



**Legislative Department
Seattle City Council
Memorandum**

Date: April 14, 2014

To: Mike O'Brien, Chair
Tim Burgess, Vice Chair
Nick Licata, Member
Planning Land Use and Sustainability Committee

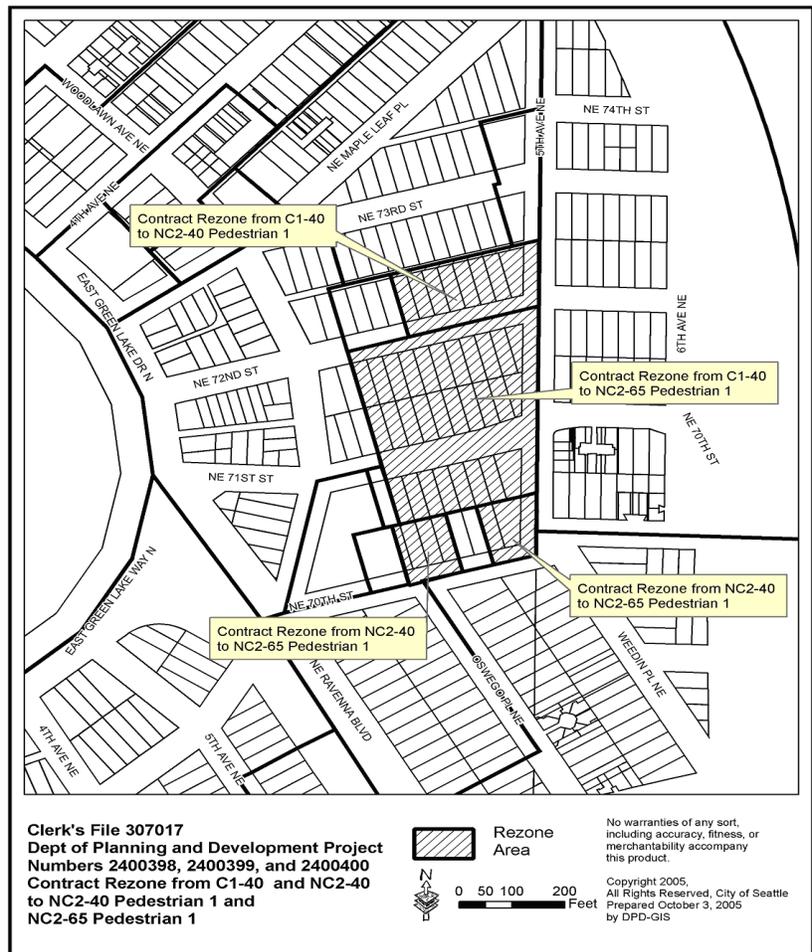
From: Ketil Freeman, Central Staff

Subject: Clerks File 313339 - Application of Vitamilk South, LLC to amend the Property Use and Development Agreement accepted by Ordinance 121961 for portions of property bounded by N.E. 73rd Street to the north, 5th Avenue N.E. to the east, N.E. 70th Street to the south and Woodlawn Avenue N.E. to the west to allow accessory use surface parking at 419 N.E. 71st Street (Project No. 3015511, Type IV).

Background

In 2005 the Council passed [Ordinance 121961](#), which 1) rezoned all of one block and portions of two others in the Greenlake Residential Urban Village, including the block formerly occupied by a Vitamilk facility, and 2) accepted a Property Use and Development Agreement (PUDA) in connection with the rezone. The quasi-judicial rezone was requested to facilitate future mixed use development. The rezone map from Ordinance 121961 is shown in figure 1.

The PUDA accepted through Ordinance 121961 establishes a variety of conditions including a prohibition on principal use parking in the rezone area. For the purposes of the Land Use Code, if off-site parking



comprises the sole use of a lot, then that parking is considered principal use parking.¹

Since passage of Ordinance 121961, the owner of the property has begun to redevelop the block in the rezone area bounded by NE 72nd Street, 5th Avenue NE, NE 71st Street, and Woodlawn Avenue NE with a mixed use project that will contain a grocery store. Construction of that project is nearly complete. The owner has petitioned the Council to amend the PUDA to allow off-site parking for the proposed grocery store on an interim basis while customers become familiar with the grocery store location. The proposed parking would contain 38 spaces and would be located on a site immediately across NE 71st Street from the mixed use project under construction. The proposed off-site parking will be redeveloped in the future.

Type of Action and Materials

This rezone petition is a quasi-judicial action under the Seattle Municipal Code. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine and the Council's Quasi-judicial Rules prohibiting ex-parte communication. The Council may amend a PUDA by ordinance. Amendments are either considered to be major or minor.

A minor amendment to a PUDA is one that is within the spirit and general purpose of the prior decision of the Council, is generally consistent with the uses and development standards approved in the prior decision of the Council, would not result in significant adverse impacts that were not anticipated in the prior decision of the Council, and does not request any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council...An application to amend that is minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the Council by ordinance after receiving any additional advice that it deems necessary.²

DPD has determined that the proposed amendment is minor.

Attachments to this memo include:

- DPD's determination that the PUDA amendment is minor and recommendation that the Council approve the PUDA amendment;
- A letter from counsel for the owner describing the purpose of the PUDA amendment and encouraging approval; and
- A comment letter from Richard Letts stating his opposition to the PUDA amendment.

Staff recommends that the Committee recommend approval of the minor amendment to the PUDA. Changes to the PUDA conditions would allow principal use parking for one site in the rezone area for a period not to exceed three years. Proposed changes are shown on the attached draft amended PUDA.

Next Steps

If the Committee recommends approval of the PUDA amendment application in C.F. 313339, staff will introduce a council bill for referral to the Full Council accepting the amended PUDA and work with the proponent to execute the amended PUDA prior to Full Council action.

¹ [Seattle Municipal Code \(SMC\) § 23.54.025.A.](#)

² [SMC § 23.76.058.C.4.](#)