



**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 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.

August 30, 2013

PLUS

Re: C.F. 312357

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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.*

### **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.