

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

In the matter of the Petition:	)	Clerk File 314324
Application of Brooklyn 50, LLC	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
For approval of a rezone of property	)	
located at 5001 Brooklyn Ave NE	)	
from Lowrise 3 to Neighborhood	)	
Commercial 3 with a 65 foot height	)	
limit.	)	

Introduction

This matter involves a petition by Brooklyn 50 LLC (the applicant), to rezone approximately 5,008 square feet of land located at 5001 Brooklyn Ave NE (the “Property”) from Lowrise 3 multifamily residential (LR3) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65). Attachment A shows the area to be rezoned.

On June 27, 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 18, 2016. On July 26, 2016, after holding the open-record hearing, 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 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 26, 2016.

### **Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated July, 2016. The Council also concludes that certain additional conditions, set forth below, are necessary to implement the Applicant's voluntary agreement to provide affordable housing as reflected in Exhibit 3 in the Hearing Examiner proceeding.

### **Decision**

The Council hereby **GRANTS** a rezone of the Property from LR3 to NC3-65, 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 3 in the Hearing Examiner proceeding:

- (a) Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3019997, once the Seattle Department of Construction and Inspections (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 SDOT prior to issuance of any demolition or construction permit.

- (c) The development pursuant to MUP #3019997 shall include four dwelling units affordable to households earning 40 percent of Area Median Income (AMI) (the “40% AMI Units”).
- (d) The location and configuration of the 40% AMI 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.
- (e) Prior to issuance of MUP #3019997, 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 40 percent of Area Median Income (AMI).
  - The 40% AMI Units shall comply with the same requirements as are contained in the following provisions of the SMC, the substance of which requirements shall be stated in its entirety in the agreement:
    - 23.58C.050.B;
    - 23.58C.050.C.1;
    - 23.58C.050.C.2;
    - 23.58C.050.C.3;
    - 23.58C.050.C4; and
    - 23.58C.050.C6.

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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Council President

ATTACHMENT A

