

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

In the matter of the Petition:) Clerk File 314470

Application of J. Selig Real Estate,)
LLC for a contract rezone of a portion)
of a split-zoned site at 2501 NW)
Market Street from Industrial)
Commercial with a 65 foot height limit)
and Mandatory Housing Affordability)
(MHA) suffix (IC-65(M)) to)
Neighborhood Commercial 3 with a)
75 foot height limit, Pedestrian)
designation and MHA suffix (NC3P-)
75(M)) (Project No. 3037522-EG;)
Type IV).)

Introduction

This matter involves a petition by J. Selig Real Estate, LLC (“Applicant”) for a contract rezone for the western portion of a split-zoned site from Industrial Commercial with a 65 foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, pedestrian designations and M MHA suffix (NC3P 75 (M)).

The proposal site is approximately half an acre in size and is located in the Ballard urban village. The proposed rezone would apply to the western 15,934 square feet of the property. The application includes a Master Use Permit to redevelop the site with a mixed-use building with 107 apartment units, retail on Market Street, and three live-work units. The Applicant intends to satisfy MHA program requirements through on-site performance.

Attachment A shows the area to be rezoned.

On January 5, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On January

31, 2023, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On February 8, 2023, the Deputy Hearing Examiner recommended conditional approval. That recommendation were later clarified and reissued on February 16, 2023. On March 22, 2023, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2023.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2022.

Decision

The Council hereby **GRANTS** a rezone of the property from IC 65 (M) to NC3P 75 (M), as shown in Exhibit A. The rezone is subject to the execution of Property Use and Development Agreement requiring the owners to comply with certain conditions for the life of the project. Those conditions, and additional conditions from the Clarified Hearing Examiner's recommendation, are adopted by the Council as follows:

DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.
For the Life of the Project

For the Life of the Project

3. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

DEPARTMENT IMPOSED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.

8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Dated this _____ day of _____, 2023.

City Council President

ATTACHMENT A

