



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3019738
Council File Number: CF #314280
Applicant Name: Kathryn Armstrong for Seattle Housing Authority
Address of Proposal: 6550 32nd Avenue Southwest

SUMMARY OF PROPOSED ACTION

Council Land Use Action to allow an amendment to the Seattle Housing Authority (SHA) High Point Property Use and Development Agreement (PUDA) to extend the expiration date of July 3, 2015, CF 314280. (Original High Point Project #2105600, Ordinance 114560).

The following approvals are required:

Director’s Determination of Minor Amendment – (Seattle Municipal Code (SMC), Chapter 23.76.058.C)

Council Land Use Action – To amend the High Point PUDA to allow an extension of the expiration date (SMC 23.76.058.C), and to extend the zoning designation established by the concurrent contract rezone (SMC 23.76.060.E).

SEPA DETERMINATION: Exempt* DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

*SEPA Exemption Determination issued by the Seattle Housing Authority on February 23, 2015.

BACKGROUND INFORMATION

The City Council adopted Ordinance 121164, which granted the original contract rezone and accepted the associated Property Use and Development Agreement (PUDA) to allow the Seattle Housing Authority (SHA) to redevelop the High Point Garden Community property. That ordinance was signed by Mayor Greg Nickels on June 4, 2003. The ordinance provided that the contract rezone designation would expire ten years after the effective date of the ordinance. The PUDA, which SHA signed and was recorded with the King County Department of Elections and Records (20030617002439), includes several conditions, one of which specifies an expiration date for the PUDA. Section 2 of the PUDA states, “...*the covenant herein and the rezone shall expire and be of no force and effect ten (10) years from the effective date of the approval of this rezone, or, if construction permits have been applied for or issued at that time, until expiration of those permits.*”

On June 17, 2013, the City Council approved an amendment of the original PUDA to extend the PUDA for a period of two years from the effective date specified in the adopted ordinance language (Ordinance 124194, DPD #3014928).

SHA submitted an application to the Department of Planning and Development (DPD), dated February 25, 2015, requesting an additional amendment to the PUDA associated with the contract rezone for the SHA High Point Garden Community property. SHA has asked to amend the PUDA to extend the expiration date for the current rezone for an additional two years.

The analysis addresses two issues. The first is whether the proposed PUDA amendment is a “minor” amendment to the adopted PUDA pursuant to SMC 23.76.058.C of the Land Use Code. The second are DPD’s recommendation on the proposed amendment to the City Council.

Public Comments

DPD issued notice of this application pursuant to 23.76.058.C.1-3. The required public comment period for this project was March 5, 2015 through March 18, 2015. DPD received one written comment regarding this proposal after the public comment period. The comment is as follows: “*I am writing to express my concern regarding real estate development in our neighborhood. We have a quiet, peaceful neighborhood here with little congestion and traffic and I would like to see that it stays that way. The proposed developments will create congestion, traffic and a strain on space and resources particularly allowing development of buildings up to three or four stories high. It seems to be sliding under the radar with little notice and I would like to make my concern heard especially since the deadline is tomorrow. Thank you.*”

DIRECTOR’S ANALYSIS AND RECOMMENDATION – PUDA AMENDMENT

SHA requests to amend the PUDA to extend its expiration date for two years. SMC 23.76.058.C explains the procedures and general criteria for the Director to make a determination whether a requested amendment is considered major or minor. Subsection 23.76.058.C.4 reads as follows:

- 4. The Director shall determine whether the amendment is major or minor. This determination is a Type I decision.*

- a. *Minor amendments. 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. If the Director determines that a proposed amendment is minor, the Director shall transmit to Council the application to amend, the Director's determination that the proposed amendment is minor, any comments received by the Director on the proposed amendment, and the Director's recommendation on the proposed amendment. 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.*
- b. *Major Amendments. Applications to amend a PUDA that are not minor are major. Major amendments to a PUDA shall follow the procedures for Type IV Council land use decisions in Sections 23.76.052, 23.76.054, and 23.76.056.*

The request is within the spirit and general purpose of the prior decisions of the Council and is generally consistent with the uses and development standards approved in the prior original decision of the Council. In April of 2013, SHA requested a PUDA amendment to extend the PUDA and associated contract rezone expiration date an additional two years. SHA explained that the downturn in 2008 caused a loss in funding and development partners under contract at that time; which, in turn, significantly delayed planned construction timeframes at High Point. SHA stated that additional time was necessary to complete the application and construction of an estimated 228 planned residential units and install streets and infrastructure. DPD reviewed the PUDA amendment request filed under Master Use Permit (MUP) application #3014928 and determined that this request was a minor amendment to the PUDA. DPD's determination and recommendation that the proposed PUDA amendment was minor was transmitted to City Council. Per adopted ordinance 124194, the City Council approved an amendment of the original PUDA to extend the PUDA for a period of two years from the effective date (July 3, 2013).

The PUDA is scheduled to expire after July 3, 2015. SHA reports that 75 new residential units have been constructed in the past 24 months and the remainder of the undeveloped property at High Point consists of 153 residential lots and a commercial/residential proposal for the remaining commercially-zoned parcel (Block 9). Per SHA, development for the remaining vacant parcels planned for single family, townhome, apartment and commercial market-rate development by the private sector has been proceeding more slowly than expected due to many developers still recovering from the events of the recent recession. Consequently, more time is necessary to complete all permitting requirements necessary for the redevelopment of High Point.

SHA requests a PUDA amendment to extend the PUDA and associated contract rezone expiration date an additional two years in order to complete the High Point redevelopment authorized under Ordinance 121164. There are no modifications in development standards proposed or contemplated as part of this PUDA amendment request

The request would not result in significant adverse impacts that were not anticipated in the prior decisions of the Council, and would not result in 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. Impacts would remain unchanged.

After reviewing the request and general criteria set forth in SMC 23.76.058, **the Director has determined that the amendment sought by SHA-to extend the expiration date for an additional two year period-is a minor amendment.** Therefore, this determination is considered a Type I non-appealable decision.

SHA will also need to secure from the Council an extension of the zoning designation established by the concurrent contract rezone as provided in SMC 23.76.060.E. Because the Council may extend that time limit for no more than two years, the extension of the related PUDA should be for the same period. Therefore, since Ordinance 124194 took effect on July 3, 2013, any extension of the zoning designation and PUDA should take effect no later than July 3, 2015.

Having made the determination that the proposed amendment is minor, **DPD recommends that the Council approve the requested amendment, limited to the duration of any Council extension of the underlying contract zone designation.**

Signature: Betty Galarosa for Date: May 18, 2015
Tami Garrett, Senior Land Use Planner
Department of Planning and Development

TG:bg