

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

In the matter of the Petition:	)	Clerk File 314312
Application of East Union 22, LLC	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
For approval of a rezone of property	)	
located at 2220 East Union Street	)	
from Neighborhood Commercial 2-	)	
40 to Neighborhood Commercial 2-	)	
65 and from Neighborhood	)	
Commercial 2-40 with a pedestrian	)	
designation to Neighborhood	)	
Commercial 2-65 with a pedestrian	)	
designation. (SDCI App. No	)	
3019001)	)	

Introduction

This matter involves a petition by East Union 22, LLC (the “Applicant”), to rezone approximately 34,000 square feet of land located at 2220 E. Union St. (the “Property”) from Neighborhood Commercial 2-40 (NC2-40) to Neighborhood Commercial 2-65 (NC2-65) and from Neighborhood Commercial 2-40 with a pedestrian designation (NC2P-40) to Neighborhood Commercial 2-65 with a pedestrian designation (NC2P-65). Attachment A shows the area to be rezoned.

On April 28, 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 July 12, 2016. On July 22, 2016, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On September 9, 2016, the Planning,

Land Use and Zoning 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 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 July 22, 2016.

The Council also makes the following finding of fact:

1. Landscape elements, including, but not limited to, those shown on the Master Use Permit (MUP) drawings for the residential courtyard and roof, may need to be modified to comply with new Stormwater Code requirements.

### **Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated July 22, 2016. The Council also makes the following conclusions:

1. Certain additional conditions, set forth below, are necessary to implement the Applicant's voluntary agreement to provide affordable housing as reflected in Exhibit 10 in the Hearing Examiner proceeding and
2. Substantial compliance with the design approved in MUP 3019001 may include modifications to landscape elements, to the extent those modification are necessary to comply with the Stormwater Code.

### **Decision**

The Council hereby **GRANTS** a rezone of the Property from NC2-40 to NC2-65 and from NC2P-40 to NC2P-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 conditions found in the Hearing Examiner's recommendation adopted by the Council as well as additional conditions to implement the Applicant's voluntary agreement to provide affordable housing as reflected in Exhibit 10 in the Hearing Examiner proceeding:

- (a) Future development of the Property is restricted to a project that complies with MUP #3019001, once SDCI issues that MUP. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
- (b) A Construction/Noise Management Plan shall be submitted to and approved by the Seattle Department of Transportation prior to issuance of any demolition or construction permit.
- (c) The provisions of Seattle Municipal Code Chapter 23.58B, the Affordable Housing Impact Mitigation Program for Commercial Development, as adopted in Ordinance 124895, shall apply to the Property. Compliance with that Ordinance shall be through the payment option according to SMC 23.58B.040. The required cash contribution according to SMC 23.58B.040.A shall be provided prior to issuance of the first construction permit other than a demolition, excavation, or shoring permit.
- (d) The development pursuant to MUP #3019001 shall include four dwelling units affordable to households earning 60 percent of Area Median Income (AMI) (the "Affordable Units").
- (e) The location and configuration of the Affordable Units shall be shown on the MUP plans and shall be subject to review and approval by the Office of Housing for consistency with the criteria set forth in SMC 23.58C.050.C.1 and 23.58C.050.C.2 as adopted in Ordinance 125108.

- (f) Prior to issuance of MUP #3019001, an executed and recorded agreement between the City and the owner of the Property shall be provided that specifies the following requirements:
- The development shall include four dwelling units affordable to households earning 60 percent of AMI. At initial occupancy the Affordable Units shall be rental units.
  - The Affordable Units shall comply with the same requirements as are contained in the following provisions of Ordinance 125108, the substance of which requirements shall be stated in its entirety in the agreement:
    - 23.58C.050.B, provided that the period referenced in SMC 23.58C.050.B.1.a and SMC 23.58C.050.B.2 shall be changed from seventy-five years to fifty years; and
    - 23.58C.050.C.

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

Dated this 19<sup>th</sup> day of September, 2016.

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City Council President

ATTACHMENT A

