of this area is predominantly multi-story development. Specifically, a five-story project under construction at 11201 Roosevelt Way will provide 295 new dwelling units (3034991-LU), and due north of the QFC, a vacant assemblage is undergoing improvement with a four-story complex of seven Live/Work parcels and thirteen residential units (3032523-LU and 6508131-CN). Perhaps most notably, 80' height limit that was just approved nearby through a contract rezone on 10735 Roosevelt Way NE from LR3 (M) to MR (M1) (Ordinance 126540, CF 314441, SDCI Project 3033517-LU).

In contrast, existing lower-scale development in the area is not a good indicator of development potential because much of that lower-scale development was constructed prior to the 1993 Plan, in very different eras. For example, the existing one-story buildings across NE Northgate Way were constructed in

the late 1960s through 1970s, and are not a good indicator of the site and surrounding area's development potential. Likewise, the low-slung and auto-oriented chain retailers located north, east and southeast of the site were constructed in the 1970s and 1990s. According to County records, the most recent of these is the Walgreens that was constructed 23 years ago. That structure is located due southwest of the site, across NE Northgate Way and Roosevelt Way NE.

D. Compatibility with surrounding area

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

As explained above, below, and in accompanying EDG materials, the proposed Project is designed to be compatible with actual and zoned heights in surrounding areas. For more information, please see this document's narratives in response to SMC 23.34.008 subsection C concerning area contract upzones; at subsection E concerning transitions and physical or topographic buffers; or at subsection G, concerning the increased dominance of substantial actual and zoned heights in the vicinity.

Please see Appendix C to this rezone application, which includes a selection of figures from the final EDG package's massing and zoning envelope studies.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.E.2, are present.

Applicable physical buffers are discussed above in response to SMC 23.34.008.E.2, and transitions are discussed in response to SMC 23.34.008.E.1.

The Project also includes several features that are designed to mitigate the effects of structure height and scale on the surrounding properties, and to provide gradual transitions in height, scale and activity level. Specifically, it would:

- Provide street trees and similar frontage improvements;
- Thoughtfully embrace corners and streetscapes;
- Provide neighborhood open spaces and through-block connections facing the LR2 parcels to the south while providing parking and utility access on the easement that faces the adjacent QFC;
- Place a through-block connection on the Property boundary that falls closest to Victory Creek Park;
- Provide daycare-compatible commercial space (to include possible pick-up/drop-off and playground areas) facing away from the LR2 parcels, but readily accessible to those properties by way of the proposed through-block pedestrian connection;
- Include landscaping in the proposed open space facing NE Northgate Way to further soften the transition, and appropriate street trees approximately every 35 feet on the façade facing the LR2 properties, as well as on the façade that faces Roosevelt Way NE. Additional information may be found in the EDG materials provided under SDCI file no. 3039547-EG.

E. Neighborhood plans

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

Though the 1993 Plan and the current Comprehensive Plan do not provide specific height recommendations that are relevant to this Property or the Project. However, the City's overall policy has been remarkably consistent, from the 1993 Plan's vision for land use and urban design that would"[c]oncentrate the most intense and dense development within the core," to the Comprehensive Plan's current goal NG-G4, that "[t]he most intense and dense development activity is concentrated within the Core. 1993 Plan at 4, Comprehensive Plan at 357. This Property has been designated as part of Northgate's "Core" from 1993 to the present.

In the current Comprehensive Plan's goals for the Northgate Urban Center, perhaps the most relevant goal is NG-P8.5: "Support future potential rezones to higher-intensity designations in the North[gate] Core Subarea." The requested height would provide just such a higher-intensity designation. Please see also this application's detailed discussion in response to SMC 23.34.008.D.2, as well as the consistency statements provided in Table 1, which begins at this application's response to SMC 23.34.008.H and is continued below.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995, may require height limits different than those that would otherwise be established pursuant to the provisions of this Section 23.34.009 and Section 23.34.008.

The 1993 Plan predated January 1, 1995 so this criterion does not apply

16.5 Criteria at SMC 23.34.011 - Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

The Property's NC3 zoning continues to be appropriate, as described below. The Project, including its proposed height increase, will be compatible with NC3 zoning as described in this response.

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area;

This Property already supports, and the Project would more effectively support and encourage, the pedestrian-oriented shopping district formerly known as Northgate Mall, which serves the surrounding neighborhood and (especially through access to Link Light Rail, King County Metro infrastructure, the John Lewis Bridge and I-5) a larger city and regional community.

Through the Project, the current nonresidential uses provided by Patty's Egg Nest and Jiffy Lube would be replaced with a tremendously more supportive and encouraging transit-oriented mixed-use development that would provide childcare, shopping or other commercial opportunities at ground level, and a base of pedestrians and shoppers in the modern affordable multifamily units above. The ground level would provide for retail or services uses, while the residential density above would be compatible with the area's larger retail- and transit-oriented character.

and where the following characteristics can be achieved:

1. A variety of sizes and types of retail and other commercial businesses at street level;

The Property is appropriate for NC3 zoning in terms of this criterion because it provides low-density, auto-oriented sizes and types of retail and commerce at street level. As improved by the Project, the Property would remain functionally appropriate because it would continue to provide retail or other businesses at the street level.

2. Continuous storefronts or residences built to the front lot line;

This functional criterion is not completely met by the Property at present, because of the low-density, auto-oriented nature of existing storefronts. This functional criterion would be better achieved by the Project, which would provide commercial and residential uses built in to a much larger part to the front lot line.

3. Intense pedestrian activity;

This functional criterion is not completely met by the Property at present, because of the low-density, auto-oriented nature of Jiffy Lube and Patty's Egg Nest uses. This functional criterion would be better achieved by the Project, which would provide greater pedestrian comfort and interest in its site design attributes and in the nature of its commercial spaces, as well as a base of new residents on site, who by their residency would intensify pedestrian activity on these streets.

4. Shoppers can drive to the area, but walk around from store to store;

This functional criterion is true of the area in which the Property is located, which is capable of being accessed by single-passenger vehicle, and then navigated on foot. As improved by the Project, the Property would better achieve this functional criterion by continuing to provide some parking for resident-shoppers below ground, but also providing a more robust and exciting store-to-store pedestrian experience on adjacent sidewalks.

5. Transit is an important means of access.

This functional criterion is achieved because the Property is accessible by transit along NE Northgate Way, Roosevelt Way NE, and of course through nearby King County Metro and Sound Transit infrastructure provided at Northgate Station. As improved by the Project, the Property would even more effectively achieve this functional criterion, because the increased density would have a mutually-beneficial relationship with area transit routes.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. The primary business district in an urban center or hub urban village;

The Property (and associated primary business district) is located within an urban center, so it satisfies this locational criterion now and will continue to do so when improved by the Project.

2. Served by principal arterial;

The Property is effectively served by three City-designated Principal Arterials: NE Northgate Way, Roosevelt Way NE and Pinehurst Way NE, so it satisfies this locational criterion now and will continue to do so when improved by the Project.

3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

The Property is effectively separated from low-density residential areas by physical edges (such as an existing bioretention pond, Victory Creek Park and other features of Thornton Creek, the NE 112th Street buffer, and the aforementioned arterials) as well as less-intense commercial and more-intense residential areas (such as LR2 and NC2-55 properties to the south). The Property therefore satisfies this locational criterion, and will continue to do so when improved by the Project.

4. Excellent transit service.

This locational criterion is achieved because the Property is served by excellent transit along NE Northgate Way, Roosevelt Way NE, and of course through nearby King County Metro and Sound Transit infrastructure provided at Northgate Station. As improved by the Project, the Property would be even more appropriate for NC3, because the Project's increased density would have a mutually-beneficial relationship with area transit routes.

17. Scale Drawings are provided in related MUP application materials.

III. Appendices.

A. Vicinity Zoning Maps.

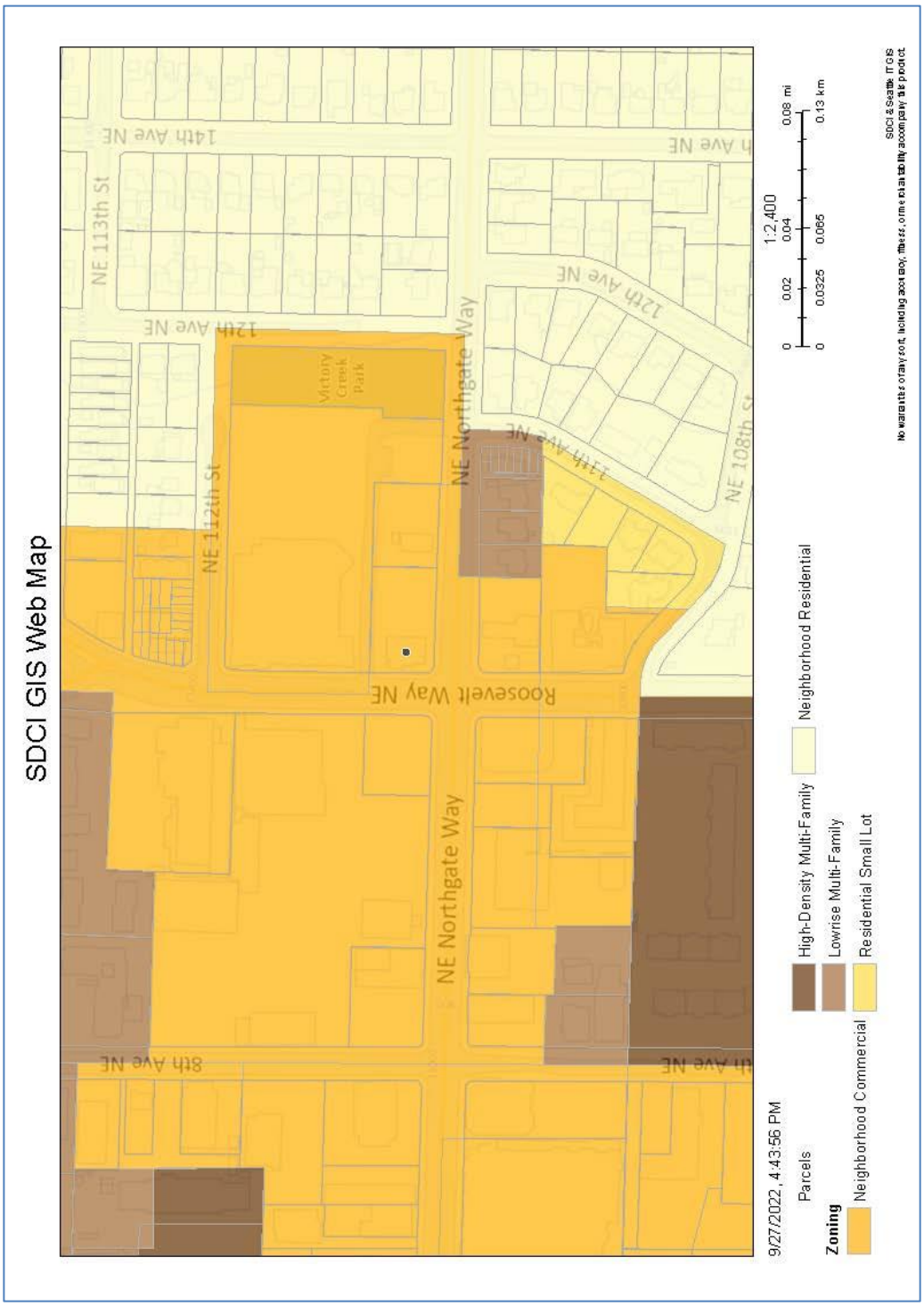


Figure 7 Vicinity Zoning Map (Subject Property at center, marked with dot).

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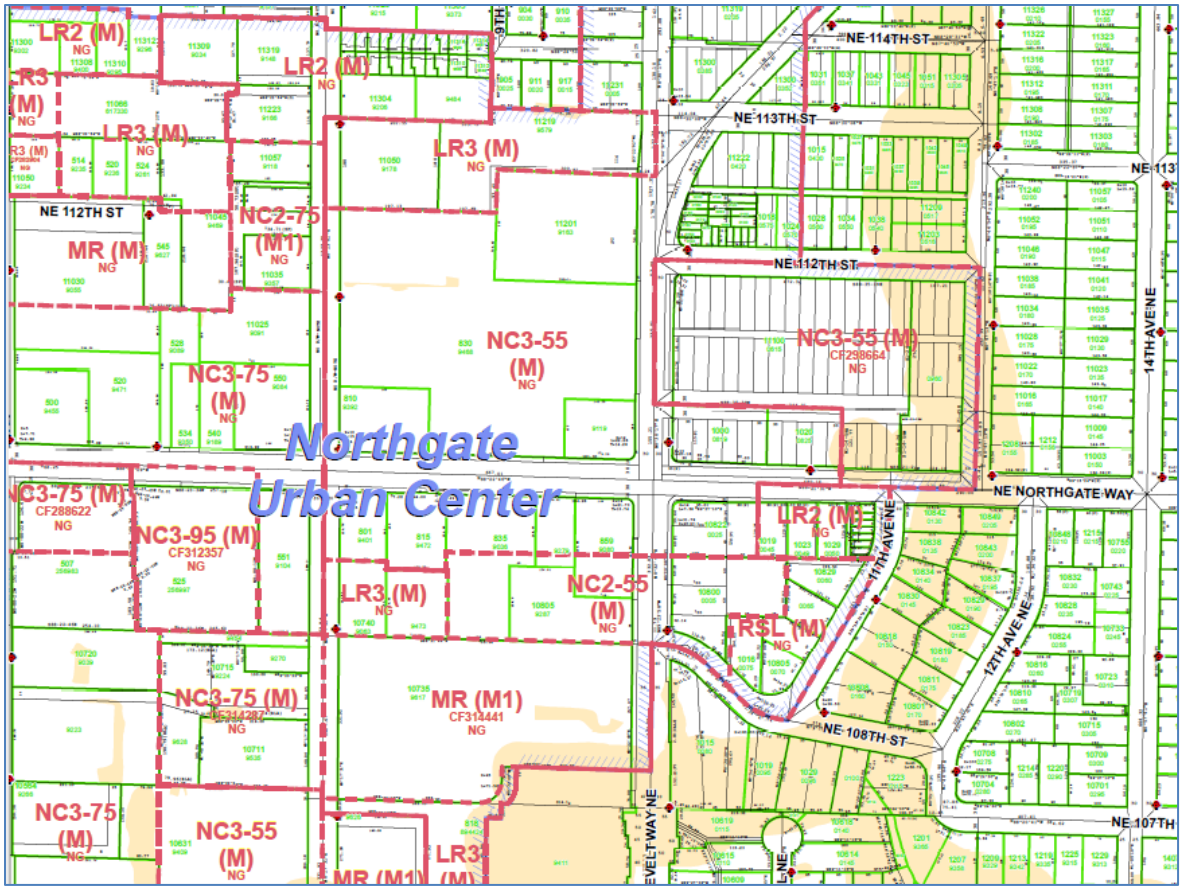


Figure 8: Vicinity Zoning Map with Height

B. Continuation of Comprehensive Plan Consistency Table.

Table 1, Cont'd: **Consistency with Comprehensive Plan Goals and Policies for Northgate Urban Center**		
Policy #	**Policy Statement**	**Project Consistency**
NG-G3	The surrounding neighborhood residential areas 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).	**Consistent.** Surrounding neighborhood residential areas would remain buffered as described in 23.34.008.E above, while the Project would provide additional commercial floor space at its ground level, and support transportation alternatives at this core location by providing a mid-block connection, storefronts and entrances that engage with the sidewalk, and frontage improvements such as street trees.
NG-G4	The most intense and dense development activity is concentrated within the core.	**Consistent.** This Property is located within the core. The proposed height increase would provide more intense and dense development activity in this area.
NG-G5	Commercial activity outside the core is smaller in scale and allows for a mix of uses that serve the adjacent residential neighborhoods.	**N/A.** This Property is located entirely within the designated "Core" of the Northgate Urban Center.
NG-P1	Encourage development of the core as a major regional activity center for retail, commercial, office, multifamily residential, and educational uses with densities sufficient to support transit.	**Consistent.** This rezone would facilitate increased and revitalized retail and commercial activities on its ground level, as well as denser multifamily uses at higher levels (including the level of the height increase), which will contribute to transit ridership in the vicinity.
NG-P2	Use land use regulation to cause new development to locate close to transit stops and provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.	**Consistent.** The Project generally, and the requested increased height would cause an additional story of new residences to locate at the Property's close proximity to transit stops and pedestrian infrastructure.
NG-P3	Use a Northgate Overlay District to address the special characteristics of development in the area.	**Consistent.** This Overlay has been enacted at ch. 23.71 SMC, and it includes special development characteristics that would apply to the Property due to the Property's frontage on NE Northgate Way and Roosevelt Avenue NE. However, these special characteristics have not yet been applied, because substantial development has been slow in coming to this particular Property. This Project would bring

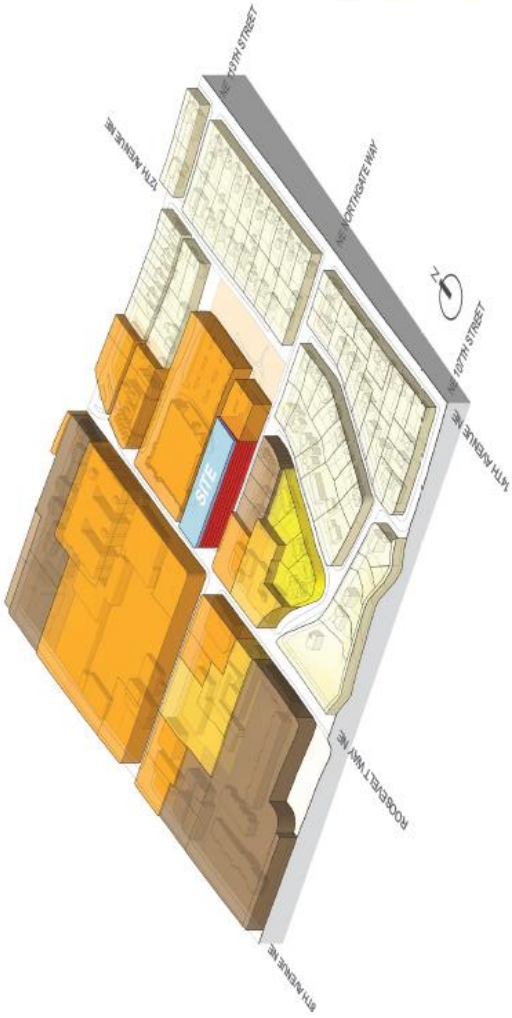
		substantial development, and thereby finally apply more of the Overlay District's stylistic vision along this frontage.
NG-P4	Concentrate employment activity where the infrastructure and transportation system can best accommodate it.	**Consistent.** This mixed-use Project will provide substantial employment in its ground-floor nonresidential floor space, commensurate with its access to infrastructure and transportation. However, the majority of the Project's floor space will be dedicated to residential use rather than employment activity, which is appropriate given the Project's location.
NG-P5	Promote a mixture of activities including commercial and residential uses in areas that have Neighborhood Commercial and Residential Commercial zoning designations.	**Consistent.** This is a mixed-use Project, which will provide a mix or commercial and residential uses and activities on a single NC-zoned site.
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 neighborhood residential areas.	**Consistent.** This Project will itself directly provide approximately 184 new units of income-restricted multifamily housing units which will be made available to households at affordable levels. Scale and intensity are compatible with adjacent neighborhoods, as further discussed in this application's narrative response to SMC 23.34.009.D.
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.	**Consistent.** As discussed in more detail at Question 14 and in the narrative response to SMC 23.34.008.E, this Project will carefully maintain, respond to and enhance transitions between different zones to reduce conflicts and promote competitive relationships between activities between different scales of activities.
NG-P8	Maintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as rowhouses, townhouses, and lowrise apartments. Encourage primarily residential uses in these areas while allowing for commercial and retail services for the village and surrounding area.	**Non-Applicable.** This site is located in an urban center, not an urban village.
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	**Consistent.** This Project lies across the street from the Northgate Core Subarea as mapped in the Comprehensive Plan. However, particular attention has been paid to creating a network of pedestrian connections, such as the proposed through-block connection. Similarly, the Project will help develop

	connections and that encourages pedestrian activity, among other considerations associated with a rezone review.	an environment that encourages pedestrian activity by finally catalyzing frontage improvements that have been an unrealized City vision for this site's frontage since at least 1993, as further described in the provisions of the Northgate Overlay District that have special application to this Property's arterial frontage..
NG-G6	An economically viable commercial core with improved alternative means of access, good vehicular and pedestrian circulation, and an enhanced, interesting environment that attracts customers, visitors, and employers.	**Consistent.** This Project lies across the street from the Northgate core subarea as delineated in the Comprehensive Plan. However, the Project will still contribute to the economic viability of the core through Project's new commercial floor space, approximately 184 units of new resident consumer population, and its proposed improvements to pedestrian circulation and environment on street frontage immediately adjacent to the core.
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.	**Consistent.** The Property is an infill site located just beyond a ten-minute walk of the transit center. Therefore, the Project should contribute to vehicle trip reductions and encourage foot and bicycle travel as contemplated by this policy.
NG-P9	Promote the efficiency of the transportation system by accommodating more person trips rather than vehicle trips.	**Consistent.** The Property is an infill site located just beyond a ten-minute walk of the transit center. Therefore, the Project should contribute to a greater number of person trips as compared with vehicle trips. The Project's proposed pedestrian-focused frontage improvements and its through-block connection will also help to accommodate a greater number of person trips, whether by foot, transit, bicycle.
NG-P10	Enhance transit service and facilities to make it a more attractive travel mode for people living and working in the Northgate Area.	**Consistent.** This Project will enhance access to transit service through frontage improvements along its Roosevelt Way NE and NE Northgate Way frontage, which will make transit a more attractive option both for the Project's future residents and for neighbor who may board Metro near the Project or walk past the Project *en route* to the Northgate Station.
NG-P11	Promote pedestrian circulation with an improved street-level environment by striving to create pedestrian connections that are safe, interesting, and pleasant.	**Consistent.** The Project will provide a dramatically improved street-level environment along its frontage and in its through-block connection. It will promote pedestrian circulation that is safer through increased lighting, sidewalk improvements and "eyes on the street." Simultaneously, it will maintain pedestrian interest and enjoyment through modulated facades and active storefronts, plantings, open space, street

		trees and other improvements.
NG-P12	Manage parking supply, location, and demand to discourage the use of single-occupant vehicles, and to improve short-term parking accessibility for retail customers, patients, and visitors, without undermining transit or high-occupancy vehicle (HOV) usage, or detracting from the creation of an attractive pedestrian environment.	**Consistent.** The Project will manage parking supply, location and demand by providing its residents with parking on-site underground, but will help manage the larger vicinity's demand for single-occupant vehicles by providing dense housing within easy walking distance of the Northgate Station and other appropriate routes.
NG-P13	Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets, and improving traffic flow, circulation and safety, without increasing vehicular capacity.	**Consistent.** The Project will help reduce conflicts with its through-block connection, as well as its thoughtful deployment of the existing easement that runs between the Property and the QFC grocery store complex.
NG-P14	Seek to control impacts of a high-capacity transit station on surrounding neighborhoods by emphasizing nonmotorized access, transit-supportive land uses, and an attractive pedestrian environment at and near the station.	**Consistent.** The Project will help address impacts of the Northgate Station by providing frontage improvements, an through-block connection, and activated, modulated facades. These will emphasize non-motorized access and increase attractiveness of the pedestrian enironment. Furthermore, as a transit-oriented, mixed-use affordable housing development, the Project is itself a very transit-supportive land use.
NG-G8	Quality open space exists in sufficient quantity and variety to meet the needs of workers, shoppers, students, and visitors, as well as recreational and natural spaces for the growing residential population.	**Consistent.** The Project will provide open space commensurate with its conscientious approach to providing affordable, high-quality units for the Northgate area's growing residential population. Notably, the Project will also place its approximately 184 affordable units in close proximity to the public park and open space resources provided on other properties by the Thornton Creek Watershed.
NG-P15	Promote a system of open spaces and pedestrian connections, to guide acquisition, location, and development of future open space and to establish priorities for related public improvements.	**Consistent.** The Project is guided by the system of open spaces that the City has provided thus far, insofar as it will create multifamily residential units in close proximity to Victory Creek Park and designated pedestrian arterials. The Project itself will further promote such a system by developing open spaces on its own site and by providing a new through-block pedestrian connection.
NG-P16	Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.	**Consistent.** At present, the Property is in largely impermeable use and oriented toward facilitating automotive travel. The Property's present condition was also created several decades ago, well before the establishment of current best practices for reducing, absorbing and treating runoff. The Project will

		provide a greater percentage of permeable surfaces on the Property, and will use all applicable and appropriate practices for runoff reduction, absorption and treatment.
NG-P17	P17 Encourage quality human services for all segments of the population.	**Consistent.** The Project will provide a high-quality residential environment at affordable rents. It also hopes to accommodate a daycare use in its ground level retail space.
NG-P18	Explore and seek to develop a variety of strategies for financing implementation of these goals and policies.	**Consistent.** The Project will meet the enumerated goals and policies through development of the site with contributions from public and private funding sources.

C. Massing and Zoning Envelope Studies.



ZONING ENVELOPE DIAGRAM

The following diagram is a visualization of the neighborhood's zoning heights and relative densities. Denser and taller height limits in Neighborhood Commercial zones can be found west of the site while low-rise, single-family housing can be found east of the site. Transition zones such as LR3 and LR2 are found between the other zones to help blend the neighborhood's varying scale and density. The site itself also lies in this transition space with an LR2 zone being located across the site along NE Northgate Way. This will have an impact on the project so the final design doesn't create conflicts of scale from its low-rise neighbors.

POTENTIAL DEVELOPMENT DIAGRAM

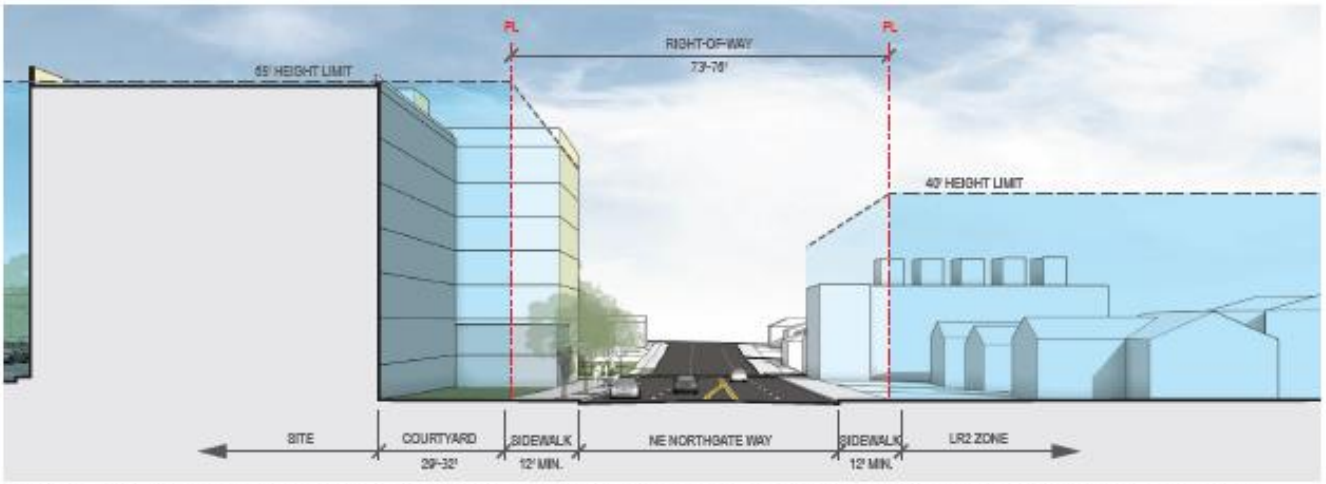
This diagram maps out existing surface-grade parking lots around the site, as well as low-rise commercial properties that have the potential for development. This is speculative, but the larger picture is to illustrate the amount of existing low-density properties in the area. Compared to their respective zoning heights shown in the illustration above, it's clear to see that the Northgate neighborhood has the potential to densify and fill the streetscape with residences and businesses alike. The project's zoning envelope might look large for the neighborhood now, but will blend more seamlessly into the urban fabric in the coming years as the neighborhood grows and meets its development potential.

SUMMARY

The following diagrams illustrate the various zoning constraints which define the site's buildable envelope. Two of the largest items to consider are a requirement for a minimum percentage of neighborhood open space and a setback along the facade which faces and LR2 zone across NE Northgate Way. Additionally, the site shares a twelve foot easement with the neighboring property to the north and must be maintained for vehicular access to both sites.

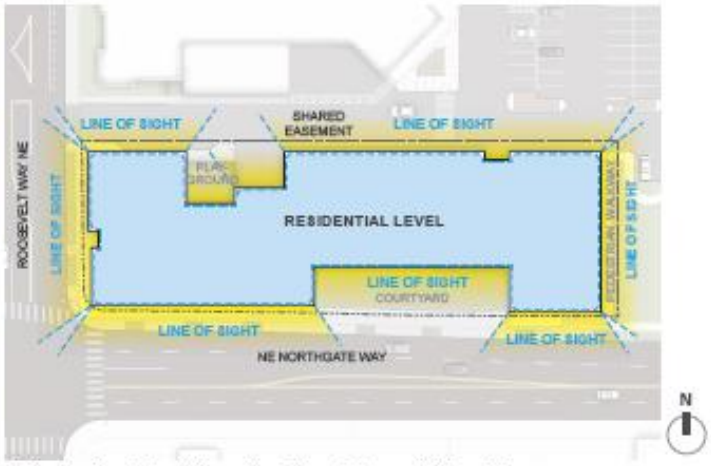
CONTRACT REZONE

The project is currently undergoing a rezoning to increase the building's height from 55' to 65' with an increase floor area ratio to match. The top floor shown in light gray illustrates what impact this would have on the zoning envelope.

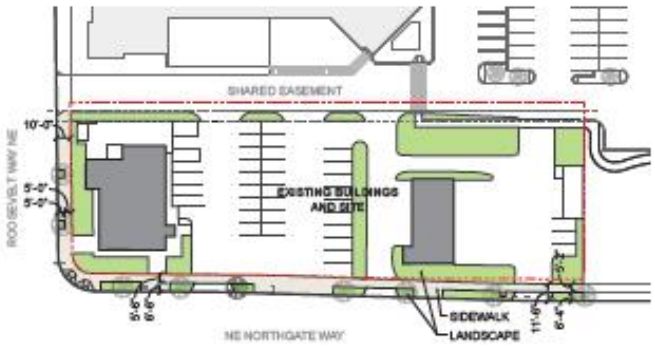


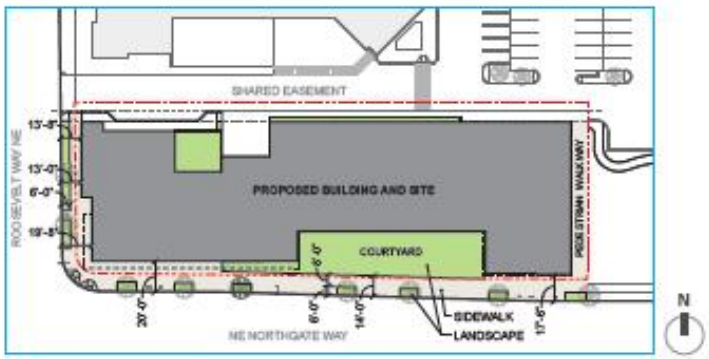
A wider sidewalk and large courtyard are proposed across the adjacent low rise zone to help aid in the zoning transition. The height limit of the zones are also shown, illustrating each's developable potential.

The aerial view shown illustrates the proposed courtyard location with regards to the adjacent LR2 zone.



Typical residential levels have clear lines of site to all sides of the property, including the east side lot line and shared easement. There are no overhangs or blind corners in order to deter crime and to maintain public safety.

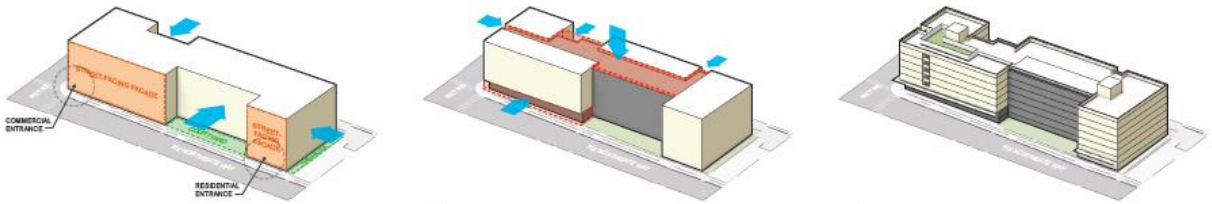




EXISTING SITE **PROPOSED EDG DESIGN (PREFERRED OPTION 3)**

The proposed site design will include widened sidewalks and more room for plantings per the city's improvement standards and direction from SDOT. These improvements will be studied in greater detail as the project develops.

CONCEPT DIAGRAMS



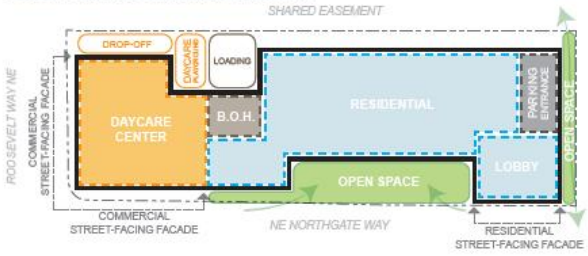
Create Neighborhood Open Space → Break Down & Modulate Facades → Final Massing Concept

AERIAL VIEW FROM SOUTHWEST

AERIAL VIEW FROM NORTHEAST

(A) Pronounced massing at corner
(B) Large ground-level open space
(C) Articulated building entrance
(D) Facade modulation
(E) Daycare playground
(F) Garage access

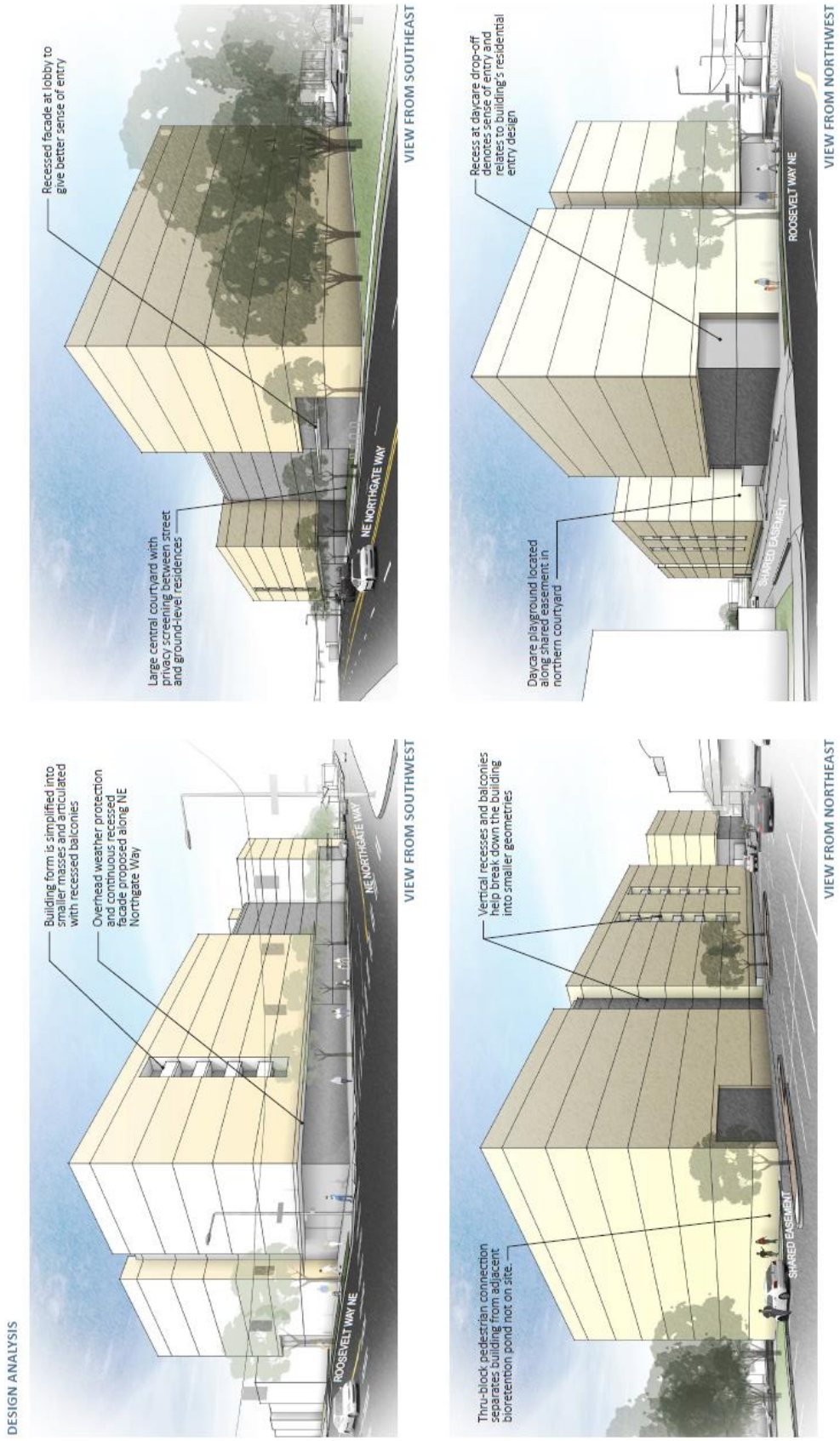
CONCEPTUAL PROGRAMMING DIAGRAM



DESIGN INSPIRATION

Refined building geometries with rhythmic patterning

Cutouts in facade give a sense of entry


DESIGN ANALYSIS
Recessed facade at lobby to give better sense of entry
Large central courtyard with privacy screening between street and ground-level residences
NE NORTHGATE WAY
VIEW FROM SOUTHEAST
Recess at daycare drop-off denotes sense of entry and relates to building's residential entry design
Daycare playground located along shared easement in northern courtyard
SHARED EASEMENT
ROOSEVELT WAY NE
VIEW FROM NORTHWEST
Building form is simplified into smaller masses and articulated with recessed balconies
Overhead weather protection and continuous recessed facade proposed along NE Northgate Way
NE NORTHGATE WAY
ROOSEVELT WAY NE
VIEW FROM SOUTHWEST
Vertical recesses and balconies help break down the building into smaller geometries
Thru-block pedestrian connection separates building from adjacent bioretention pond not on site.
SHARED EASEMENT
VIEW FROM NORTHEAST