

MEMORANDUM

To: Councilmember Rob Johnson, Chair; Lisa Herbold, and Mike O'Brien – Planning Land Use and Zoning Committee

From: Ketil Freeman, Council Central Staff

Date: July 28, 2016

Subject: Clerk File No. 314315¹ and Council Bill 118750 - Application of 1511 Dexter Limited Partnership for approval of a rezone of property located at 1511 Dexter Ave North from Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) to Neighborhood Commercial 3 with a 65 foot height limit (NC3-65). (Project No. 3015682, Type IV)

This memorandum (1) provides an overview of the rezone application contained in Clerk File (CF) 314315; (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 Future Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement limiting future development.

Overview

A development entity for Bellwether Housing (Applicant) has applied for a contract rezone of an approximately 16,000 square foot site located at the northwest corner of Dexter Avenue North and Galer Street. The Applicant requests a rezone of the site from Neighborhood Commercial 3 with a 40 foot height limit (NC3 40) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65). The Applicant plans to redevelop the site with 68 residential units and three live-work units all of which would be affordable. Forty-five units would be affordable to households earning between 30 and 50 percent of Area Median Income (AMI). The remainder would be affordable to households earning up to 60 percent of AMI. Thirty parking stalls would be provided on-site. The proposed structure height would be approximately 55 feet. The rezone would allow the Applicant to provide additional affordable housing and accommodate more parking within the proposed structure.

The Applicant filed a rezone petition in July 2015. On April 14, 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 June 8, 2016. On June 14, 2016, the Hearing Examiner issued her recommendation to Council to approve the rezone subject to a Property Use and Development Agreement (PUDA).

¹ SDCI's and the Hearing Examiner's recommendation erroneously reference Clerk File (CF) 314318, which is for a different rezone application.

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.²

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.³

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 and
2. 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 118750 and the PUDA

On August 1, 2016, Council will introduce and refer Council Bill (CB) 118750 to the Planning, Land Use and Zoning Committee. CB 118750 would amend the Official Land Use Map to rezone the property located at 1511 Dexter Ave from NC3 40 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.

Next Steps

If PLUZ recommends approval of the proposed Findings, Conclusions and Decision and CB 118750, the rezone application should be ready for a Full Council vote on August 8, 2016.

cc: Kirstan Arestad, Central Staff Executive Director

² Seattle Municipal Code (S.M.C.) § 23.76.054.E.

³ Hearing Examiner's Exhibit 8.