

Jared Pechauer

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

Hi Carly,

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

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

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

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

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

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

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

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

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

- “Consideration” Criteria in SMC 23.76.060.E.2: In making its decision, the Council shall consider:
 - The reason or basis for the application for the extension and whether it is reasonable under the circumstances;
 - Whether changed circumstances in the area support an extension;
 - Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the Council land use decision.

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

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

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

Natie:

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

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

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

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

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

I hope this information is helpful.

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

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

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

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

Hi Carly,

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

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

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

Hi Carly,

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

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

Let me know if you need anything else.

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

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

Natalie:

Thank you for the emails.

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

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

Thank you,
Carly Guillory

Senior Land Use Planner

[Seattle Department of Construction and Inspections](#)

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

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

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

CAUTION: External Email

Hi Carly,

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

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528

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

Hi Carly,

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

Thanks,

Natalie Gualy
Eagle Rock Ventures LLC
206 280 9528