

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

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| In the matter of the Petition: |) | Clerk File 314115 |
| Application of Bradley Khouri, B9 Architects |) | FINDINGS, CONCLUSIONS, AND DECISION |
| |) | |
| For approval of a rezone of property located at 743 N 35 th Street |) | |
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Introduction

This matter involves a petition by Bradley Khouri, B9 Architects (the applicant), to rezone approximately 9,314 square feet of land located at 743 N 35th Street (the “Property”) from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65 foot height limit (NC3P 65). Attachment A shows the area to be rezoned.

On September 19, 2016, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone, with conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on November 21, 2016. On December 16, 2016, after holding the open-record hearing, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On February 7, 2017, the Planning, Land Use and Zoning Committee reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the Full Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated December 16, 2016.

The Council recognizes commitments from the Applicant to install art on the side of the building and to enhance the setback space between the proposal and the Library site on the Library property as described in the Hearing Examiner's Findings of Fact.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated December 16, 2016.

Decision

The Council hereby **GRANTS** a rezone of the Property from NC3P-40 to NC3P-65, as shown in Exhibit A. The rezone is subject to the execution of a Property Use and Development Agreement requiring the owner to comply with the following conditions, consisting of the following conditions found in the Hearing Examiner's recommendation:

Prior to Issuance of a Master Use Permit

Development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58C. For purposes of applying SMC 23.58C.040.A, the payment amount per square foot shall be \$13.25, and for purposes of applying SMC 23.58C.050.A, the percentage set aside shall be 6 percent.

Prior to Issuance of a Building Permit

1. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3016369.

The agreement shall be recorded on the title of the Property. The agreement shall be enforceable by the City in Superior Court.

Dated this _____ day of _____, 2017.

City Council President

ATTACHMENT A

