



**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Record Number: 3041336-LU

Clerk File Number: CF #314534

Applicant: Scot Carr for Kamiak Real Estate, LLC

Address of Proposal: 352 Roy St.

SUMMARY OF PROPOSAL

Council Land Use Action to allow a contract rezone for a parcel of land from Seattle Mixed Uptown Urban Center with a 65-foot height limit and Mandatory Housing Affordability Overlay M (SM-UP 65 (M)) to a Seattle Mixed Uptown Urban Center with an 85-foot height limit and Mandatory Housing Affordability Overlay M (SM-UP 85 (M)). Project includes future construction of an 8-story, 215-unit apartment building with 4,436 sq. ft. of retail. Parking for 128 vehicles proposed. Existing buildings to be demolished.

The following approvals are required:

Contract Rezone (SMC 23.34): Recommendation to Hearing Examiner

BACKGROUND

Mandatory Housing Affordability for Residential Development

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable when the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004.

Proposal

The applicant proposes to rezone an approximate 30,720 sq. ft. property from Seattle Mixed Uptown Urban Center, 65 ft. Height Limit, Mandatory Housing Affordability Suffix (M) [SM-UP 65 (M)] to Seattle Mixed Uptown Urban Center, 85 ft. Height Limit, Mandatory Housing Affordability Suffix M [SM-UP 85 (M)] through the contract rezone process. The M suffix corresponds to one of the three Mandatory Housing Affordability (MHA) tiers identified in the Land Use Code and in Director's Rule 14-2016 (effective April 6, 2017). The City published the HALA EIS in 2017 for the ("Citywide Implementation of Mandatory Housing Affordability") in support of up-zoning specific areas within the City to increase density designed to accommodate additional housing. At that time the study area did not include the Downtown, South Lake Union, and Uptown Urban Centers. However, in each of these sub-areas a separate planning process was implemented or increases in development capacity and MHA requirements were implemented with their own independent SEPA analysis.

In 2025 the City published the One Seattle Comprehensive Plan Final EIS in which the study area includes the full city limits. The study identified as potential Land Use and Urban Form likely impacts as follows.

Increased frequency of areas with mixing of uses and heights. Awkward transitions may temporarily result in older, less intense development next to newer, more-intense ones during redevelopment. Additional height and bulk changing views, casting longer shadows, and displacing trees

The suggested mitigation for these impacts includes implementing gradual transitions in zoning.

This proposal includes a specific redevelopment proposal for the construction of an 8-story, 215-unit mixed building with apartments and retail within the site targeted for increased height from 65 feet to 85 feet, adjacent to an LR3 zone to the north with a maximum height of 50 feet.

SITE AND VICINITY

Site Zone: Seattle Mixed Uptown Urban Center, 65 ft. Height Limit, (M) [SM-UP 65 (M)]

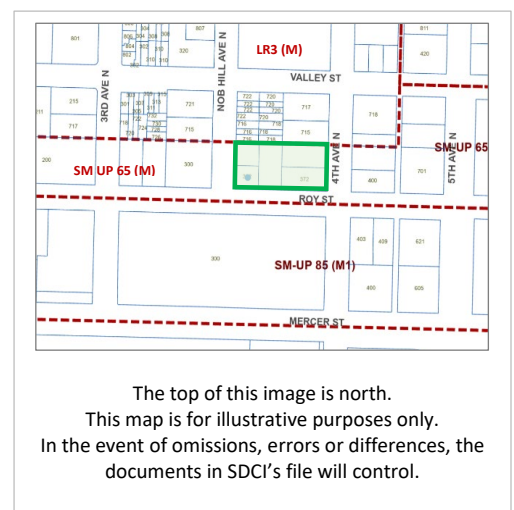
Zoning Pattern: North – Lowrise 3 (M) [LR3 (M)]
 South – SM-UP 85 (M1)
 East – SM-UP 65 (M)]
 West - SM-UP 65 (M)]

Overlay Districts: Uptown Urban Center

Frequent Transit Area

Project Area: 30,720 square feet (sq. ft.)

Environmental Critical Area (ECA): There are no mapped Environmentally Critical Areas on the site.



Current Development

The subject site lies within the smaller East Queen Anne neighborhood at the base of Queen Anne Hill. In 2021, the Seattle City Council officially recognized the neighborhood previously known as Lower Queen Anne as Uptown. T

The proposal site comprises a full block fronting Roy St. along its southern property boundary. Nob Hill Ave N to the west and 4th Ave N to the east flank the subject properties. The site occupies the southernmost one half of the block between Valley St. to the north and Roy St. to the south. The proposal site consists of five properties developed with varying uses including a ground level Thai restaurant and residential unit at 352 Roy St, a surface parking lot at 356 Roy St, and a ground level mixed use structure consisting of three restaurants and a residential use. The two other uses consist of a triplex located at 708 Nob Hill Ave, on the north site of the Thai restaurant and a duplex at 711 4th Ave N, just north of the other three restaurants.

Surrounding Development and Neighborhood Character

Uptown features significant landmarks such as the Seattle Center and Space Needle, Climate Pledge Arena, SIFF Cinema, and a collection of neighborhood bars and restaurants. The area can be characterized as having a mixture of architectural styles, with low-rise brick apartments from the 1920s and 1930s, Craftsman bungalows converted to apartments, mid-century-modern structures and modern townhouses. The area also includes mixed-use multifamily buildings and townhouses constructed on infill sites in the neighborhood as well. Major development moving west along Roy St, a principal arterial, includes office uses, community services, personal services, commercial retail, access to a regional grocery store, and parking, all within walking distance of Seattle Center and other retail along Mercer St. and Queen Anne Ave. N. Other significant architecture includes the Seattle City Light's Power Control Center, a modernist-style steel-reinforced concrete structure built in 1963. The building which is no longer used by City Light sits behind a fence at 157 Roy St.

Other development starting from the corner of 5th Ave N. and Roy St. moving east toward Aurora Blvd/Hwy 99 includes the 4-story mixed use Serana Condominiums, built in 1999 located at 613 5th Ave N., the 5-story mixed use LeeAnn apartments built in 2018 located at 701 5th Ave N, the Hampton Inn and Suites Hotel at 700 5th Ave N, and the 4 story mixed use LUMEN Condominiums and QFC grocery store located at 501 Roy St and 500 Mercer built 2007. Other notable establishments include the vacant/outdoor space owned by City of Seattle Department of Transportation and used by the building next door; the Citizens Collective Bar/Restaurant/Outdoor space located at 560 Roy St. The single-story masonry building located at 706 Taylor Ave N was built in 1920. Located next door to the Citizens collective building is Werner's Crash shop a single-story masonry building almost identical to the Citizens building built also in 1920 and located at 710 Taylor Ave N.

Located at the corner of 6th Ave N and Roy at 570 Roy St is the club/event space (The Ruins) once owned by Chris Cornell of Soundgarden rock-and-roll fame and his wife and characterized as an assuming abandoned industrial building. The one-story masonry building built in 1931 is still in operation today.

Located further to the east is the Downtown AAA automotive repair garage a one-story corrugated metal building and the 6-story, wood frame '708 Apartments' built in 2012 next door. On the opposite

side of Roy St is the Four Points Sheraton business hotel. Located at 601 Roy St. the hotel with 225 rooms was built 1999. Finally located at the corner of Roy St and Aurora Ave N. at 601 Aurora is the 10-story, 244 unit extended stay hotel and apartment building built in 2023.

The area to the north of the proposal site, transitions to smaller-scale multifamily development and single-family residences, within the designated LR3 (M) zone. Located immediately to the north of the project site along the cross street of Nob Hill Ave N is a two-story single-family residence with a three-story triplex to the north of there. Located to the northern portion of the proposal site and fronting 4th Ave N, is a two-story apartment with a four-story apartment building to the north of there. To the south of proposal site is the six level Mercer St. parking garage with its back to Roy Street. Located on half of the garage rooftop level is the UpGarden rooftop garden P-Patch. Situated to the east of the site, on the west side of Nob Hill Ave is the four-story Maxwell Hotel, a 140-room boutique hotel. Sidewalks are provided along all three street frontages, and there are east and westbound bike lanes along Roy Street.

PUBLIC COMMENT:

This proposal was noticed on September 12, 2024, with the public comment period ending October 2, 2024. The comment period was then extended for an additional fourteen days ending on October 16, 2024. Comments received were carefully reviewed and considered, to the extent that they raised issues within the scope of this review. Areas of public comment included opposition to the proposed rezone and associated redevelopment project suggesting that ‘livability’ in the surrounding neighborhood would decline, impacting other residents in the area including two homes for senior citizens. Other comments’ opposition to the proposal centered on its lack of suitability for the community given existing congestion and public transportation infrastructure limitations. Other commentators suggested that the proposed change prioritizes corporate development interests over the needs of existing residents. Comments in support of the proposal identified that the existing property, being so close the city core, was under-utilized and therefore its new use would add desperately needed housing to support population growth and the city’s tax base. Other comments in support included favorable attitudes about the ground level plaza, the set back the building away from the northern property by 15 feet, and a request to see more art expressions in the project as part of the Uptown Arts District guidelines.

**Note: the building is targeted be set back 10 feet.*

I. ANALYSIS – REZONE

The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

Seattle Municipal Code (SMC) Chapter 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

The applicable requirements for this rezone proposal are stated in:

- SMC 23.34.004 Contract rezones
- SMC 23.34.007 Rezone evaluation;
- SMC 23.34.008 General rezone criteria;
- SMC 23.34.009 Height Limits of the Proposed Rezone
- SMC 23.34.126 Designation of Seattle Mixed;
- SMC 23.34.128 Seattle Mixed;



Map of Proposed Rezone Area

Source Google Maps

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezones.

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.***

The proposal is for a contract rezone in which development would be controlled by a Property Use and Development Agreement (PUDA) requiring all future development to be subject to the requirements of

SMC 23.58B and/or 23.58C. The contract rezone request includes a redevelopment proposal for the construction of an 8-story, 215-unit mixed use apartment building with retail and parking for 128 vehicles. The future development project will be subject to all applicable development standards, and any waivers, modification, or approved departures.

- B. Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsection 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.***

The proposed contract rezone and associated development proposal are subject to a PUDA containing self-imposed restrictions in accordance with the provisions of Chapter 23.58B and 23.58C. The development project is a mixed-use multi-family apartment project consisting of an 8 story, 215-unit mixed use apartment building with retail, and 128 below-grade parking spaces.

The PUDA will be executed and recorded as a condition of the contract rezone and shall require that the rezoned properties are subject to the requirements of SMC 23.58B and 23.58C. A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development (MHA-R) in contract rezones*, DR 14-2016) has been approved pursuant to SMC 23.34.004.B. The rule specifies how to determine the appropriate MHA suffix. Application of the Director's Rule indicates that the proposed rezone from SM-UP 65 (M) to SM-UP 85, which falls into tier M, and therefore would receive an M suffix.

As noted in the Background section of this report, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C) in November 2015. The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The rezoned property is subject to Chapters 23.58B and SMC 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004 and Director's Rule 14-2016. In the case where a Contract Rezone results in increases to commercial and residential development capacity, the MHA program requirements in SMC Chapter 23.58B and SMC Chapter 23.58C, are applicable through the terms of a contract rezone in accordance with Section 23.34.004.B.

- C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney and shall not be construed as a relinquishment by the City of its discretionary powers.***

A PUDA will be executed and recorded as a condition for any contract rezone which changes the zoning designation. The recorded condition will facilitate the use of an MHA suffix and any associated development standards identified in the code for SM-UP 85' height limit, if approved by City Council.

- D. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.***

The applicant is not seeking a waiver from bulk or off-street parking and loading requirements through this rezone request. However, if there are any future departure requests, they will be reviewed and approved as a Type I decision within the framework set by the Design Review exemption process.

SMC 23.34.007 Rezone Evaluation.

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.***

This rezone application is not proposing to correct a mapping error. Further in evaluating the proposed added height request through this contract rezone, the provisions of this chapter have been weighed and balanced together to determine which height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed contract rezone for height will function as intended.

- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.***

This analysis evaluates a range of criteria as they apply to the subject rezone and as identified in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) and Seattle Municipal Code (listed at the beginning of this "Analysis" section) and subject to the requirements of SMC 23.58.B and/or 23.58.C. No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone (height) designation for the targeted proposal site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.***

The proposed rezone is not a shoreline environment redesignation and so the Comprehensive Plan Shoreline Policies were not used in this analysis.

- D. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.***

The entire proposal site is located within the boundaries of the Seattle Mixed Uptown Urban Center designated in SMC 23.48.002 and established in the City's Comprehensive Plan as an Uptown Urban Center. The proposed rezone has been evaluated according to provisions that pertain to areas inside urban centers.

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

The subject rezone is not a redesignation of a shoreline environment and therefore is not subject to these code sections.

- F. *Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.***

The subject rezone is not a correction of a mapping error and therefore so should not be evaluated as a Type V Council land use decision.

SMC 23.34.007 Conclusion: The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.

SMC 23.34.008 General rezone criteria.

- A. *To be approved a rezone shall meet the following standards:***
- 1. *In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% 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 subject site is located within the Seattle Mixed Uptown Urban Center designated on the Seattle 2035 Future Land Use Map. The City's 2035 Comprehensive Plan states that housing growth in Uptown Urban Center is expected to be an additional 3,000 housing units. However Urban centers do not have 20-year growth rate estimates, only specific housing unit goals. Guidelines for projected growth strategies for Urban Centers suggest an overall residential density of 15 households per acre (GS1.10).

According to Director's Rule 13-2021 (Determination of State Environmental Policy Act (SEPA) Review Exemption Levels for Infill Residential and Mixed-Use Development in Urban Centers and Urban Villages, effective August 9, 2021), the growth target for the Uptown Urban Center has not been exceeded.

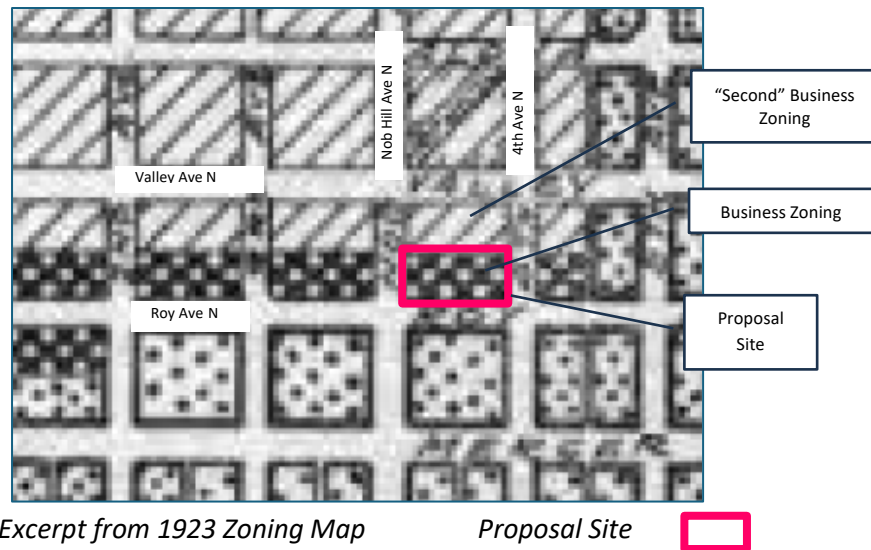
The proposed rezone is consistent with SMC 23.34.008.A.1. as the increase in zoned capacity does not reduce capacity below 125% of the Comprehensive Plan growth target. The proposed rezone is consistent with SMC 23.34.008.A.2. as the proposed change would not result in less density for this zone than the density established in the Urban Village Element of the Comprehensive Plan and therefore the criterion it met.

B. *Match between Established Locational 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.*

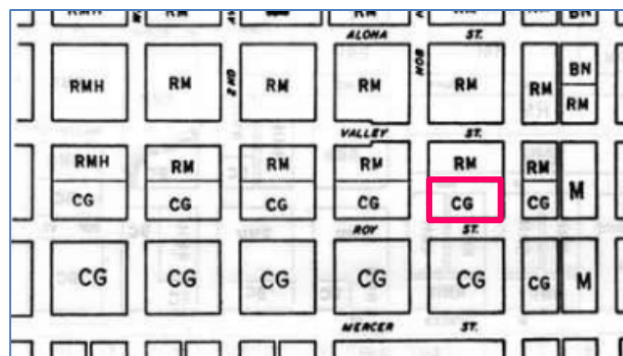
The proposal is to increase a height designation from SM-UP 65 (M) to SM-UP 85 (M). The sole change is allowance for additional height and no change to the SM-UP zone designation is proposed. In addition, the SM locational criteria in SMC 23.34.128 will continue to match adjacent zone type, with the exception of the abutting LR3 zone, and the characteristics of the area. The rezone would allow for additional height for residential use while allowing for commercial and retail services for the urban center and surrounding area consistent with the Urban Center policies in the Comprehensive Plan and design framework and area growth strategy.

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

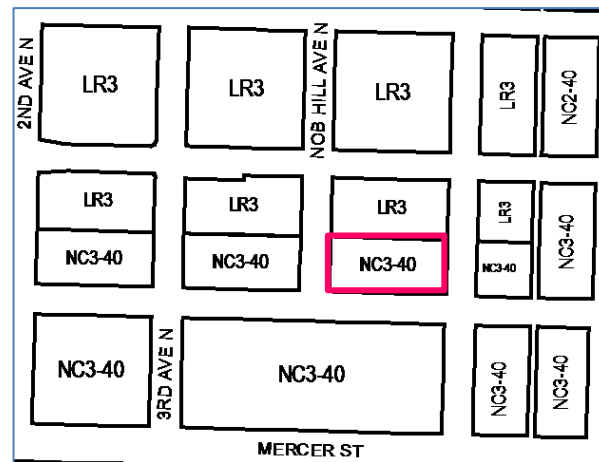
- Zoning maps from 1923 indicate that the northern portion of the block was designated "Second Business" while the southern portion of the block where the proposed development site is located was zoned "Business".



- 1958 and 1973 Zoning Map: The northern portion was designated Multiple Residence Low Density ("RM"). The southern portion of the block where the proposed development site is located was designated General Commercial ("CG") and.



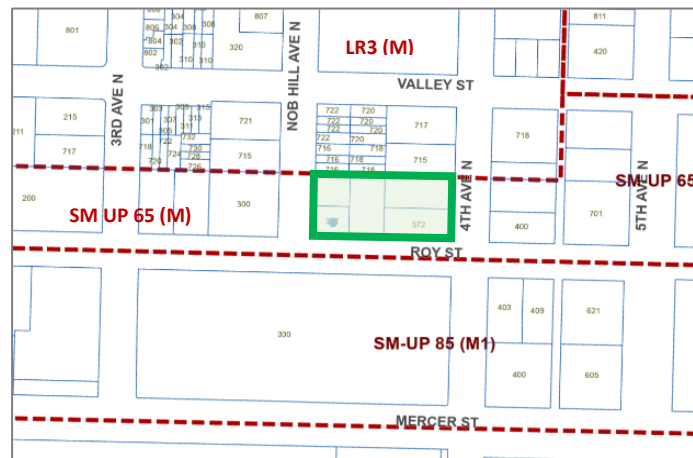
During the 1980's, the City updated zoning requirements for several major zoning types as part a Citywide rezone and Title 24 conversion. For Commercial zones, the new regulations and map amendments were started in 1986 (Ordinance 112777), with full implementation by 1995 under (Ordinance 117570).



Excerpt from the 1995 Zoning Map

Proposal Site

- Since 1995, the proposal site as well as other surrounding properties were designated as NC3 (Neighborhood Commercial with maximum allowable building height of 40 feet).
- In 2019 as part of the Citywide Mandatory Housing Affordability (MHA) legislation, the proposal site, and surrounding parcels were upzoned from NC3-40 to SM-UP 65(M) which remain in effect today. The zoning and height limit remains in effect today. (Ordinance 125791)



Area of proposed height change in green.

The applicant is now proposing a zoning change for height from SM-UP 65 (M) to SM-UP 85, through the Contract Rezone process.

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.**

While the City Council adopted the Seattle 2035 Comprehensive Plan in October of 2016, (Ordinance #125173) this project is not located within a neighborhood plan and therefore not applicable to this project proposal.

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

The subject site is not located within the Queen Anne (Uptown) Neighborhood Plan (adopted 1999) area which is the closest neighborhood plan to the proposal site. The Comprehensive Plan does not have any neighborhood specific criteria for a rezone of the proposed site.

- 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.**

The Queen Anne Neighborhood Plan does not establish policies expressly adopted for the purposes of guiding future rezones for this proposal site.

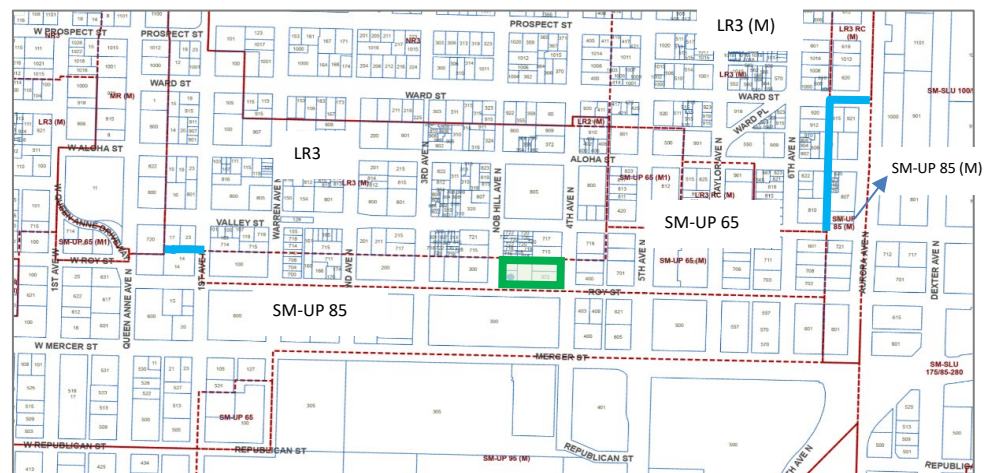
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the**


This rezone is not of a particular site or area identified in a City Council adopted neighborhood plan that was to be required for rezone.

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.**

The proposed rezone does not change the existing zoning designation; however, the applicant requests a height change from 65 ft. to 85 ft. The existing pattern of lowrise (LR) zoning and mixed use (SM) zoning will remain the same. As the project proposal does request a change in the existing allowable height limit, an analysis of the transition between heights is warranted. Upon reviewing different developments in the area as shown in the map below, it was determined that there are a few instances within the Uptown Urban Center where LR3 zones abut SM-UP 85 zones.



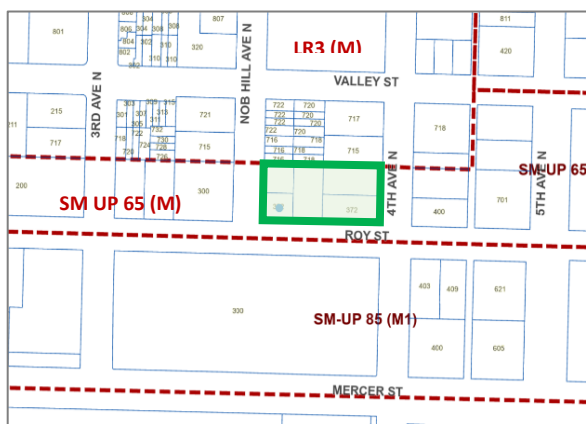
Map showing areas where lower heights abut taller building development as seen in areas marked in blue with zoning designations in red. Proposal Sit: 

The overall development pattern in the surrounding area including Roy St is a gradual increase in zoning intensity and building height as seen in various multi-story and/or mixed-use developments along Mercer St, near the intersections of 3rd Ave N. and 4th Ave N., which both are squarely in areas zoned SM-UP 85. Other examples of increased density and height associated with new developments can be seen in the recently completed mix-use develop at the corner of 3rd Ave N and Roy St and the mixed-use development at the corner of 2nd Ave N and Roy St of which both developments are located within an SM-UP 85 zone. One additional example of taller, increased density development is the completed, mixed use multi-story development at the corner of Warren Ave N. and Roy St. The zoning conditions for the latter project vary from the others as SM-UP 65 zoning buffers the new project from a Midrise zone (MR).

The new building at the corner of Warren Ave N and Roy St, (100 Roy St.) is a 7-story, 167-unit apartment is located within the SM-UP 65 zone, transitioning to the lower LR3 (M) zone a half a block north, just to the south of Ward St. As topography increases up the hill from Ward to Aloha St the zoning then transitions to a neighborhood residential zone (NR3) with a height limit of 30 feet.

To be noted, all these developments did not need a Contract Rezone for additional height as they were built within the allowable height for their associated zoning district.

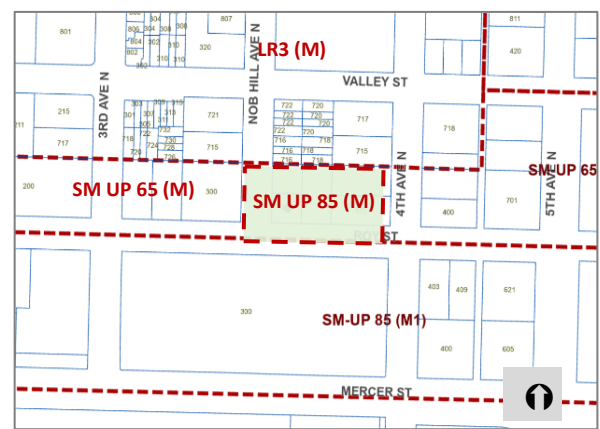
Existing Zoning Pattern



Proposed Development Site 

Source: City of Seattle GIS Layer

Proposed Rezone



Proposal Rezone Area 

Source: City of Seattle GIS Layer

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;***
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;***
- c. Distinct change in street layout and block orientation;***
- d. Open space and greenspaces.***

The proposal site is bordered by public rights-of-way at the south, east and west property lines. There are no natural features that provide any physical separation between the development site and the abutting residential buildings to the north. Queen Anne hill descends from north to south between Valley St. and Roy St. The development site has an approximately ten feet (10 ft) descending grade change from its northern boundary to Roy St. The change in grade is evidenced by how the triplex structures to the north sit higher in elevation than the restaurant structures along Roy.

None of the criteria apply.

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 rezone would continue to follow established zoning boundaries, platted lot lines and/or street rights of way. The proposal site lacks a physical buffer in the way of streets, open space etc., from the LR3 zone to the north. The proposal site will be separated from the northern LR3 zone and duplex properties by setting the proposed building back from the northern property line by 10 feet. In addition, the proposed building will create patio spaces and vegetative landscaping within the 10-foot setback, placed intermittently at the first floor level along the northern building façade designed to soften the building edge with the setback separation.

- b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.***

The proposed rezone would facilitate a building development that would bring the boundary of the current SM-UP 85 zone located on the south side of Roy St. across to the northern side of Roy St. between Nob Hill Ave N and 4th Ave N. The proposed development would have commercial uses face the street as exists under the current zoning and height classification. The current structure on the opposing side of Roy St is Seattle Center's Mercer Street Parking Garage with no commercial uses attached.

The preferred pattern of commercial development which targets placing commercial uses so that they face each other across a street on which they are located would be maintained in theory and the zoning designation of SM-UP would not change. The proposed rezone would be the first height change to SM-UP 85 to cross over to the north side of Roy St. The proposed development will be the first 85-foot structure on the north side of Roy St. and could potentially set a precedence along the frontages on the north side of Roy St. between Aurora Ave N to east and 1st Ave N. to the west. The proposed development would have a somewhat similar height and bulk to a new development along Roy St. between Warren Ave. N and First Ave N.

- 4. In general, height limits greater than forty (55) feet should be limited to urban villages. Height limits greater than forty (55) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.***

The site is not located within an urban village but rather in the Uptown Urban Center where heights above 55 feet are considered appropriate. The proposed rezone is not for a particular site or area that is identified in a Council adopted neighborhood plan targeted for rezoning. The proposed height increase is compatible with existing heights on properties zoned SM-UP 85 located immediately to the south; however, the proposal would amplify the height differential between the proposal site and the buildings to the north in the LR3 zone.

- F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.***
 - 1. Factors to be examined include, but are not limited to, the following:***

- a. Housing, particularly low-income housing.***

Of the 215 dwelling units proposed, 30 of the units would be added due to the potential height increase. Rent restricted units in conformance with MHA's performance option for compliance total eleven units or approximately five percent of the total. The contribution of the proposed added height of 20 feet would be just one or two rent restricted dwelling units.

- b. Public services;***

The project proposal has obtained confirmation from City departments that there are adequate water, sewer, stormwater, and electrical services to serve the proposed project. Finally, no appreciable negative impacts to public services are anticipated as result of added building height and additional mixed development.

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

Noise – No significant long-term impacts are anticipated because of the proposed change in height. The resulting height increase will allow for more planned and desired residential density, in the Seattle Mixed Uptown Urban Center. As with any site within the Seattle Mixed Uptown Urban Center, noise from the anticipated and planned development will be limited to that typically generated by neighborhood commercial and residential activities. Development as the result of a proposed rezone is unlikely to create significant additional long-term noise in this area.

Air quality – No noticeable change in impacts to air quality will result from a change in zoning to allow additional building height at this site. Sustainable measures related to air quality include CFC reduction in HVAC equipment, ozone depletion prevention, and indoor environmental quality measures as well as adherence to the latest Seattle Building Code and Energy Code requirements resulting in more efficient building systems and less emissions compared to structures constructed under previous codes

Increasing residential density in the Seattle Mixed Uptown Urban Center which is well-served by transit and added amenities, should decrease the number and length of vehicle trips and thereby potentially reducing impacts to air quality associated with motorized trips.

Water quality – No noticeable change in impacts will result from change in zoning. Storm water runoff from the associated project will be conveyed to a city drainage system via a stormwater detention system designed in compliance with the City stormwater code. Sustainable design related to water quality will also be attained through 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.

Flora and fauna – Redevelopment of the site under the proposed rezone will not impact existing landscaping and trees in any manner different from redevelopment under the existing zoning designation. Any redevelopment will require a landscaping plan and compliance with the City's regulations. No noticeable change in impacts will result from the proposed height change, as the site could be redeveloped in substantially the same manner with or without the rezone.

Glare – No noticeable change in impacts is anticipated because of the change in height.

Odor – No noticeable change in impacts is anticipated because of the change in height.

Shadows – The applicant provided a shadow study in their Contract Rezone application materials demonstrating how the proposed development will cast shadows on neighboring properties to the north. The studies demonstrate that the greatest extent of shadows would be cast during the winter solstice. Most of the shading would occur around 9:00 AM toward the northwest direction and the around 3 PM in the northeast direction. During the summer months the greatest extent of the shadows would be cast in the north direction having little impact on the townhouse community to the north.

A shadow study also demonstrates that a proposed building with a height of 85 feet would essentially cast the same amount of shadow as a building associated with the current allowable height of 65ft in a SM-UP 65 zoning designated area.

d. Pedestrian safety;

The proposal site currently has sidewalks running along the western property edge, a designated loading zone and an ADA ramp at the corner of Nob Hill Ave N and Roy. There are also sidewalks along the southern property line, which is bisected by a 30-foot-wide curb cut leading to a 25-space surface parking lot. There are also tree basins occupied by varying tree types, sizes and degrees of health. Located on the eastern property line is a sidewalk and ADA ramp and a 4-foot-wide planting strip and small curb cut and driveway leading into a parking area for the two-story apartment structure. There is also striped pedestrian crossing at the corner of 4th Ave N and Roy. There is no pedestrian stripping at the corner of Nob Hill Ave N and Roy.

The project will have street frontage improvements required by SDOT, which include a 6' wide sidewalk and 4' planting strip and the reintroduction of street trees which will improve pedestrian comfort and safety. Other improvements will include the removal of the curb cut along Roy Street and the planting of three new trees along both Nob Hill and 4th. In addition, the building's trash/recycle area will be located within the building, accessed from the parking garage driveway on 4th Avenue N reducing potential pedestrian motor vehicle conflicts.

The proposed project is going through the Street Improvement Process or SIP review with the Seattle Department of Transportation to ensure compliance with the most current requirements for sidewalk and landscaping improvements which will aid in providing pedestrian safety. Further the proposed building is designed to increase pedestrian safety along Roy St. by creating a small open space, a residential entry and the possibility of several commercial entries to provide eyes on the street. The elimination of the parking lot and its associated curb cut should reduce pedestrian, and vehicle encounters along this segment of the Roy St.

e. Manufacturing activity

The proposal site is not currently zoned for manufacturing activity. The proposed project does not propose and will not displace manufacturing activity.

f. Employment activity;

The proposed project would displace four existing commercial uses: Basilic Essentially Thai, Bamboo Garden, Maroun Mediterranean Grill, and Kamino Sushi and More, each of which provide employment opportunities. Collectively the four restaurants accounted for a total of 9,745 net square feet of existing commercial use on the project site. The loss of the existing commercial establishments will be offset by new employment opportunities present within the anticipated commercial business or nonresidential space proposed at the ground floor of the redevelopment. The project is anticipated to provide approximately 4,400 square feet of non-residential space that could create potential employment opportunities despite the net loss of dedicated commercial space.

The contract rezone will increase residential density which will potentially support existing and future businesses in the area.

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

The contract rezone site is not located within a historic district, and the block is not recognized as having historical significance. Furthermore, the existing buildings are not listed on the City's historic building survey as warranting landmark nomination status. These structures include the Thai restaurant and residential units at 352 Roy St, 356 Roy St, the ground level mixed use structured consisting of three restaurants and a residential use, as well the residential triplex structure located at 708 Nob Hill Ave, to the north site of the Thai restaurant and a residential duplex at 711 4th Ave N, just north of the other three restaurants. As the contract rezone is not going through SEPA review, SDCI has not referred this proposal site to the Department of Neighborhoods for historic review.

Further, there are no designated landmarks surrounding the project site, nor are there any properties listed for potential landmark status surrounding the project site, other than the Seattle Center Playhouse and Exhibition Hall, located two blocks south.

h. Shoreline view, public access and recreation.

The proposed rezone will not have an impact on public access or recreation, or shoreline views as the proposal site is not located within close proximity of a shoreline.

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;

The proposal site has substantial frontage and access along Roy St., a principal arterial in addition to smaller frontage along Nob Hill Ave N. to the west and 4th Ave N. to the east where automobile traffic is proposed to access the below grade parking garage. From a larger perspective, there is easy access to Aurora Ave N, to the east and quick access Queen Anne Ave N along W. westward on Mercer St and Interstate 5 (I-5) east bounds along Mercer St. located just one block to the south.

b. Street capacity in the area;

The applicant provided a Transportation Impact Analysis, by Heffron Transportation Inc., dated August 26, 2024, states that there would be a net increase of 70 daily trips, 22 AM peak hour trips, and three PM peak hour trips. The analysis also states that the Roy area intersection is expected to operate at LOS B during both the AM and the PM peak hours, with the proposed 352 Roy Street project. The proposed project trips would add less than one second of delay to the study intersection during both peak hours. Based on these analysis results, the project would not result in a significant impact to traffic operations.

The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted.

c. Transit service;

The proposal site is well served by several King County Metro bus lines including RapidRide D Line and the 2, 3, 4, and 13 lines that are “frequent all-day routes”. Service is provided every fifteen minutes or less Monday through Friday, from 6 am to 7 pm, as well as every 30 minutes or less on weekends from 6 am to 10 pm. Bus line 32, also connects the proposal with Children's Hospital, University District, Wallingford, Fremont, Seattle Pacific University, and Seattle Center. Further the site will also be located near the future Seattle Center stop for the Sound Transit’s Ballard Link Extension, which will increase multimodal transit connectivity in this neighborhood.

d. Parking capacity;

The Transportation Impact Analysis prepared by Heffron Transportation dated August 26, 2024, analyzed potential impact related to the development proposal. The project proposes to provide 128 parking spaces for residents within the parking garage accessed from 4th Avenue N, just north of Roy Street equating to 0.60 stalls per unit. The project would also provide 193 long-term bike stalls located within the parking garage mezzanine level, and 15 short-term bike stalls located along the street frontages and within the mezzanine level. As the proposal is considered “multimodal” designed for both automobile and bicycle use, the proposed parking supply is anticipated to accommodate the parking demand from the project without parking spillover onto surrounding streets.

e. Utility and sewer capacity;

A Water Availability Certificate evidencing adequate water service capacity was approved November 6, 2023, and will not expire until November 6, 2026. (SPUE-WAC-23-01183).

Utility and sewer capacity for the proposed project site is located within City of Seattle. In addition, the development proposal will provide onsite storm mitigation(bioretenction) to the maximum extent feasible to meet applicable City of Seattle requirements. The peak flow storm water runoff from the site will be decreased due to proposed mitigation, and sewer facilities are anticipated to have adequate capacity to support the Project.

SPU approved the solid waste plan for 202 apartments, 13 Small Efficiency Dwelling Unit (SEDUs) and 4,496 square feet of commercial space per SPU Solid Waste memo dated February 3, 2025.

The electrical system servicing the development sites would likely need to be upgraded to provide adequate electricity to serve the proposal.

f. Shoreline navigation.

The project site is not located within or near any shoreline area and therefore has no impact on shoreline navigation.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or

conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

Changed circumstances are not required to demonstrate the appropriateness of a proposed rezone. However, several changed circumstances have occurred since the proposal site's current height limit took effect in April of 2019.

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). These chapters implemented an affordable housing incentive program authorized by RCW 36.70A.540.

Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004.

The City has continued to emphasize residential growth in urban centers and villages in its Comprehensive Plan as the areas that are most appropriate for accommodating the highest density development. The site is within the Uptown Urban Center. The City's latest Comprehensive Plan, adopted in 2016, emphasizes locating density in urban centers and villages under the following rationale: "They are the places best equipped to absorb more housing and businesses and to provide the services that new residents and employees will need." Accordingly, the proposed rezone will allow for thirty (30) additional housing units in an area where the City has said it makes sense to locate density.

In addition, the City is currently undergoing its periodic comprehensive plan update (One Seattle plan Comprehensive Plan Update). The recently released draft plan focuses on further increasing housing density in every neighborhood in the City.

Recent construction within the vicinity of the proposal site provides a view of how development along portions of Roy St. is trending toward taller buildings with greater density. An example of this can be seen in the recently constructed (85-foot, 8-story development at 631 Queen Anne Avenue North (The Roystone) which provides 93 units located in a SM-UP 85 zone and the recently completed 7-story, 65 foot, 167-unit building at 100 Roy Street, located on the north side of Roy St. within the SM-UP 65 zone.

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

The proposal site lies within the boundaries of the Uptown Urban Center, as designated by the Seattle's Comprehensive Plan. While neither the Plan nor the Code provides a purpose statement for this subarea, the Plan provides a list of goals that the redevelopment project would support, advance and/or complement. The following table demonstrates how the goals and policies of the Uptown Urban Center

will be met with the advancement of the contract rezone request and subsequent redevelopment proposal.

Consistency with Comprehensive Plan Goals and Policies for the Uptown Urban Center		
Goal No.	Goal Statement	Project Consistency
QA-G3	The Urban Center is a vital residential community as well as a viable and attractive commercial/employment center and mixed-use neighborhood that enjoys a strong relationship with Seattle Center.	Consistent. The Project will contribute to the vitality of the Uptown community by providing a mixed-use development near Seattle Center.
QA-P6	Create a unique urban identity in Queen Anne's Urban Center that includes an attractive multifamily residential neighborhood identified by its distinctive park-like character and surrounding mixed-use areas	Consistent. This Project will contribute to the identity of Uptown by providing a thoughtfully designed, mixed use building.
QA-P40	"Strive to provide urban character-enhancing improvements to Queen Anne's streets such as sidewalk improvements, transit facilities, landscaping, and appropriate lighting."	Consistent. The Project will provide character-enhancing improvements such as sidewalk improvements, landscaping, and lighting.

- 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.***

There are no critical areas on or adjacent to the site.

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

The proposal site is not located in a zone with an incentive zoning (IZ) suffix. The site is however located in a Mandatory Housing Affordability area which is designated as (M) which will not change with the with the zone designation from SM-UP 65 (M) to SM-UP 85 (M).

SMC 23.34.008 Conclusion:

The proposed 85' height matches existing allowed heights on properties zoned SM-UP 85 located on the south side of Roy St; however, the proposal would amplify the height differential between the subject site and the buildings to the north in the LR3 zone. This would be the first building with an 85' height to cross Roy St. Newer buildings along Roy St., particularly 100 Roy St fronting on the north side and the complex including Center Steps (bounded between Roy and Mercer Streets and Third and Fourth Avenues) fronting the south side of Roy St. are of similar bulk to the proposal. Neighborhood services would not be impacted by the proposal.

SMC 23.34.009 Height Limits of the Proposed Rezone

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

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

The rezone seeks to increase the height limit on the proposed development site from the current 65 ft. maximum to 85 ft. An 85-foot height limit would allow the proposed development project to be consistent with the type and scale of similar developments located along Roy St. further to the west such as the recently completed 7-story apartment building located at 100 Roy Street. The Project would provide approximately 215 new dwelling units, including 30 units that would only be possible as a result of the increased building height being requested here. This increase in height will slightly increase demand for goods and services beyond what would be permitted with the existing 65' height allowance. Finally, the change from SM-UP 65 to SM-UP 85 on an underutilized site would not change the uses allowed in the zone even though it would displace existing restaurants.

- 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 topography of the contract rezone site has an ascending slope from south to the north as it is located near the base of Queen Anne Hill. The proposed rezone would allow redevelopment on the subject site to increase to 85', resulting in a taller roofline than the adjacent LR3 zone to the north. The residential structures to the north sit at grade approximately 10 feet higher in elevation than the project site. The only views that might be considered territorial are to the south looking at top one quarter of the Seattle Space needle protruding above the Mercer St. parking garage. To the north of the townhouse complex as one travels up Queen Anne Hill, it does not appear that views to the Space Needle and downtown from the rights of way or residential units would be impaired. No other view blockage is anticipated as a of the proposal site being rezone to SM-UP 85.

C. Height and Scale of the Area.

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

The proposal site lies within the Uptown Urban Center, where the maximum height limits established by current zoning are 65 feet and 85 feet depending on the location. Properties located to the north of the site are zoned LR3 (M) with a 50-foot maximum height limit within an urban center. Properties located to the east and further to the west along the north side of Roy St. are zoned SM-UP 65 (M), with properties to the south zoned SM-UP 85 (M1). Consequently, the proposed height limit for the proposal site matches the highest limit of zoned height limits in the immediate vicinity.

As a future 85-foot mixed use development, the change in zoning designation from SM-UP 65 (M), to SM-UP 85 (M) would align with policies associated with Seattle Mixed Zones which supports different high-density, mixed-use development with strong relationships to Seattle Center and close proximity to high-capacity transit, a mix of activities and a range of services and amenities.

The recommendation to rezone to SM-UP (85) will be dependent upon recording a Property Use and Development Agreement (PUDA).

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 zoning designation of SM-UP (85) is comparable in height and bulk to several newer buildings on the south side of Roy St. including those listed below.

- 225 Roy Street / Center Steps Apartments (MUP permit issued 2018 under 3025946-LU and building permit issued 2018 under 6580293-CN): Two apartment buildings with a total of 269 units (one, eight-story and one, seven-story), 9,096 sq. ft. of street-level retail, and parking for 182 vehicles.
- 631 Queen Anne Avenue North - The Roystone Apartments (MUP permit issued 2019 under 3028550-LU and building permit issued 2019 under 6686501-CN): An 8-story, 93-unit apartment building with general retail space and parking for 15 vehicles.
- 601 Aurora Avenue North (MUP permit issued 2021 under 3020906-LU and building permit issued 2021 under 6609667-CN): An 8-story hotel building with 5 apartments and parking for 66 vehicles.

To the subject site's immediate west, south and east, the structures are lower in height than what is proposed. These include the Maxwell Hotel, a four-story structure to the west, a Seattle Center parking garage to the south and one story structure to the east. Except for the parking garage, these buildings possess a scale and bulk smaller than the proposal.

Most comparable is 100 Roy, a seven-story structure four blocks to the west. It occupies the southern half of its block similar to the proposal.

Located to the north of the proposal site is a 3-story 14-unit triplex development, a two-story apartment building (717 Valley St.) and a three and one-half story apartment building fronting onto Fourth Ave N. (715 Fourth Ave N). The north property of the proposed development faces the southern edge of the townhouses and the building at 715 Fourth Ave. The proposed re-development will adhere to a 10-foot setback away from property line.

D. Compatibility with Surrounding Area.

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

The proposal site ('the site') is located within the Uptown Urban Center where there are some buildings built up to a height of 85 feet. The buildings are located on the south side of Roy St. moving west from the proposal toward a two-block radius around Queen Anne Ave N. Development on the north side of Roy St. moving west from the site to 1st Ave N. adheres to the 65-foot height limit.

The proposed project is designed to be compatible with existing zoned heights located to the south along Roy St and four blocks to the east along the west side of Aurora Ave N. Finally, as there are no buildings developed under major institutional height limits in the surrounding area this parameter does not apply.

- 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.D.2, are present.***

In terms of a gradual transition in height and between zones, the proposed development project will partially take advantage of the existing 10-foot descending change in grade where the townhouse units 'ground floor plate' sits at a higher elevation than the Roy Street facing 'ground floor plate' of the proposed building. The development proposal will have a 10-foot setback from the northern property line. Within this setback between the LR3 zone and the proposed 85' height structure, the proposed at grade units facing north will have small patios. A north facing inhabitable landscaped courtyard (a rock garden) located on the eastern portion of the site will be 32-feet wide and 42-feet deep. This will provide additional relief along a portion of the north facing building facade.

E. Neighborhood Plans.

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

While the proposal site is located within an Urban Center, it is not located within a City Council adopted business district or business improvement area or neighborhood plan area. As such there are no specific applicable height recommendations or requirements.

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

The subject property is not located within the Queen Anne neighborhood plan area which is the closest neighborhood plan area to the project site. The Comprehensive Plan does not have neighborhood specific criteria for a rezone of the proposed project site that would apply.

The project site is located within the Seattle Mixed Uptown Urban Center which has no adopted neighborhood plan with specific recommendations, requirements or policies related to height limits.

SMC 23.34.009 Conclusion: Weighing and balancing the associated provisions of the additional height increase and proposed future building development which features a voluntary 10-foot setback from the northern property line occupied by patios at grade and 32-foot wide and 42-foot deep recessed courtyard beginning at the second floor along the north facing facade would provide modest relief to neighboring properties to the north. The change of the zoning designation from SM-UP 65 (M) to SM-UP 85 (M) would meet the criteria of SMC Section 23.34.009, as described above.

SMC 23.34.126 - Designation of the Seattle Mixed (SM) zone.

The Seattle Mixed (SM) zone is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. This zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood.

Uses on the contract rezone site will achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The applicant seeks this rezone to allow greater height on the site so that additional dwelling units can be provided.

SMC 23.34.126 Conclusion: The additional height increase that would result in a change of zoning height from SM-UP 65 (M) to SM-UP 85 (M) would meet the criteria of SMC Section 23.34.126, as described above.

SMC 23.34.128 - Seattle Mixed (SM) zone, function, and locational criteria.

A. Function. An area within an urban center, urban village, or station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;

The site is located within the Uptown Urban Center an area where there are a variety of commercial uses including retail, restaurants, offices, hotels, wellness centers, supermarket etc. Located to the south of the project is Seattle Center and Climate Pledge Arena. The existing pattern of the commercial frontages along Mercer Avenue and Roy St. are largely pedestrian oriented and have close access to transit. The proposed change in height would allow new development on an underutilized site that

provides increased residential density and potentially new pedestrian oriented commercial opportunities at ground level. The development proposal will also create additional pedestrian amenities in the way of ground-level commercial, a semipublic courtyard with landscaping amenities.

B. Transportation and infrastructure capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;

This locational criterion is achieved because the site is served by King Conty Metro transit along Mercer Street (one block south), Queen Anne Avenue North, and Aurora Avenue North which are all principal arterials. The project site is also served by the following bus routes: RapidRide D Line, 2, 3, 4, 13, 32. In addition, the Sound Transit Ballard Link Extension will include a stop in Seattle Center, which is near the site.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, and the analysis of the rezone proposal, and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from the existing zoned height limit of 65-feet be changed to a 85-foot height limit with an MHA suffix be **CONDITIONALLY APPROVED** with the conditions that 1) the rezone include a Mandatory Housing Affordability designation of M and future development shall be subject to the requirements of SMC 23.58B and/or 23.58C.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from SM-UP 65 to SM-UP 85 subject to the following conditions, which should be contained in the PUDA:

Prior to Issuance of a Master Use Permit

1. The rezone includes a Mandatory Housing Affordability designation of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and/or 23.58C.

For the Life of the Project

3. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, balconies on the north façade.

David Landry, AICP, Sr. Land Use Planner
Seattle Department of Construction and Inspections

Date: June 5, 2025