

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

In the matter of the Petition of:)	Clerk File 314325
Martin Liebowitz)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For approval of a rezone of property)	
located at 1106 34 th Avenue)	

Introduction

This matter involves a petition by Martin Liebowitz (the Applicant), to rezone portions of two parcels, totaling approximately 10,917 square feet, located at 1106 34th Avenue (the Property) from Lowrise 2 (LR2) to Neighborhood Commercial 1 with a 30-foot height limit (NC1 30). Attachment A shows the area to be rezoned (the Rezone Area).

On June 5, 2017, 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.

The Hearing Examiner held an open record hearing on the rezone recommendation on July 10, 2017. On August 2, 2017, the Hearing Examiner issued findings and conclusions and recommended approval of the rezone, subject to conditions. On September 5, 2017 the Hearing Examiner issued a corrected findings and conclusions recommending approval of the rezone, subject to conditions. On September 8, 2017, 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 September 5, 2017. In addition, the Council adopts the following Findings of Fact:

1. The Rezone Area is an area where increased residential development will assist in achieving local growth management and housing policies.
2. Approval of the rezone provides increased residential and commercial development capacity in the Rezone Area.
3. Pursuant to Director's Rule 14-2016, the zoning designation resulting from the rezone should include a Mandatory Housing Affordability suffix of (M).

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated August 2, 2017.

Decision

The Council hereby **GRANTS** a rezone of the Rezone Area from LR2 to NC1 30 with a Mandatory Housing Affordability suffix of (M), resulting in a new designation of NC1-30 (M), as shown in Exhibit A. Development of the Rezone Area is subject to the following rezone conditions related to application of Seattle Municipal Code Chapters 23.58B and 23.58C. The following conditions replace the condition in the Findings and Recommendation of the Hearing Examiner and must be incorporated into an executed Property Use and Development Agreement:

Development of the Rezone Area shall be subject to the requirements of SMC Chapters 23.58.B and 23.58.C. For purposes of application of Chapter 23.58C,

future development of the Rezone Area shall be subject to the following performance or payment requirements:

6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this 9th day of October, 2017.

City Council President Pro Tem

ATTACHMENT A

