

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 was later clarified and reissued on February 16, 2023. On March 22 and April 26, 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 a Property Use and Development Agreement (PUDA) 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

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 2nd day of May, 2023.



City Council President Pro Tem

ATTACHMENT A

