

MEMORANDUM

To: Members of the Planning Land Use and Zoning Committee
From: Aly Pennucci, Legislative Analyst
Date: September 6, 2016
Subject: Clerk File No. 314324 and Council Bill 118784 - Application of Brooklyn 50 LLC to rezone the property located at 5001 Brooklyn Ave NE from Lowrise 3 Multi-family Residential (LR3) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65) for construction of a seven story building containing 60 residential units and 1,500 square feet of retail space at ground level (Project No. 3019997, Type IV).

This memorandum (1) provides an overview of the rezone application contained in Clerk File (CF) 314324; (2) describes the contents of a proposed Council decision document, which would grant the rezone application; and (3) describes the contents of a bill, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development.

Overview

Brooklyn 50 LLC (the Applicant), has applied for a contract rezone of an approximately 5,008 square foot site located at the northwest corner of NE 50th Street and Brooklyn Avenue NE. The Applicant requests a rezone of the site from Lowrise 3 multifamily residential (LR3) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65). The Applicant plans to redevelop the site with 60 small efficiency residential units and 1,500 square feet of ground floor retail space. Four units (6.7 percent of total units) would be affordable to households earning 40 percent of Area Median Income (AMI) and eight units (13.3 percent) would be affordable to households earning 60 percent of AMI. Parking for forty-seven bicycles will be provided on-site. The proposed structure height would be approximately 65 feet. The rezone would allow the Applicant to provide three additional floors, accommodating 30 more residential units within the proposed structure than what is permitted today.

The Applicant filed a rezone petition in August 2015. On June 27, 2016 the Seattle Department of Construction and Inspections (SDCI) issued an affirmative rezone recommendation, State Environmental Policy Act decision, and design review decision. The Hearing Examiner held an open record hearing on the rezone recommendation on July 18, 2016. On July 26, 2016, the Hearing Examiner issued her recommendation to Council to approve the rezone subject to a PUDA.

The Office of Planning and Community Development is finalizing a proposal for a legislative rezone in the University District. At the time this contract rezone was proposed and under review, the subject property and the property to the north, the properties across the alley to the west, and the half-block across Brooklyn Ave NE were proposed to be changed from LR3 to NC3-75 as part of the legislative rezone.

Type of Action and Materials

This rezone petition is a quasi-judicial action. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication. Council decisions must be made on the record established by the Hearing Examiner.¹

The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. The entire record, including audio recordings of the Hearing Examiner's open record hearing, are available for review in my office.

Attachments to this memo include:

- Proposed Council Findings, Conclusions and Decision
- The Hearing Examiner's recommendation to approve the rezone; and
- Drawings and other images excerpted from the Applicant's Design Review Packet.²

Committee Decision Documents

To approve a contract rezone the Council must make recommendations to the Full Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that grants the rezone application and (2) a bill amending the zoning map and approving a PUDA.

Findings, Conclusions and Decision

Council staff has drafted proposed Council Findings, Conclusions and Decision, which:

1. Adopt the Hearing Examiner's findings and conclusions;
2. Establish conditions to implement the Applicant's voluntary agreement to provide affordable housing as reflected in Exhibit 3 in the Hearing Examiner proceeding; and
3. Approve the proposed rezone subject to a condition that the Applicant execute a PUDA limiting development to the project shown on final approved plans.

Council Bill 118784 and the PUDA

On September 6, 2016, Council will introduce and refer Council Bill (CB) 118784 to the Planning, Land Use and Zoning Committee. CB 118784 would amend the Official Land Use Map to rezone the property located at 5001 Brooklyn Ave NE from LR3 to NC3 65 and accept a PUDA. The PUDA would limit future development on the site to the development analyzed and approved by SDCI through the current master use permit application and establish conditions to implement the Applicant's voluntary agreement to provide affordable housing as reflected in Exhibit 3 in the Hearing Examiner proceeding.

Next Steps

If PLUZ recommends approval of the proposed Findings, Conclusions and Decision and CB 118784, the rezone application should be ready for a Full Council vote on September 19, 2016.

Attachments

1. Proposed Council Findings, Conclusions and Decision
2. Hearing Examiner Recommendation to Approve the Rezone
3. Drawings and Other Images Excerpted from the Applicant's Design Review Packet

cc: Kirstan Arestad, Central Staff Executive Director
Ketil Freeman, Supervising Analyst

¹ Seattle Municipal Code (S.M.C.) § 23.76.054.E.

² Hearing Examiner's Exhibit 1.