

#33

(C.F. 312357

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

In the matter of:)	C.F. 312357
)	
Application of Wallace GT-Northgate II, LLC)	FINDINGS, CONCLUSIONS
for approval of a contract rezone of)	AND DECISION
approximately 72,985 sq. ft. of land, on three)	
parcels of land, at 525 N.E. Northgate Way)	
from Neighborhood Commercial 3 with a 65)	
foot height limit (NC3-65) to Neighborhood)	
Commercial 3 with an 85 foot height limit)	
(NC3-85) and to allow a seven-story, mixed)	
use structure with 24,614 square feet of		
commercial use, 266 residential units above,		
and with parking for 269 vehicles provided at-		
and below-grade.		

Introduction

This matter involves the petition of Wallace GT-Northgate II, LLC for a contract rezone of 525 Northeast Northgate Way. The site, depicted on Attachment A, is approximately 72,985 square feet. The proposal is to rezone the site from Neighborhood Commercial 3 with a 65 foot height limit (NC3-65) to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85).

The contract rezone will allow the construction of a seven-story, mixed use structure with 24,614 square feet of commercial use, 266 residential units above, and parking for 269 vehicles provided at- and below-grade. The Property Use and Development Agreement (PUDA) for the contract rezone specifies that the height limit for the site is 70 feet, which is less than the limit of the NC3-85 zoning.

On May 2, 2013, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone and proposed development. On, June 4, 2013, the City of Seattle's Hearing Examiner held an open record hearing on the petition. On June 17, 2013,

the Hearing Examiner issued Findings and Recommendations recommending approval of the rezone, with conditions. The Hearing Examiner also issued a decision that affirmed DPD's decision on the SEPA determination and Design Review decisions.

On August 14, 2013, the matter came before the Planning, Land Use, and Sustainability Committee (PLUS), which reviewed the Hearing Examiner's record and exhibits. At its September 11, 2013 committee meeting, PLUS voted to approve the rezone and adopted these Findings, Conclusions and a Decision for this Clerk's File, and approved a draft bill (Council Bill 117912) to change the City's Official Land Use Map; both matters were referred to full Council for a vote. PLUS also approved an amendment to the title of the Clerk's File, which is reflected in title of this document.

Findings of Fact and Conclusions

The Council hereby adopts the Hearing Examiner's Findings of Fact, Conclusions and Recommendation for C.F. 312357, dated June 17, 2013. All conditions in the Hearing Examiner's recommendation are adopted.

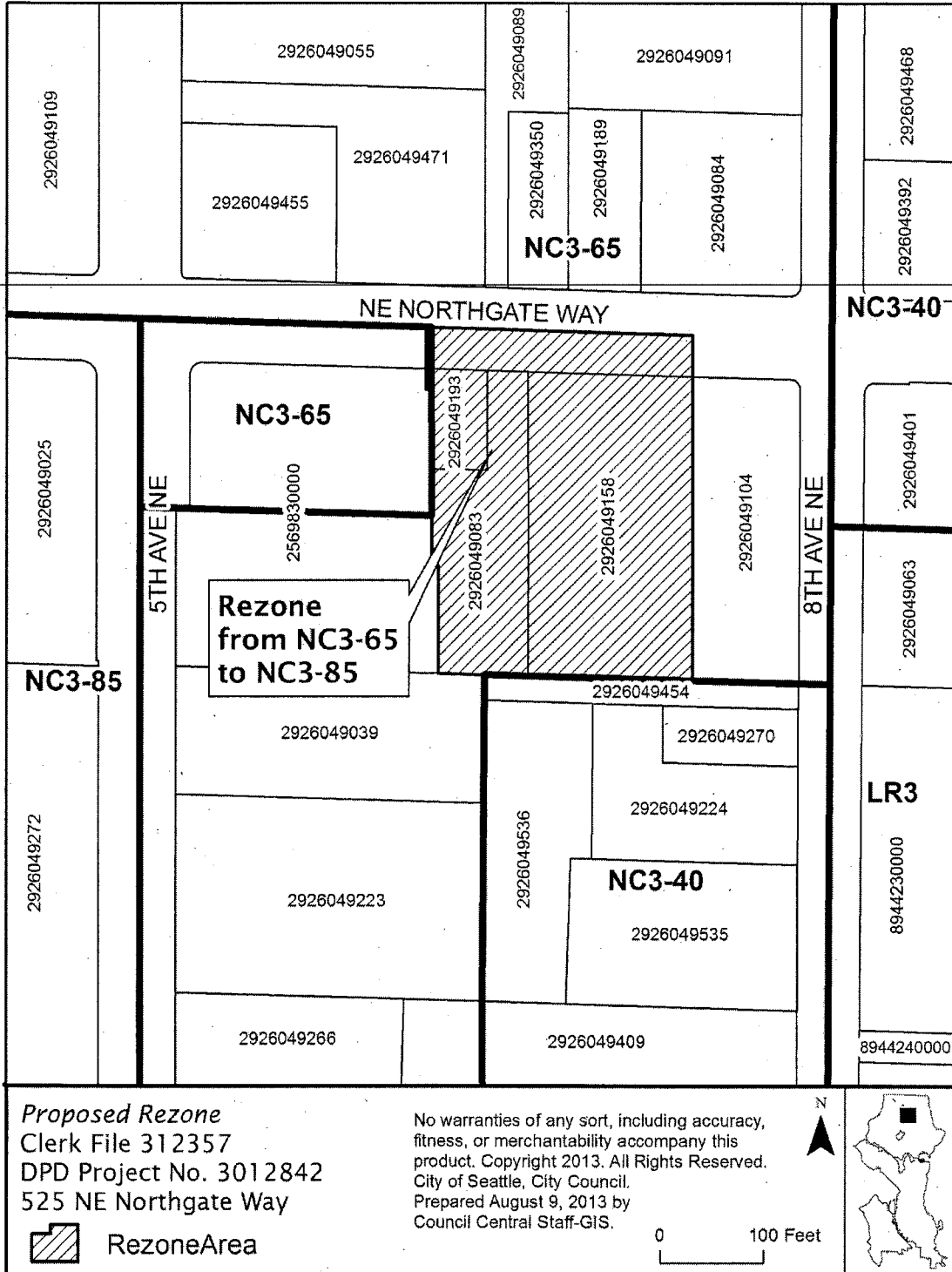
Decision

The Council hereby GRANTS a rezone of the properties from NC3-65 to NC3-85, as reflected in Attachment A, subject to the conditions set forth in the Property Use and Development Agreement (PUDA) attached to Council Bill 117912.

Dated this 16th day of September, 2013.

City Council President

ATTACHMENT A





**Legislative Department
Seattle City Council
Memorandum**

Date: August 09, 2013

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Eric McConaghy, Council Central Staff

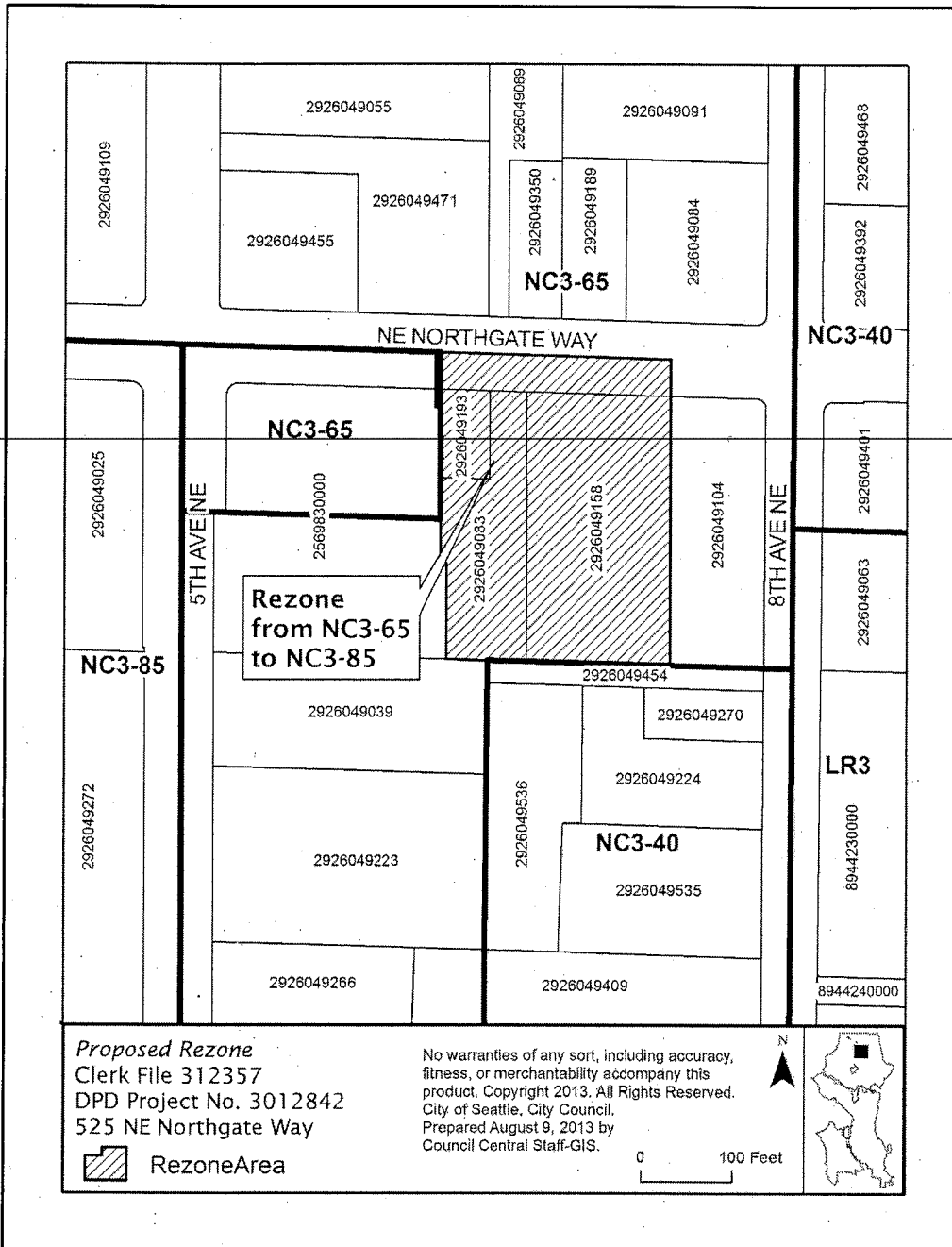
Subject: Clerk File (CF) 312357: Application of Wallace GT-Northgate II, LLC for approval of a contract rezone of approximately 72,985 sq. ft. of land, on three parcels of land, at 525 N.E. Northgate Way from Neighborhood Commercial 3 with a 65 foot height limit (NC3-65) to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85) and to allow a seven-story, mixed use structure with 24,614 square feet of commercial use, 266 residential units above, and with parking for 269 vehicles provided at- and below-grade.

1. Overview

Wallace GT-Northgate II, LLC ("Proponent") proposes a contract rezone on a site located mid-block between Fifth Avenue N.E. and Eighth Avenue N.E. on the south side of N.E. Northgate Way. Northgate Mall is approximately one block west of the site. The rezone site, as shown on the map below, totals approximately 72,985 square feet of land.

The site is currently zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3-65). The proponent has requested a rezone of the site to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85) and to allow a seven-story, mixed-use structure with 24,614 square feet of ground floor commercial use, 266 residential units above, and with parking for 269 vehicles provided at- and below-grade. The applicant proposes a Property Use and Development Agreement (PUDA) limiting the development height at this site to 70 feet.

Both the Department of Planning and Development (DPD) and the Hearing Examiner find the proposal to be consistent with the City's rezone criteria and recommend approval of the rezone. DPD received three public comment letters regarding the rezone application in support of the height increase. No written comments were submitted to the Hearing Examiner and no member of the public offered comments at the hearing.



2. Type of Action – Standard of Review - No Appeal or Request to Supplement the Record

This rezone request applies to a specific site; it is not an area-wide amendment proposal. Therefore, it is a Type IV quasi-judicial rezone under Seattle Municipal Code (SMC)¹. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and the Council’s rules on quasi-judicial proceedings (Resolution 31375). The Hearing Examiner establishes the record for the decision at an open-record hearing. No public testimony was offered at the hearing.

¹ SMC Chapter 23.76.004 and 23.76.036

After the hearing, the record may be supplemented through a timely request to Council only. No appeal of the Hearing Examiner's recommendation was filed, and there was no timely request to supplement the record.

Because there was no appeal or timely request to supplement the record, the Council's quasi-judicial rules require that the decision be based upon the record as submitted by the Hearing Examiner, and that no oral argument be presented by the parties to PLUS. The Council's quasi-judicial rules provide that the action by Council must be supported by substantial evidence in the record.

The record contains the substance of the sworn testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include but are not limited to:

- The recommendation of the Director of DPD,
- The environmental (SEPA) checklist for the proposal;
- Development plans and photographs showing the rezone area;
- The rezone application, and other application materials; and
- An audio recording of the Hearing Examiner's open record hearing.

The entire Hearing Examiner's record is kept in my office and is available for your review.

3. Materials from the Record Reproduced in PLUS Notebooks

I have provided copies of the following exhibits from the Hearing Examiner's record:

1. The Hearing Examiner's Recommendation (including the findings of fact and conclusions supporting the recommendation) (Attachment A: green);
2. DPD Director's Analysis and Recommendation² (Attachment B: blue);
3. Relevant copies of a rendering and elevations of the proposed development³ (Attachment C);

4. Summary of the record

The Hearing Examiner recommended that Council **APPROVE** the rezone request, following a similar recommendation by DPD, subject to recommended conditions. The following is a brief summary of the zoning history, the proposed development, public comment, and the Hearing Examiner's conclusions.

² Hearing Examiner's Exhibit 2

³ Hearing Examiner's Exhibits 11 and 12

August 09, 2013

PLUS

Re: C.F. 312357

A. Zoning history

The rezone site has been zoned NC3-65 since 1993 with the adoption of the Northgate Neighborhood Plan and the Northgate Overlay District. The City last amended the Northgate Neighborhood Plan in 2012. The Neighborhood Plan does not recommend or require specific height limits for anywhere in the neighborhood.

The City issued the Final Environmental Impact Statement (FEIS) for the Northgate Urban Center Rezone in 2009, examining alternatives for zoning changes in the area. The FEIS included discussion of four alternatives: one no action and three action alternatives. The FEIS concluded that none of the alternatives, including one alternative with a 125-foot height limit, would result in significant unavoidable land use impacts. The City did not adopt any of these alternatives; however, the analysis of the FEIS is relevant to the current consideration.

B. Surrounding area

The property is bounded by N.E. Northgate Way on the north and an alley to the south, providing access. Immediately adjacent to the west is the 507 Northgate building, a 65-foot tall, six-story, mixed-use structure of height and bulk similar to the proposed project. This building separates the rezone site from the Northgate Mall.

The property occupied by the Northgate Mall is zoned NC3-85 on the north side of the mall and NC3-125 on the south side of the mall. The height limits in the area adjacent to N.E. Northgate Way step down from 85 feet next to Interstate 5, to 65 feet including the rezone site, then to 40 feet, and finally to residential areas to the east. The zoning to the north and south of the N.E. Northgate Way, in the vicinity, is a mix of NC3, Multi-family Midrise (MR) and Lowrise 3 (LR-3) zoning.

One-half block to the north along Eighth Avenue is an eight-story apartment complex. Across N.E. Northgate Way, one-half block to the northwest is the Target/Best Buy commercial development. To the east, is a one-story, commercial building used by a retail store. The other nearby developed property is a mix of residential and commercial uses. Two City parks are nearby. Hubbard Park is located northeast of the site and Northgate Park is three blocks to the south.

N.E. Northgate Way is a principal arterial. Fifth Avenue is a minor arterial and Eighth Avenue N.E. is a non-arterial street. The ground in the area slopes gently from west to east and from north to south. The rezone site does not contain any Environmentally Critical Areas and it is not within a shoreline environment.

C. Project information

See Attachment C for copies of rendering and elevations of the proposed development illustrating the proposed structures and the surrounding context.

DPD issued Master Use Permit (MUP) #3012842 in February 2013 for a project proposal on the site conforming to the 65-foot height limit for the existing zoning. The process arriving at

the issuance of the MUP included design review and SEPA Determination of Non-Significance.

The proponent is currently developing the site under MUP #3012842. Construction of the first phase of the project under DPD Permit #6330884 began on the site in March 2013 in the form of demolition, grading, excavation, shoring, and constructing a concrete pedestal. The single-story commercial structures formerly on the site were demolished as part of site preparation. No residential structures were demolished.

The new proposal, increasing the height of the building by 5 feet, is similar to the project approved under MUP #3012842. Compared to developing under the current MUP controlled by existing zoning, the rezone would allow a taller building overall, allowing for greater floor-to-ceiling heights for the commercial spaces, thus broadening the range of potential retail tenants such as drugstores and small grocers. The new proposal also adds 13 additional residential units on the top floor, which are permitted under the current zoning on the top floor.

Comparison of approved and proposed projects for 525 N.E. Northgate Way

Approved MUP #3012842

- 7-story, 65' building
- 253 residential units
- 24,869 square-feet of ground level commercial space
- 269 below-grade parking stalls

MUP / Contract Rezone application #3012776

- 7-story, 70' building
- 266 residential units
- 24,614 square-feet of ground level commercial space
- 269 below-grade parking stalls

The proposed design of the project includes improvements to the pedestrian environment such as a continuous planting strip along N.E. Northgate Way, building materials and colors that enhance the streetscape, a mix of canopy styles, and interesting storefronts and entrances.

D. Public comment

DPD received three public comment letters regarding the rezone application in support of the height increase. No written comments were submitted to the Hearing Examiner and no member of the public offered comments at the hearing. The project did receive public comment as part of the design review process. These comments focused on the façade and lobby of the building; the interaction between pedestrians and the building; and directing vehicle traffic onto arterial streets.

E. Summary of the Hearing Examiner's conclusions

The Hearing Examiner weighed and balanced the rezone provisions of SMC 23.34.007 to determine the appropriate zoning designation, noting that the site is also subject to the provisions of SMC Chapter 23.34 that apply to urban centers and villages.

1. Effect on zoned growth capacity:

The Hearing Examiner concluded that the proposed rezone would not reduce the zoned capacity for the Northgate Urban Center. The zoned capacity under the rezone would continue to exceed 125 percent of the growth target for the Northgate Urban Center. The proposal, therefore, meets the requirement of SMC 23.34.008 that the zoned capacity in an urban center, taken as a whole, shall be no less than 125 percent of the applicable growth target. The adopted growth target is for an additional 2,500 dwelling units between 2004 and 2024, and the target density is for 15 dwelling units per acre.

2. Rezoning the property from NC3-65 to NC3-85 – functional and locational criteria:

Recommendations on rezones include an evaluation of the extent to which 1) the site meets criteria related to its current zone and 2) if the site should be rezoned to a different designation. This occurs through an evaluation of both functional and locational criteria for that zone; both sets of criteria for the proposed zone must be satisfied.

No change is proposed to the NC3 designation. Moreover, the Hearing Examiner found that the “NC3 criteria continue to match the characteristics of the area better than any other zone designation.”

3. Zoning history and precedential effect:

As described above, the zone designation for the rezone site has been NC3-65 since 1993. In the vicinity of the rezone site, there have been recent rezones from MR to NC3-85 at 11300 and 11301 Third Avenue N.E. The proposed rezone for a height increase would be consistent with recent rezones, and changes considered in the Northgate Neighborhood Plan and FEIS. The Hearing Examiner concluded that the proposed rezone for an increase in height could be precedential, but consistent with the goals and policies of the Plan for increased density and intensity of uses in the Northgate core area.

4. Relationship to neighborhood plans:

The adopted Northgate Neighborhood Plan does not identify specific policies to guide future rezones. The plan does include several policies that call for a “mixed-use center of concentrated development” with “the most intense and dense development activity concentrated with the core” Other policies of the plan encourage “development of the core...sufficient to support transit” and call attention “to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity” The Hearing Examiner found that the rezone of the site would support and implement these policies. Furthermore, the Hearing Examiner found the rezone would not affect the transition between zones, noting that the adjacent NC3-40 and NC-65 zones would buffer the rezone area from the nearby LR zones.

5. Zoning principles:

The Hearing Examiner found that the proposed increase of five feet in building height would not have negative effects with regard to less intense uses adjacent to the site; shadowing or

blocking of views; and would not overpower the buffering effect of the adjacent NC3-65 and NC3-40 zones standing between the rezone site and LR3 zoning. The zoning boundaries would still follow lot lines and the rezone would not change the physical buffering provided by N.E. Northgate Way. The boundaries between commercial and residential areas would not be changed. The Hearing Examiner concluded that the rezone would be consistent with zoning principles.

6. Impact evaluation:

The Hearing Examiner stated that the height increase to 70 feet would not affect allowable uses, or add floors or floor area to what is allowed under existing zoning designation. Some potential, minimal increased shadowing on N.E. Northgate Way would be the only negative environmental effect of the height increase. The Hearing Examiner found that the rezone met the impact criterion, adopting and incorporating by reference the DPD Director's evaluation of impacts.

7. Height-limited to 70 feet under PUDA:

The Hearing Examiner considered several factors as provided by SMC 23.34.009 with regard to the height limit for the site and concluded that the proposed height limit would be consistent with the type and scale of development for the zone; would not be expected to displace preferred uses; and may expand the demand for goods and services.

The Hearing Examiner noted that the roofline of the proposed building on the rezone site would appear to be in line with the roofline of the neighboring, existing building. This results from a ten-foot grade change from west to east across the rezone site, accommodating the 5-foot difference in building height. Similarly, the height and scale of proposed development on the rezone site would be consistent with actual and zoned heights in the area.

The Hearing Examiner noted that the adopted Northgate Neighborhood Plan does not recommend or require specific heights.

The Hearing Examiner concluded that the proposed rezone to NC3-85, with a height limit of 70 feet, would be consistent with the rezone provisions of SMC 23.34.009.

5. Conditions recommended by DPD and the Hearing Examiner

DPD conditionally granted approval of the project design, agreeing with the Design Review Board on the conditions on the project, namely:

- Add a second traffic calming device along the driveway on the project's west side;
- On the eastern segment of the south façade, add a scaling device to the architectural design in order to diminish the appearance of this sizeable blank wall;
- Establish a small plaza between the residential door and the Northgate Way sidewalk. Alter the door and fenestration of the residential entrance so that they do not resemble commercial glazing. Increase the amount of wood; and
- Provide signage at the residential entrance along Northgate Way.

DPD recommended approval of the proposed rezone, with conditions to mitigate environmental impacts during construction or to control impacts not regulated by codes or ordinances, per adopted City policies. The conditions are summarized below:

Prior to issuance of building permit

- Provide a transportation route plan to the Seattle Department of Transportation and DPD;
- Provide a construction worker parking plan; and
- Help fund a proximate capital project identified in Coordinated Transportation Investment Plan on a pro-rata basis. The requested amount of \$61,187 shall be applied to a specific CTIP project: the planned Northgate Way Corridor Signal Optimization and Prioritization. (The applicant has paid this fee under DPD Permit #3012842)

During construction

- Noisy activities are limited to specified times of day and days of the week;
- Non-noisy activities are not limited by the above condition;
- Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 P.M.; and
- Construction activities outside of the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan.

Prior to Building Occupancy

- Construct a modified and improved access connection south to the existing east-west access road that will allow access to both Fifth Avenue N.E. and Eighth Avenue N.E.

Permanent for the Life of the Project

- The north access to and from N.E. Northgate Way shall be restricted to allow only right-in/right-out movements (turns).

6. Recommendation

I recommend that PLUS move to **APPROVE** the rezone request and adopt the Hearing Examiner's findings, conclusions and recommendation with the stated conditions. The increased potential for development of the site, as proposed under the contract rezone, poses no significant detrimental effects while implementing the goals and policies of the Northgate Neighborhood Plan, consistent with the zoning designation for the area.

7. Next Steps

If the Committee recommends approval of the rezone, I will draft a Council Findings, Conclusion and Decision (F, C and D); a Council Bill; and a draft PUDA in consultation with the Law Department. Once the Council Bill is introduced the matter will come back to PLUS for a vote, likely on September 11, 2013.

**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

CF 312357

KEVIN CLEARY, BAYLIS ARCHITECTS

For Wallace GT-Northgate II, LLC

for a contract rezone of property addressed
as 525 Northeast Northgate Way

DPD Project No.:
3014776

FILED
CITY OF SEATTLE
2013 JUN 17 PM
CITY CLERK

Introduction

The applicant, Wallace GT-Northgate II, LLC, seeks a contract rezone from NC3-65 to NC3-85 (actual development height would be limited to 70 feet under a Property Use and Development Agreement) for 72,983 square feet of property located at 525 NE Northgate Way.

The public hearing on this application was held on June 4, 2013, before the undersigned Deputy Hearing Examiner. The Director's SEPA determination on the proposal was not appealed. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Bruce Rips, Senior Land Use Planner; and the applicant, by Aaron Laing, attorney at law. The record was held open after the hearing for the Examiner's inspection of the site on June 9, 2013.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

Site and Vicinity

1. The site is addressed as 525 NE Northgate Way, and is located mid-block between 5th Avenue NE and 8th Avenue NE on the south side of NE Northgate Way. Northgate Mall is approximately one block west of the site.

2. The site is approximately 72,985 square feet and is currently being developed under MUP 3012842, which was approved by DPD on February 7, 2013. That decision approved a seven-story structure with 253 residential units above and below-grade parking for 269 vehicles on the property, within the existing 65-foot height limit. The older single-story buildings formerly on the site were demolished as part of the site preparation under the issued MUP.

Findings and Recommendation of the Hearing Examiner

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3. The property is bounded by NE Northgate Way to the north and by an alley to the south. There is a one-story Sleep Country store to the east and to the west is a six-story mixed-use structure, the 507 Northgate building, which separates the site from Northgate Mall. An eight-story apartment complex is located one-half block north along 8th Avenue NE, and there is a Target/Best Buy site a half-block to the northwest. Other nearby development includes a mix of residential and commercial uses. A City park, Hubbard Homestead Park, is located northeast of the site, and Northgate Park is approximately three blocks to the south.
4. NE Northgate Way is a principal arterial. Fifth Avenue NE is a minor arterial, and 8th Avenue NE is a non-arterial access street.
5. The topography in the area slopes gently from west to east and from north to south. There are no Environmentally Critical Areas on the site and it is not within the shoreline environment.
6. The site is zoned Neighborhood Commercial 3 with a 65-foot height limit (NC3-65) and is located within the Northgate Urban Center and the Northgate Overlay District. The surrounding area is zoned NC3. The northern portion of Northgate Mall has an 85' height limit; the southern portion of the Mall and the Thornton Place complex south of NE 105th Street has a 125' height limit. East of Fifth Avenue NE and south of NE Northgate Way, the height limit is 65' and continues to step down in height to a 40' limit east of Eighth Avenue NE. North of NE Northgate Way, the zoning ranges from NC3-85 across from the mall, to NC3-40 and NC3-64 along the NE Northgate Way corridor. Properties north of the commercial corridor are zoned Multi-family Midrise and Lowrise 3.

Proposal

7. The proposal is for a seven-story mixed-use structure with 24,614 square feet of commercial use fronting NE Northgate Way, 266 residential units above, and parking for 269 vehicles provided at- and below-grade.
8. As noted above, DPD has issued MUP approval to the applicant for a seven-story mixed-use project with 253 residential units above commercial space, with 269 parking spaces at the 65-foot height limit.
9. The applicant seeks a contract rezone in order to add five feet of additional height to the project. The additional height would allow for increased floor-to-ceiling heights in the commercial spaces (without reducing residential ceiling heights), thus allowing for a greater variety of potential retail tenants, e.g., those with minimum "clear" standards such as small grocers or drugstores. The revised development proposal adds 12 additional residential units (which are permitted under the current zoning). While the proposed rezone is for an NC3-85 designation, the applicant proposes a PUDA to limit the development height at this site to 70 feet.

Zoning history

10. The site, together with the surrounding parcels, was rezoned from Commercial 1-65 to NC3-65 in conjunction with the 1993 adoption of the Northgate Area Comprehensive Plan and the Northgate Overlay District. The Northgate Comprehensive Plan was amended in 2004 and 2012, and serves as the neighborhood plan for the Northgate area.

11. In 2009, the City issued the Northgate Urban Center Rezone Final Environmental Impact Statement (FEIS), examining alternatives for zoning changes in the area. The FEIS included discussion of a No Action Alternative and three action alternatives to amend the subarea plan, as well as potential Code amendments. The subject site is located within Subarea D of the Northgate Urban Center.

12. Alternative 1 in the FEIS, titled "Broad Rezone," involved a rezone of all properties within the study area, increasing density or height relative by one increment relative to their current zoning; e.g., the subject site would be rezoned to NC3-85. Alternative 2, the "Focused Rezone," would have rezoned the site and surrounding properties by one increment in height, again resulting in the site being rezoned to NC3-85. Alternative 3, the "Urban Design Framework," would have increased the height of the site and the surrounding properties to NC3-125.

13. The FEIS concluded that none of the alternatives, including Alternative 3 with a 125-foot height limit, would result in significant unavoidable land use impacts.

14. The Applicant's information indicates that the proposed development of the site at a 70-foot height limit will result in the highest vertical elevation of the building achieving 344.8 feet. The adjacent development to the west, the 507 Northgate Building, achieves a highest vertical elevation of 354.68 feet.

15. The Applicant has submitted a shadow study which compares the impacts of shadows cast by the building at 65 feet and at the proposed 70 feet. Ex. 8.

Design review and DPD decision

16. The proposal under MUP 3012842 was reviewed by the Northeast Design Review Board. At its Final Recommendation Meeting on November 19, 2012, the Board unanimously recommended approval of the design, the requested development standard departures, together with recommended conditions.

17. The Director's MUP decision and recommendation was issued on May 2, 2013. The Director granted design review approval with the conditions recommended by the Board.

Findings and Recommendation of the Hearing Examiner

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18. The Director's SEPA decision analyzed the proposal's potential long-term and short-term environmental impacts and imposed conditions to mitigate construction-related impacts and to address access between the site and nearby roads and property. In addition, the Northgate Coordinated Investment Transportation Plan (CTIP) requires that the project is required to help fund, on a pro-rata basis, those capital projects identified in the CTIP, and the Director has identified this condition in the SEPA decision. (The applicant has already paid its pro-rata share of \$61,187.)

19. No appeals of the SEPA or Design Review decisions were filed with the Hearing Examiner.

20. The Director recommends approval of the proposed contract rezone with a PUDA to limit the height at this site to 70 feet.

21. Three public comment letters were received by the Department on the rezone application expressing support for the proposed height increase. No written comments were submitted to the Hearing Examiner and no member of the public offered testimony at the hearing.

Codes

22. SMC 23.34.007 provides that *"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."* The section also states that *"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."*

23. SMC 23.34.008 states the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas, and whether the area is within an incentive zoning suffix.

24. SMC 23.34.009 addresses the designation of height limits in a commercial or industrial zone. Under this section, the factors to be considered are the function of the zone; the topography of the area and its surroundings; height and scale of the area; compatibility with the surrounding area; and neighborhood plans.

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed rezone to City Council, pursuant to SMC 23.76.052.
2. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation. No single criterion or group of criteria are to be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations unless specified by the Code. The subject site is in the Northgate Urban Center and is therefore subject to the provisions of Chapter 23.34 SMC that apply to urban centers and villages. The proposal is not a shoreline environment redesignation and is not a correction of a mapping area, so the provisions of SMC 23.34.007 which apply to such actions, do not apply to this application.

General rezone criteria

3. Effect on zoned capacity. SMC 23.34.008.A requires that, within the urban center or urban village, the zoned capacity taken as a whole shall be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The adopted growth target is for an additional 2,500 additional dwelling units between 2004 and 2024, and the target density is for 15 dwelling units per acre by 2024. The proposed rezone would not reduce the zoned capacity for the Northgate Urban Center; zoned capacity will continue to exceed 125 percent of the growth target for the Northgate Urban Center. The proposal would therefore meet this standard.
4. Match between zone criteria and area characteristics. The most appropriate zone designation is 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 designation. In this case, no change is proposed to the NC3 designation, and the NC3 criteria continue to match the characteristics of the area better than any other zone designation. The proposed change to the height designation is discussed below.
5. Zoning history and precedential effect. Under this criterion, the previous and potential zoning changes, both in and around the proposal site, are to be examined. Recent zoning changes in the area include the approved rezones, from Midrise to NC3-85, for properties located approximately five blocks west of this site, at 11300 and 11301 Third Avenue NE. The proposed height increase would be consistent with potential zoning changes that have been considered for this site and the area in the Northgate Comprehensive Plan and FEIS, as well as actual zoning changes nearby. The rezone for additional height could be precedential, although such a trend would seem to be consistent with the Northgate Comprehensive Plan goals and policies which relate to increasing density and intensity of uses in the Northgate core area,

Findings and Recommendation of the Hearing Examiner

CF 312357

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6. Neighborhood Plans. The site is within the boundaries of the adopted Northgate Comprehensive Plan, which is the neighborhood plan for this area. The 1993 Northgate Comprehensive Plan was the basis for the 1993 rezone of the site from C1-65 to NC3-65. The current Northgate Comprehensive Plan does not analyze the site for rezoning, nor does it specify criteria for evaluating future rezones for this site.

7. The proposed rezone is generally consistent with several goals and policies of the Plan. The proposed development at the increased height would allow for redevelopment of the former low-rise retail site, and would implement NG-G2, which calls for "*A thriving, vital, mixed-use center of concentrated development surrounded by healthy single family neighborhoods.*" The rezone of this site within the Northgate core would be consistent with NG-G4, which provides: "*the most intense and dense development activity is concentrated within the core*" and NG-P1, "*Encourage development of the core...with densities sufficient to support transit.*" The proposed height increase facilitates the project's inclusion of attractive street level commercial spaces which is consistent with NG-P8.5 ("*Support future potential rezones to higher intensity designations in the North Core Subarea. In considering such rezones, pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity.*") NG-P7 calls for maintenance of a "*transition between zones where significantly different intensities of development are allowed;*" the proposal would not affect the transition between the existing NC zoning and the adjacent properties or lowrise multi-family and single family zones several blocks to the north, south and east. The NC3-40 and NC3-65 properties to the east and south will provide a buffer to the Lowrise zones further south and east.

8. Zoning principles. Zoning principles are to be considered, including impacts on less intensive zones and transitions, physical buffers, zone boundaries and height limits. The proposed height change, together with the project's height limit of 70 feet, will reduce or eliminate the impacts of the proposed NC3-85 zone on the adjacent NC3-65 and NC3-40 zones, which will continue to provide a buffer between the site and the LR3 zones further south and east. The relatively small height increase of five feet will not create shadowing or blockage of views, and the site's topography is on average ten feet lower than the adjacent site to the west.

9. There are no natural physical buffers which would separate the zones in this area, but NE Northgate Way separates the site from the NC3-65 area to the north. The existing zone transition in this area is from more intense zoning to the west and north, to less intense zoning to the east and south. The zone boundaries would, consistent with this criterion, follow platted lot lines. The boundaries between commercial and residential areas would not be changed. The subject site is located within an urban village, the Northgate Urban Center, so that height limits greater than forty feet can be considered.

10. Impact evaluation. The proposed height limit increase to 70 feet would not affect the allowable uses, or add floors or floor area to what is allowed under the existing zoning designation. Except for potentially some minimal increase in shadowing on NE

Northgate Way (see Ex. 8, shadow study), no negative environmental impacts would be caused by the height increase. The Director's evaluation of the impacts of this proposal relative to the other factors and on service capacities are adopted and incorporated by reference. The proposal would meet this criterion.

11. Changed circumstances. Changed circumstances are to be taken into account, but are not required to demonstrate whether a proposed rezone is appropriate. Since the 1993 designation of this site, the 2024 growth target for the Northgate Urban Center has been adopted, and language has been added to the Northgate Comprehensive Plan that encourages higher intensity designations in the Northgate core area in which the site is located. The changes are consistent with the proposed height increase.

12. Overlay districts. The site is within the Northgate Overlay District. SMC 23.71.002 identifies the purposes of the Overlay District as: "*A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and B. To protect the residential character of residential neighborhoods; and C. Support the use of Northgate as a regional high-capacity transportation center.*"

13. The proposed height increase would not conflict with any of the District's purposes and the underlying development project would further the purpose of increasing pedestrian amenities and commercial development.

14. Critical areas. There are no environmental critical areas on or adjacent to the site, so this criterion does not apply.

15. Incentive provisions. The site is not located within a zone with an incentive zoning suffix, so this criterion does not apply.

Height Limits

16. Height limits of the proposed rezone. Under SMC 23.34.009, several factors are to be examined. The height limits are to be consistent with the type and scale of development intended for the zone classification. NC3 zones are intended for intense commercial activity and the proposed height increase is consistent with the type and scale of NC3 development. The increase height limit is not expected to displace preferred uses. The demand for permitted goods or services may be expanded since the additional floor-to-ceiling heights that can be accommodated as a result of the height increase may facilitate commercial and residential spaces that are more desirable for consumers.

17. The topography of the area and its surroundings are also to be considered. The site slopes gradually from west to east with an approximately ten-foot grade change across the site. The adjacent 65-foot mixed-use structure to the west is ten feet higher than the height that would be achieved by the development on this site if the rezone is

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granted, so the rooflines would appear to be at the same height. No view blockage is likely.

18. The height and scale of the area are to be considered. The proposed rezone with a limit of 70 feet is consistent with other NC3-65 zoning in the area, and will be compatible with the height and scale of existing development. The proposed height limit would be compatible with actual and zoned heights in the surrounding area, which includes several buildings of comparable or greater height and bulk; e.g., the 507 Northgate building immediately west of the site; the Target/Best Buy a half block to the northwest, and the seven-story apartment complex one-half block north along Eighth Avenue.

19. Neighborhood Plans. The adopted Northgate Area Comprehensive Plan does not recommend or require specific height limits.

20. The proposed rezone to NC3-85 with a limit of 70 feet, would be consistent with the criteria of SMC 23.34.009.

21. On balance, the proposed rezone meets the provisions of Chapter 23.34. Therefore, the Examiner recommends approval of the proposed rezone with the condition set forth below.

Recommendation

The Hearing Examiner recommends **APPROVAL** of the rezone with a PUDA that limits the height of the proposed structure to 70 feet.

Entered this 17th day of June, 2013.



Anne Watanabe
Deputy Hearing Examiner

The following conditions are included in the DPD MUP decision dated May 2, 2013:

Prior to issuance of the building permit:

1. A transportation route plan shall be provided to DPD and SDOT; this plan shall document proposed truck access to and from the site, and shall indicate how pedestrian connections around the site will be maintained during the construction period.

2. Provide a construction worker parking plan with the intent to reduce on-street parking. Construction workers may park on-site once the garage is completed.
3. The development is required to help fund proximate capital project identified in the CTIP on a pro-rata basis. The total amount of this pro-rata contribution is \$61,187. The requested amount shall be applied to a specific CTIP project: the planned Northgate Way Corridor Signal Optimization and Prioritization (CTIP Project E-1). Payment of the \$61,187 shall occur prior to issuance of a building permit.

During construction

4. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.
 - B. Testing and tensioning P.T. (post-tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
5. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - A. Non-holiday weekdays between 7:00 A.M. and 6:00 P.M.
 - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M. limited to quieter activities based on a DPD-approved mitigation plan and public notice program outlined in the plan.
 - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD-approved mitigation plan and public notice program outlined in the plan.
 - D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD-approved mitigation plan and public notice program outlined in the plan.
6. Non-noisy activities, such as site security, monitoring, weather protection, shall not be limited by this condition.
7. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 P.M.

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8. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction-related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

Prior to Building Occupancy

9. Construct a modified and improved access connection south to the existing east-west access road that will allow access to both Fifth Avenue Northeast (to the west) and Eighth Avenue (to the east).

Permanent for the Life of the Project

10. The north access to/from NE Northgate Way shall be restricted to allow only right-in/right-out movements.

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking further review to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the Hearing Examiner's recommendation to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the Hearing Examiner's recommendation, and be addressed to: Seattle City Council Planning, Land Use and Sustainability Committee, c/o Seattle City Clerk, 600 Fourth Avenue Floor 3, P.O. Box 94728. Seattle, WA 98124-4728. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS, RECOMMENDATION AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3014776
Council File Numbers: 312357
Applicant Name: Kevin Cleary, Baylis Architects
Address of Proposal: 525 Northeast Northgate Way

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to contract rezone 72,985 square feet of land from Neighborhood Commercial Three with a 65 foot height limit (NC3-65) to Neighborhood Commercial Three with an 85' height limit (NC3-85) and to allow a six-story structure with a total of 266 residential units and 24,614 sq. ft. of retail at grade. Review includes 17,600 cubic yards of grading (15,000 cubic yards of cut; 2,600 cubic yards of fill) and demolition of three existing structures (35,318 square feet). Parking for 269 vehicles to be provided at and below-grade. The design component for the proposal was reviewed under Master Use Permit (MUP) # 3012842.

The following approvals are required:

Contract Rezone – Rezone one parcel from NC3-65 to NC3-85 to allow the future construction of a seven story mixed use building with ground level commercial use and multifamily residential. (SMC Section 23.34.004).

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions*

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

* Notice of the Early Determination of Non-significance was published on March 7, 2013.

BACKGROUND DATA

Location, Existing Use and Zoning

The project site, located approximately one block east of Northgate Mall, lies midblock between Fifth Avenue NE and Eighth Way NE on NE Northgate Way. Two attached, one-story commercial structures and associated surface parking occupy the development site. Zoned Neighborhood Commercial 3 (NC3 65) with a 65' foot limit, the site's development closely matches the comprehensive plan designation.

Zoning in Vicinity

The NC 3 zoning classification predominates east of I-5 and along both sides of the NE Northgate Way corridor. The northern portion of the Northgate Mall has an 85 foot height limit. The southern portion of the mall and the Thornton Place complex (south of NE 105th St.) has a 125' height limit. East of 5th Ave NE and south of Northgate Way, the height limit is 65' and continues to step down in height (40') east of Eighth Ave. as it approaches Roosevelt Way NE. South of the project site, the NC3 zoning steps down to 40'a height limit. North of Northgate Way, the zoning ranges from NC3 85 across from the mall to NC3 40 and 65 along the NE Northgate Way corridor. Multi-family Midrise (MR) and Lowrise Three (LR 3) zoning lie to the north of the commercial corridor.



The project is located in the Northgate core area, and is part of the Northgate Overlay District (Seattle Municipal Code 23.71). To the west, a six-story mixed use development separates the project site from Northgate Mall. Adjacent to the east is a stand alone, one-story Sleep Country USA store. One and two story commercial developments line the NE Northgate Way corridor

Proposal Description

The proposed project would develop three mid-block lots along the south side of NE Northgate Way between Fifth Avenue NE and Eighth Ave NE. The proposed seven-story structure would house 24,614 sq. ft. of commercial use fronting Northgate Way, 266 residential units above both the commercial use and the at and below-grade parking for 269 vehicles.

On-site excavation for the development proposal will consist of 17,600 cubic yards of material.

Project Background

A proposal (MUP #3012842) conforming to the 65 foot height limit for the site's existing zoning received MUP issuance in March 2013. Project components included design review and SEPA. The new proposal, allowing an added five feet of height, is similar to the issued MUP with the exception that portions of the south wings have an added floor. The design review process evaluated and approved the design with the added height.

Public Comments

The SEPA comment period for this project ran from March 7, 2013 to March 20, 2013. DPD did not receive public comment on the rezone proposal. Public comment also was received at three public Design Review meetings held on February 5, 2012, April 16, 2012 and November 19, 2012 for MUP # 3012842.

ANALYSIS - DESIGN REVIEW

Public Comments

Approximately four members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that the public realm is important and that there needs to be interaction between the building and pedestrians. The glass along the sidewalk should not be frosted as it is in the fitness center portion of the building to the west.
- Stated that vehicle access to the building should be designed to put traffic onto Northgate Way and on the 5th Ave. N.E., but not onto 8th Ave. N.E. which is not designed to be a "major arterial."
- An owner's representative for the building to the east stated the 20" notch at the north east corner is an appreciated gesture to their building, that the residential lobby on that corner should be prominent, that consideration should be given to pedestrians all along the Northgate Way frontage, and that the great job of developing the west façade should be replicated on the east façade.

Design Guidance

A Site Planning

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

A-6 **Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-8 **Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

B. Height, Bulk and Scale

B-1 **Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

C. Architectural Elements and Materials

C-2 **Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

C-3 **Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

C-4 **Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

D. Pedestrian Environment

D-1 **Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-2 **Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

- D-5 Visual Impacts of Parking Structures.** The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.
- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.
- D-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.
- D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.
- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

E. Landscaping

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.
- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

GUIDANCE

At the initial Early Design Guidance (EDG) meeting the Board indicated the façade along NE Northgate Way appeared overly massive and too commercial mall like in character. While understanding that it was being presented early massing views of the project they directed a highly residential and store front-like development be designed. Placement of open space elements along the Northgate way façade was encouraged.

A second residential entry at the northeast corner of the building was encouraged at the first EDG in addition to a camphored corner providing openness and space to the commercial building to the east.

At the second EDG meeting the Board stated it was pleased with the development of the NE Northgate Way façade as presented. An element of particular note was the second story balcony connected to the amenity gym on that level and the multi-story expression of the building on each of the building corners on Northgate Way.

The Board approved of the chamfered corner with a residential entry at the NE building corner. It felt, however, that more of an expression of "this is a residence" was needed at that corner entry.

The Board encouraged the use of pedestrian level amenities, such as seating, lush planting strips and other landscape.

The Board stated there is a need for a safe pedestrian connection along the southern easement to 5th Ave. NE. and that pedestrian safety is a strong priority throughout the site.

REQUESTED CODE DEPARTURES

No development standard departures were discussed at the early design guidance phase.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on February 28, 2013.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on November 19, 2012 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, models, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Three members of the public affixed their names to the Recommendation meeting sign-in sheet. The public provided the following comments:

- Try to keep traffic off of 8th Ave NE as it is not improved. There are no sidewalks.
- Left turns are not allowed from 8th Ave NE to Northgate Way. However, most visitors will want to return to the interstate.
- Supports continuous landscaping on Northgate Way. The departure request for such landscaping should be approved.
- The area needs a sense of place. The large commercial entrance will help provide this and encourage people to walk in the neighborhood.
- A large retail store will compromise the amount of transparency due to owner's desire for signage and storage.

- How does the traffic circulation work? There is no light on 8th Ave. NE. People need to turn onto Northgate Way from 8th Ave in order to return to the interstate.
- The proposed structure has minimal amounts of modulation for its size.
- Trees and other landscaping on the property to the east will be destroyed by the new project.
- There is not enough parking. Visitors will park in the adjacent lot.
- There is a 17'6" wall on the southeast corner. This blank wall will face the adjacent property.

A. Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board unanimously supported the departure allowing a planting strip between the sidewalk and Northgate Way. This will provide a buffer from the street for the pedestrian.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

See D-12 guidance for the residential entry on Northgate Way.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Creation of a small plaza in front of the residential entry off Northgate Way will provide a brief respite for tenants and their visitors from the activity along this commercial corridor before entering or exiting the building. See guidance for D-12.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board discussed the base or podium of the east elevation but did not recommend changes to the design of the wall or the series of green screens.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

See recommendations (D-12) for the residential entrance at Northgate Way.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board did not comment on the upper level open space.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

The Board recommended adding a second traffic calming device along the driveway on the project's west side.

Acknowledging public concern about thru traffic along the driveway to the south of the building and traffic exiting onto Eighth Ave NE to join Northgate Way, the Board requested that the land use planner evaluate the transportation impact study.

DPD staff response: traffic impacts will be reviewed in the project's SEPA analysis.

B. Height, Bulk and Scale

- B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

See the discussion of blank walls and scale for guideline D-2.

C. Architectural Elements and Materials

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

The Board expressed its overall satisfaction with the building's design.

D. Pedestrian Environment

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

The extensive blank walls along the lower, south elevation gave the Board pause. After much deliberation, the Board focused its recommendations on the eastern segment of the south façade. This architect should reduce the scale along this segment by adding a scaling device (for example, a brow or canopy over the loading area) to diminish the appearance of this sizeable wall.

Discussion also focused on the series of vertical towers housing circulation. These towers contribute blank walls at key locations. The Board did not place conditions on the design of the towers.

- D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

See guidance for D-2, Blank Walls.

- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board noted the need for a dedicated loading area. The portion of the garage designated for loading appeared minimal. The Board urged the creation of a better plan for the loading docks, but did not condition the project.

- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

The residential entrance appeared unprepossessing. Although intended to have a quieter presence on Northgate Way than the commercial entrance at the structure's other corner on Northgate, the residential entry feels diminished.

The Board requested a more gracious and expansive entrance, one that welcomes the visitor and creates a sense of place. The Board strongly recommended increasing the amount of space (a plaza) between the door and the sidewalk. In addition, the Board recommended altering the door and fenestration of the residential entrance so that it does not resemble the commercial storefront glazing. Increasing the amount of wood is encouraged.

The applicant will need to provide signage for the residential entrance.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the November 19, 2012 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the November 19th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design. and the requested development standard departures from the requirements of the Land Use Code (listed below).

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) are based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Setbacks SMC 23.47A.008A.3. & 23.71.008B.4	Street level, street facing facades shall be located within 10' of the street lot line unless wider sidewalks, plazas or other approved landscaped or open spaces are provided.	Northwest corner: 26' (16' increase).	<ul style="list-style-type: none"> ▪ Creates safe, weather protected plaza for pedestrians. (A-4) ▪ Promotes an active streetscape. (A-4) 	Recommended approval
2. Setbacks SMC 23.47A.008A.3. & 23.71.008B.4	Street level, street facing facades shall be located within 10' of the street lot line unless wider sidewalks, plazas or other approved landscaped or open spaces are provided.	Northeast corner: 27'6" to elevator (17'6" increase) and 46'6" to stair tower (36'6" increase).	<ul style="list-style-type: none"> ▪ Creates safe, weather protected plaza for pedestrians. (D-12) ▪ Promotes an active streetscape. D-12) 	Recommended approval based on Board recommended conditions.
3. Planting Strips SMC 23.71.008E.3	Planting strips are prohibited along major pedestrian streets.	Proposes a continuous planting strip between driveway at northwest corner of property and east property edge along Northgate Way with a wide of 5'.	<ul style="list-style-type: none"> ▪ Provides a safe pedestrian route along a busy vehicular route. (A-2, E-2) ▪ Preserves existing street trees. (E-2) 	Recommended approval

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Add a second traffic calming device along the driveway at the project's west side. (A-8)
2. On the eastern segment of the south façade, the architect shall reduce the scale along this two-story base by adding a scaling device (for example a brow or canopy over the loading area) to diminish the appearance of this sizeable blank wall. (D-2)
3. Increase the amount of space to establish a small plaza between the residential door and the Northgate Way sidewalk. In addition, the Board recommended altering the door and fenestration of the residential entrance so that they do not resemble the commercial glazing. Increasing the amount of wood is encouraged. (D-12)
4. Provide signage at the residential entrance along Northgate Way. (D-12)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the five Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is CONDITIONALLY GRANTED.

REZONE- ANALYSIS & RECOMMENDATION OF THE DIRECTOR

The existing site is zoned Neighborhood Commercial Three with a 65' height limit (NC3-65). The project proponent has requested a contract rezone from NC3-65 to NC3 85 (with an 85' height limit). To enable a taller and more viable commercial space consistent with development expected in an NC3-65 zone, the applicant will build to a height of 70 feet.

The structure to be built is a six-story mixed use structure, one floor of predominately commercial space and five floors of residential. The maximum height of the proposed structure would be 70 feet.

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

SMC 23.34.004 Contract Rezones.

A. *Property Use and Development Agreement (PUDA).* The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to 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 shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement 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.

The subject application is for a contract rezone; a PUDA will be developed as part of the Council review.

B. *Waiver of Certain Requirements.* The ordinance accepting the agreement 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 which 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.

General Rezone Criteria (SMC 23.34.008)

The general rezone criteria are presented in italics below, with analysis of the criteria in regular type.

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 one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The proposed rezone would slightly increase the zoned capacity of the Northgate Urban Center. The zoned capacity will continue to exceed 125% of the growth targets adopted in the Comprehensive Plan for the Northgate Urban Center.

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.

The parcel is well-suited for maintaining its NC3 designation. The proposed intensity of development on the parcel is greater than that anticipated in NC1 or NC2 zones, while the pedestrian orientation of development in the Northgate core area supports a Neighborhood Commercial zoning category, rather than a Commercial one. The desired existing character for an NC3 zone, "major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas," reasonably describes the Northgate core area (SMC 23.34.078 B1a). Properties to the north, south, and west also are zoned NC3.

Analysis of the proposed change in height limit is presented below.

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

There is evidence of recent zoning changes in the immediate area; the city council approved a rezone for properties located about five blocks west at 11300 and 11301 Third Ave NE from Midrise to NC3-85.

In conjunction with the 1993 adoption of the Northgate Area Comprehensive Plan and Northgate Overlay District, the site was rezoned from C1-65 to NC3 65, which retained the same height limit as had existed for some time prior. The adjacent and surrounding parcels were also rezoned to Neighborhood Commercial designation from Commercial designations, and all existing height limits were retained.

In December 2009, the City prepared and issued a programmatic Final Environmental Impact Statement (FEIS) in conjunction with reviewing and potentially modifying the zoning for some properties within the Northgate Urban Center. The City examined a No Action Alternative and three action alternatives for amending the subarea plan along with other potential code amendments. In the FEIS, the subject site is located with Subarea D of the Northgate Urban Center.

Although the FEIS concluded that none of the alternatives would result in significant incompatibilities or significant unavoidable land use impacts, the city did not adopt any of these alternatives. With regard to the most intensive of the alternatives (# 3 with a 125' height limit), the FEIS concluded that, despite the significant height increase for buildings along the south side of NE Northgate Way in Subarea D, the shadows cast on the street from such buildings would not cause significant impacts. Comments in the FEIS focused on potential traffic and transportation impacts due to increased residential and commercial density and intensity. The proposed rezone would result in a nominal height increase, no additional commercial gross floor area and no additional density than what was allowed by the lower height limit although the proposed has 12 more units than the previously approved MUP on this size which did not maximize density. The rezone would not result in any increased traffic over the existing zoning. The proposed rezone is consistent with both prior and planned zoning changes and uses for the site and subarea.

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.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 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.*
- 4. If it is intended that rezones of particular sites or area identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The Northgate Comprehensive Plan, adopted in 1993, amended in 2004 and 2012 (Ordinance # 123854), serves as the neighborhood plan for the Northgate area. The Northgate Comprehensive Plan was the basis of a rezone of this site from C1-65/125 to NC3-65/125, which occurred with the adoption of the Plan. The Northgate Comprehensive Plan does not provide an analysis of

this rezone, nor does it provide any criteria against which future consideration of a rezone of this parcel was to be evaluated.

In general, the proposed rezone is consistent with the goals and policies in the adopted Northgate Neighborhood Plan, as expressed in Seattle's Comprehensive Plan. In particular, the development proposal that accompanies the rezone supports the second Northgate neighborhood plan goal: "A thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area" (NG-G2). The rezone also is consistent with NG-G4, which states "the most intense and dense development activity is concentrated within the core," as this rezone is. One policy in the Northgate neighborhood plan addresses potential impacts of the proposed rezone; NG-P7 states, "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".

The proposed rezone does not impact the transition between the existing Neighborhood Commercial zoning on the site and adjacent properties or the lowrise multi-family and single family zones several blocks from to the north, south and east. The adjacent NC3 40 and NC 3 65 zoned parcels to the east and south will provide a buffer to the lowrise zones a few blocks south and east. The proposed rezone does not include any single family zoned properties.

NG-P8.5 affirms support for future potential rezones to higher intensity designations in the North Core Subarea and encourages pedestrian connections. The subject site lies within the North Core Subarea, and the proposed design provides enhancements to the pedestrian experience at street level.

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 height rezones will establish an 85' height limit on the site. As noted above, the proposed rezone does not impact the transition between the existing NC zoning on the site and adjacent properties or the lowrise and single family zones several blocks from the site to the north, south and east. The adjacent NC3 40 and NC3 65 zoned parcels will provide a buffer to the LR3 zones a few blocks south and east.

Because the proposal includes a self-imposed height restriction of 70 feet and because the site's topography is on average ten feet lower than the adjacent developed site to the west, development will provide a continuous skyline with no discernible increase in shadowing. The additional five feet will be nearly imperceptible.

The effective heights resulting from the proposed rezone will be established by a Property Use and Development Agreement (PUDA), and will reflect the proposed structure. Although the rezone would allow a structure of 85' in height, the proposed structure will have a maximum

height of 70 feet. Through the contract rezone and PUDA, no taller building would be allowed on the site.

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 green spaces.*

The topography in this area slopes gently from west to east and from north to south. Both the arterial NE Northgate Way and the topography (property on the north side of Northgate Way lies on slightly higher ground) provide a buffer between the proposal and the development to the north. Property along the north side of Northgate Way is zoned NC3 65. There are no natural physical buffers, distinct change in street layout and block orientation that would provide a buffer between the subject property and the NC 65 and NC3 40 properties to the south and east. A driveway behind the proposed structure, establishes a setback between the site and the NC3 40 zone.

The existing zone transition in this area is from more intense zoning to the west and north to less intense zoning to the east and south. Eighth Ave NE provides a physical break between NC3 65 zoned parcels to the east and NC3 40 parcels to the west. An NC3 65 zoned parcel separates the subject property from the zone transition on Eighth Ave.

The properties to the west and south are zoned NC3 65 and NC3 40 respectively. Coupled with the proposal's 70 foot height limit, the proposed rezone would maintain continuity with those zones. The proposed zoning in conjunction with the PUDA would not allow structures that would need to be buffered from the adjacent commercial uses. The subject site is proposed to be redeveloped in a manner consistent in size and bulk with the adjacent new development to the west. Commercial uses typically benefit from concentrating additional commercial uses in adjacent sites. Because the lower height zones are primarily south of the site, shading is not an issue.

Thus, NE Northgate Way provides an effective buffer for properties to the north and the surrounding and adjacent NC3 65 zoned parcels will provide a transition to less intensive zone parcels farther to the south and east. There is effective separation between the subject property and the NC3 40 zoned properties to the east.

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.*

The proposed zoning would replace the existing zoning within the existing platted lot lines and would maintain the existing pattern of physical buffers between zone boundaries.

- 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.*

As the proposed rezone does not change the underlying zone designation of NC3, it would not alter the established boundaries between commercial and residential areas. The proposed rezone would result in a commercial zone and potential commercial uses facing adjacent and existing commercial zoning and development on all sides.

- 4. 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 project site is within the Northgate Urban Center.

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 considered include, but are not limited to, the following:*
 - a. Housing, particularly low-income housing;*
 - b. Public services;*
 - c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
 - d. Pedestrian safety;*
 - e. Manufacturing activity;*
 - f. Employment activity;*
 - g. Character of areas recognized for architectural or historic value.*
 - h. Shoreline view, public access and recreation.*

The proposed rezone only increases the allowable height but does not otherwise affect allowable uses or generate non-height related impacts. Accordingly, because the proposed rezone coupled with the self-imposed height restriction of 70 feet does not add floors or floor area to what is allowed under existing zoning, it has no adverse impact on housing, public services, manufacturing activity, or the character of areas recognized for architectural or historic value. The site is not within or near any shoreline or area subject to a shoreline designation.

Future development will be required to complete any required street improvements such as sidewalks. Pedestrian safety is also regulated by requirements in SMC Chapter 23.55 (streets and alleys), SMC 23.71 (Northgate Overlay) and the Right of Way Improvement manual.

With regard to environmental factors, the proposed rezone will not result in any significant adverse impacts. No significant noise impacts are anticipated to be generated by an added five

feet of structure height. As with any site in the Northgate Urban Center, noise from anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Commercial uses will be concentrated along NE Northgate Way the same as existing commercial development in the area and development allowed under the current zoning. Development as the result of a proposed rezone is unlikely to create significant noise in this area.

No noticeable change in air quality impacts will result from a change in zoning to allow additional height at the subject site. Air qualities must comply with applicable federal, state and city emission control requirements.

No noticeable change in impacts will result from change in the zoning. Storm water runoff from the associated project will be conveyed to a city drainage system via stormwater detention system designed in compliance with the City green factor requirements and through compliance with other elements of the City codes. The proposed rezone would not create the potential for any more impervious surface than would be possible under existing zoning.

No noticeable change in impacts to flora and fauna will result from the proposed height change as the site could be redeveloped in substantially the same manner with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation would be required per SMC 23.45.

The additional five feet of height may create some additional shadows on NE Northgate Way, depending upon the season, weather and time of day, the additional impacts will be imperceptible and essentially the same as those associated with the existing NC3 65 zoning. As noted in the Northgate Urban Center FEIS even with an allowable height of 125 feet for building in Subarea D along NE Northgate Way (alternative # 3), the shadows cast on the street from such buildings "would not cause significant impacts". (See FEIS at 3-33, Attachment C).

No noticeable glare, odor or energy impacts would result from the proposed zoning change. In terms of views, there would be no appreciable difference to private views between NC3 65 and NC3 85 zoning, especially with the height limit of a 70 foot structure.

2. *Service capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. *Street access to the area;*
 - b. *Street capacity in the area;*
 - c. *Transit service;*
 - d. *Parking capacity;*
 - e. *Utility and sewer capacity;*
 - f. *Shoreline navigation.*

The proposed rezone only increases the allowable height but does not change the gross square footage by adding to floor area. It has no additional adverse impact on street access or capacity, transit service, parking capacity or utility and sewer capacity. The site is not within the shoreline

environment. Thus, the proposal would not allow for development that will place a greater or even different demand on city services than development of the site under the existing NC3 65 zoning.

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 designations in this chapter.

The existing parcel was rezoned from C1-65 to NC3-65 in 1993, in conjunction with the Northgate Comprehensive Plan. No changed circumstances have occurred since 1993 that would affect the proposed rezone.

The adoption of the Comprehensive Plan (1993), the designation of the Northgate Urban Center and the adoption of the 2024 growth target are all circumstances that have changed since the most recent zoning change. The proposed rezone will facilitate redevelopment of the site, resulting in the addition of over 250 new residential units with close access to the Northgate Transit Center. The project will allow for a wider variety of commercial services to locate within the mixed use development and contribute to the pedestrian experience.

Regulatory changes and significant planning and infrastructure investments over the past 20 years constitute significant changes in circumstances that support---and, in turn, will be supported by---the proposed rezone.

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

The project is located within the core area of the Northgate Overlay District. The purposes of this district are identified in SMC Chapter 23.71.002, and are as follows:

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

Increasing the zoned height limit would not adversely affect any of the stated purposes of the Northgate Overlay District. The proposed development will increase pedestrian amenities on the site, while also increasing the amount of commercial square footage from what currently occupies the site; however, this is not a direct result of the height change. The residential character of the residential neighborhoods near the Northgate core would be maintained. Northgate would continue to function as a regional high-capacity transportation center following the rezone.

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

The site does not possess environmental critical area. A peat settlement prone area lies to the south of the property.

Height Limits of the Proposed Rezone (SMC 23.34.009)

Where a decision to designate height limits in 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.

Neighborhood Commercial Three zones assume intense commercial activity, with nearby multifamily housing. A height limit of 85' across the eastern portion of the site would be consistent with anticipated NC3 development. Increasing the height limit on a portion of the site is not expected to alter the demand for permitted goods and services. Modifying the height limit is unlikely to displace preferred uses; the site currently is used for mostly retail commercial use, and the uses proposed by the project are consistent with allowed uses in NC3 zones.

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 subject site slopes gently from west to east with an approximate ten foot grade change across the site. The adjacent 65-foot mixed-use structure (507 Northgate Way NE) to the west is ten feet higher than the subject site. The proposed rezone would allow redevelopment on the subject site to be 70 feet, which will make the roofline essentially the same height as the adjacent development with no discernible or additional view blockage or shadowing.

C. Height and Scale of the Area.

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

The proposed rezone coupled with the applicant's desire to restrict the height limit to 70 feet will limit the redevelopment of the subject site such that it is both consistent with the height allowed under the existing NC3 65 zoning and the height and scale of existing adjacent and nearby development.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding building 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.*
- 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 D2, are present.*

The proposed rezone with its 70 foot height limit will essentially maintain the same height as exists now for the site and the same gradual transition in height to actual and zoned heights in surrounding areas. The adjacent 507 Northgate mixed use building to the west, the Target/Best Buy a half block to the northwest, and the seven-story apartment complex one-half block north along Eighth Ave. are all of a similar or greater height and bulk than is planned for the subject site.

E. Neighborhood Plans.

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plan adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*
- 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 and 23.34.008.*

The Northgate Area Comprehensive Plan, adopted in 1993, rezoned the site from C1 to NC3, but did not change the height designations on the site. The goals and policies of the adopted Northgate neighborhood plan do not recommend or require particular height limits for the Northgate area.

RECOMMENDATION – REZONE

On balance, the rezone criteria described above support the proposed rezone of the project site from NC3-65 to NC3-85. The small adjustment in height will be consistent with the general rezone criteria. Patterns of development on the site are not expected to be substantially different following the rezone. The pattern of transition from NC3 85 to NC3 40 extending east along the NE Northgate Way corridor remains in place and would not be greatly impacted by the additional five feet in height. The width of NE Northgate Way, the topographical declension from west to east and the general redevelopment potential of neighboring parcels on this large block diminish the extent to which the increased height is expected to impact nearby properties.

Application of the rezone criteria of the Land Use Code indicates that the proposed rezone changing the zoning from NC3-65 to NC3-85 should be approved. Therefore, the Director recommends APPROVAL of the proposed rezone.

MASTER USE PERMIT APPLICATION

The applicant applied for a Master-Use Permit on January 23, 2013.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 9, 2012. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction of the proposal is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation on the east side of the parcel's slope is approximately 11.33 feet and will consist of an estimated 17,600 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Construction of the mixed use structure is proposed to last approximately 22 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on site as soon as possible and continue for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 17,600 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 1,760 round trips with 10-yard hauling trucks or 880 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along NE Northgate Way. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Historic Preservation

An existing commercial structure built in 1959 was reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing commercial building would meet the standards for designation as an individual landmark.

Traffic and Transportation

Trip generation equations compiled by the Institute of Transportation Engineers (ITE) were used to estimate daily and PM peak hour traffic that would be generated by the proposed development using ITE categories of "apartments" and "discount retail". The latter, compared to other retail uses, generates the highest level of traffic. The worst-case scenario (single tenant discount retailer) results in an estimated net total of approximately 1,870 and 200 PM peak hour vehicular trips at full build-out of the project.

Intersection levels of 14 intersections in the vicinity (ten signalized and four un-signalized) indicates that all intersections are expected to operate at Levels of Service (LOS) D or better with and without the project in 2015 during the PM peak hour. All traffic movements at the proposed site access intersection are anticipated to operate at LOS b or better during the PM peak hour; this assumes that the site access onto Northgate Way be limited to allow only right-in and right-out turn movements.

A review of impacts to roadways, intersections levels of service, site access and circulation, parking, transportation services and non-motorized transportation facilities, was conducted in association with the proposed development. The following mitigation measures are recommended by Transportation Engineering NorthWest, LLC to reduce or eliminate project impacts as a result of the proposed mixed use development.

1. Maintain a shared access connection with the existing 507 Northgate Apartments to Northgate Way and maintain existing curb, gutter and sidewalk. Remove two existing curb cuts onto Northgate Way.
2. Construct a modified and improved access connection south to the existing east-west access road that will allow access to both Fifth Avenue Northeast (to the west) and Eighth Avenue (to the east).

The Northgate Coordinated Investment Transportation Plan (CTIP), developed by the Seattle Department of Transportation, provides a comprehensive, multi-modal plan for the area's transportation system, and is intended to serve as a blueprint for financing and prioritizing SDOT's capital investments in the Northgate area. Traffic from the proposed development is expected to impact several locations where these capital investments are planned. To mitigate these impacts, the development is required to help fund proximate capital projects identified in the CTIP on a pro-rata basis. The total amount of this pro-rata contribution is \$61,187. The applicant has requested that this amount be applied to a specific CTIP project: the planned Northgate Way corridor signal optimization and prioritization (CTIP project E-1). DPD concurs that concentrating the project's pro-rata share of CTIP capital improvements on this Northgate Way corridor project will provide reasonable mitigation for transportation impacts in the vicinity of the project. Therefore, the project will be conditioned to pay this amount prior to issuance of a building permit. (The fee has been paid under the prior permit (# 3012842))

Parking

A total of 269 off-street parking stalls are proposed as part of the project. Taking local reduction factors into consideration on a cumulative basis, peak demand for parking is estimated to be 257 spaces. As the total on-site supply of 269 off-street parking stalls is proposed, a parking surplus of 12 spaces is estimated during peak demand assuming both uses peak simultaneously. No impacts to off-street or on-street parking are anticipated as proposed parking supply is expected to exceed estimated demand and City minimum requirements. Based on this analysis, no SEPA mitigation of parking impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

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

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Building Permit

1. A transportation route plan shall be provided to DPD and SDOT; this plan shall document proposed truck access to and from the site, and shall indicate how pedestrian connections around the site will be maintained during the construction period.
2. Provide a construction worker parking plan with the intent to reduce on-street parking. Construction workers may park on-site once the garage is completed.
3. The development is required to help fund proximate capital projects identified in the CTIP on a pro-rata basis. The total amount of this pro-rata contribution is \$61,187. The requested amount shall be applied to a specific CTIP project: the planned Northgate Way corridor signal optimization and prioritization (CTIP project E-1). Payment of the \$61,187 shall occur prior to issuance of a building permit.

During Construction

4. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.

- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
5. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
- a) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - b) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - c) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - d.) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
6. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
7. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
8. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Prior to Building Occupancy

9. Construct a modified and improved access connection south to the existing east-west access road that will allow access to both Fifth Avenue Northeast (to the west) and Eighth Avenue (to the east).

Permanent for the Life of the Project

10. The north access to/from Northgate Way NE shall be restricted to allow only right-in/right-out movements.

The owner(s) and/or responsible party(ies) shall ensure that the Transportation Management Program be implemented and compliance monitored to achieve the SOV goal as specified in SMC Section 23.71.018 and shall include the standard implementation requirements and appropriate supplemental implementation requirements identified in Director's Rule 14-2002.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) Date: May 2, 2013

Bruce P. Rips, AICP, AAIA, Sr. Land Use Planner
Department of Planning and Development

BPR:bg

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**Legislative Department
Seattle City Council
Memorandum**

Date: September 04, 2013

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Eric McConaghy, Council Central Staff

Subject: Council Bill (CB) 117912 and Clerk File (CF) 312357: Application of Wallace GT-Northgate II, LLC for approval of a contract rezone of approximately 72,985 sq. ft. of land, on three parcels of land, at 525 N.E. Northgate Way from Neighborhood Commercial 3 with a 65 foot height limit (NC3-65) to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85) and to allow a seven-story, mixed use structure with 24,614 square feet of commercial use, 266 residential units above, and with parking for 269 vehicles provided at- and below-grade.

1. Overview

Wallace GT-Northgate II, LLC ("Proponent") proposes a contract rezone on a site located mid-block between Fifth Avenue N.E. and Eighth Avenue N.E. on the south side of N.E. Northgate Way. Northgate Mall is approximately one block west of the site. The rezone site, as shown on the map below, totals approximately 72,985 square feet of land.

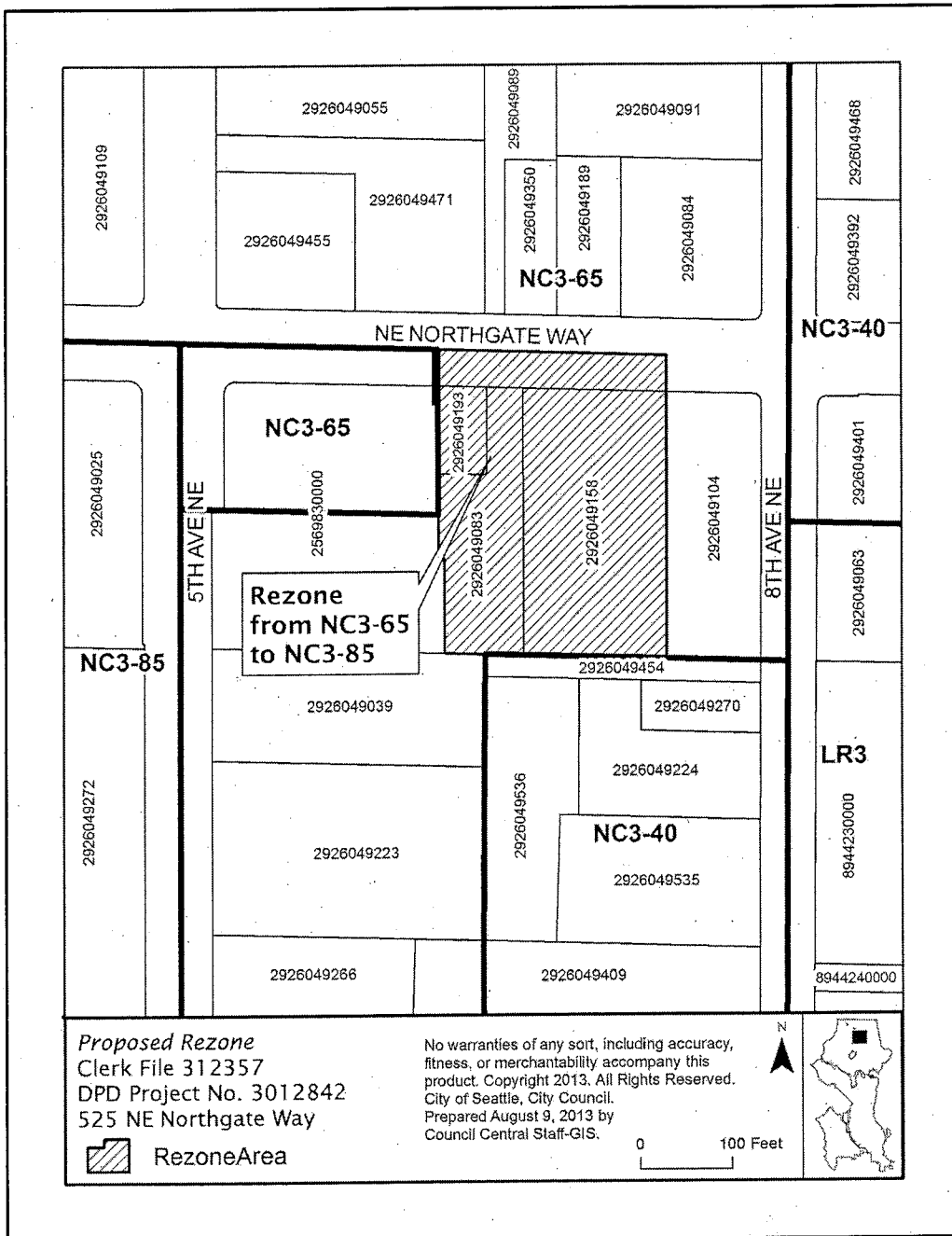
The site is currently zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3-65). The proponent has requested a rezone of the site to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85) and to allow a seven-story, mixed-use structure with 24,614 square feet of ground floor commercial use, 266 residential units above, and with parking for 269 vehicles provided at- and below-grade. The applicant proposes a Property Use and Development Agreement (PUDA) limiting the development height at this site to 70 feet.

The Director of the Department of Planning and Development (DPD) reviewed the proposed rezone pursuant to SEPA and issued a Determination of Nonsignificance (DNS) that was not appealed.

The project received public comment as part of the design review process. These comments focused on the façade and lobby of the building; the interaction between pedestrians and the building; and directing vehicle traffic onto arterial streets. The Director issued a design review approval that was not appealed.

DPD received three public comment letters regarding the rezone application in support of the height increase. No written comments were submitted to the Hearing Examiner and no member of the public offered comments at the hearing.

Both the Department of Planning and Development (DPD) and the Hearing Examiner find the proposal to be consistent with the City's rezone criteria and recommend approval of the rezone.



2. Conditions recommended by DPD and the Hearing Examiner

DPD conditionally granted approval of the project design, agreeing with the Design Review Board on the conditions on the project, namely:

- Add a second traffic calming device along the driveway on the project's west side;
- On the eastern segment of the south façade, add a scaling device to the architectural design in order to diminish the appearance of this sizeable blank wall;
- Establish a small plaza between the residential door and the Northgate Way sidewalk. Alter the door and fenestration of the residential entrance so that they do not resemble commercial glazing. Increase the amount of wood; and
- Provide signage at the residential entrance along N.E. Northgate Way.

DPD recommended approval of the proposed rezone, with conditions to mitigate environmental impacts during construction and to control impacts not regulated by codes or ordinances, per adopted City policies. The conditions are summarized below:

Prior to issuance of building permit

- Provide a transportation route plan to the Seattle Department of Transportation and DPD;
- Provide a construction worker parking plan; and
- Help fund a proximate capital project identified in Coordinated Transportation Investment Plan on a pro-rata basis. The requested amount of \$61,187 shall be applied to a specific CTIP project: the planned Northgate Way Corridor Signal Optimization and Prioritization (The applicant has paid this fee under DPD Permit #3012842).

During construction

- Noisy activities are limited to specified times of day and days of the week;
- Non-noisy activities are not limited by the above condition;
- Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 P.M.; and
- Construction activities outside of the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan.

Prior to Building Occupancy

- Construct a modified and improved access connection south to the existing east-west access road that will allow access to both Fifth Avenue N.E. and Eighth Avenue N.E.

Permanent for the Life of the Project

- The north access to and from N.E. Northgate Way shall be restricted to allow only right-in/right-out movements (turns).

3. Committee action to date

On August 14, 2013, the proposed rezone came before the Planning, Land Use, and Sustainability (PLUS) Committee, which reviewed the Hearing Examiner's record and exhibits. The Committee directed staff to draft documents approving the rezone, and also

August 30, 2013
PLUS
Re: C.F. 312357

recommended checking the figures recited in the title of CF 312357 for a possible amendment in the title for consistency with the facts of the proposed project and the CB.

4. CB 117912 and CF 312357

Council staff, in consultation with the Law Department, has drafted the necessary documents to complete this rezone. These include CB 117912, a Property Use and Development Agreement (PUDA), and a Council Findings, Conclusions and Decision (FC&D) for CF 312357. The City Council Introduction and Referral Calendar for September 9, 2013 includes CB 117912 for introduction, with referral to PLUS.

CB 117912: Ordinance for Rezone with PUDA

CB 117912 would amend the Official Land Use Map to reflect the proposed change in zone designation at 525 Northeast Northgate Way from NC3-65 to NC3-85. It would also accept a PUDA that would place conditions on the rezone, namely:

- Future use and development of the Property shall be in substantial conformance with the approved plans for Master Use Permit number 3014776 as presented to the Hearing Examiner as Exhibit 11 at the public hearing on June 4, 2013; and
- The height limit for structures on the Property shall be 70 feet.

I recommend approval of CB 117912.

CF 312357: Proposed Council FC&D and Amended Title

CF 312357 contains the content of the record established by the Hearing Examiner and a proposed Council FC&D. The proposed Council FC&D adopts the Hearing Examiner's Findings and Conclusions and grants the proposed rezone. A copy of the proposed Council FC&D (labeled "DRAFT") is included in Committee members' notebooks and printed on yellow paper.

I offer the following correction to the title of CF 312357 in response to direction from PLUS to correct any discrepancies. I request that PLUS amend the title of CF 312357, as shown below in strikethrough and underline, to make it consistent with the content of the rezone application and CB 117912:

Application of Wallace GT-Northgate II LLC, for approval of a contract rezone of approximately 72,985 square feet of land, on three parcels of land, at 525 NE N.E. Northgate Way from Neighborhood Commercial 3 with a 65 foot height limit (NC3-65) to Neighborhood Commercial 3 with an 85 foot height limit (NC3-85) ~~for future construction of and to allow a seven-story, mixed use structure with 24,614 square feet of commercial use, 266 residential units above, and with parking for 269 vehicles provided at- and below-grade. structure containing 22,976 square feet of commercial space, 262 residential units, and below-grade parking for 270 vehicles~~ (Project No. 3012842, Type IV.)

I recommend approval of the proposed Council FC&D and amending the title of CF 312357 as described above.

August 30, 2013
PLUS
Re: C.F. 312357

5. Next Steps

PLUS is scheduled to review and discuss the proposed F, C, and D, the draft Ordinance (CB 117912) to change the City's Official Land Use Map and the draft PUDA on September 11, 2013.

A Committee recommendation to approve the CB for the rezone and the PUDA, to adopt the Findings, Conclusions and a Decision for the Clerk's File, and to amend the title of the CF as shown above will enable a Full Council vote on both CB 117912 and CF 312357 on September 16, 2013.