

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

In the matter of the Petition of)	C.F. 314356
)	SDCI Project 3023260
70 th & Greenwood, L.L.C. to)	FINDINGS, CONCLUSIONS
rezone an approximately)	AND DECISION
12,188 square foot site located)	
at 7009 Greenwood Avenue)	
North from Neighborhood)	
Commercial 2 with a 40 foot)	
height limit (NC2 40) to)	
Neighborhood Commercial 2)	
with a 55 foot height limit and)	
M Mandatory Housing)	
Affordability suffix (NC2 55)	
(M)) (Project No. 3023260;)	
Type IV).)	
)	
The Appeal by)	
)	
Irene Wall and Bob Morgan)	
)	
)	
Of a Recommendation by the)	
City Hearing Examiner on the)	
rezone petition.)	

Introduction

This matter involves the petition of 70th & Greenwood, L.L.C. (the Applicant) to rezone a site located at 7009 Greenwood Avenue North (the Property). The eastern part of the Property is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) and the western part of the Property is zoned Single Family 5000 (SF 5000). The Applicant proposes to rezone the NC2 40 portion of the property to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)), as shown on Exhibit A.

The Applicant proposes to develop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The building would have below-grade parking for 26 vehicles. The proposed building would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof. An existing single-family house and detached structure, which are located on the SF-5000 zoned portion of the Property are proposed to remain.

On April 9, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone subject to 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 April 30, 2018. On June 5, 2018, the Hearing Examiner recommended that the Council conditionally approve the rezone petition. On June 19, 2018, Irene Wall and Bob Morgan appealed the Hearing Examiner's recommendation to the Council. In meetings on July 18 and August 1, 2018, the Planning, Land Use and Zoning Committee heard oral argument on the appeal and made a recommendation to the 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 June 5, 2018, and the following additional findings of fact:

1. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.

2. The Appellant bears the burden of proof in demonstrating that the Hearing Examiner erred in his recommendation. SMC 23.76.056.A.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated June 5, 2018.

Decision

The Hearing Examiner's recommendation to conditionally approve the rezone is *affirmed and the rezone is granted* contingent on execution by the owner of the Property of a Property Use and Development Agreement (PUDA) containing those rezone conditions set out below.

In addition to the SEPA and design review conditions from the Hearing Examiner's recommendation, which are incorporated herein by reference, the rezone is subject to the following conditions:

Rezone Conditions

1. Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127. 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.
2. The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those

Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:

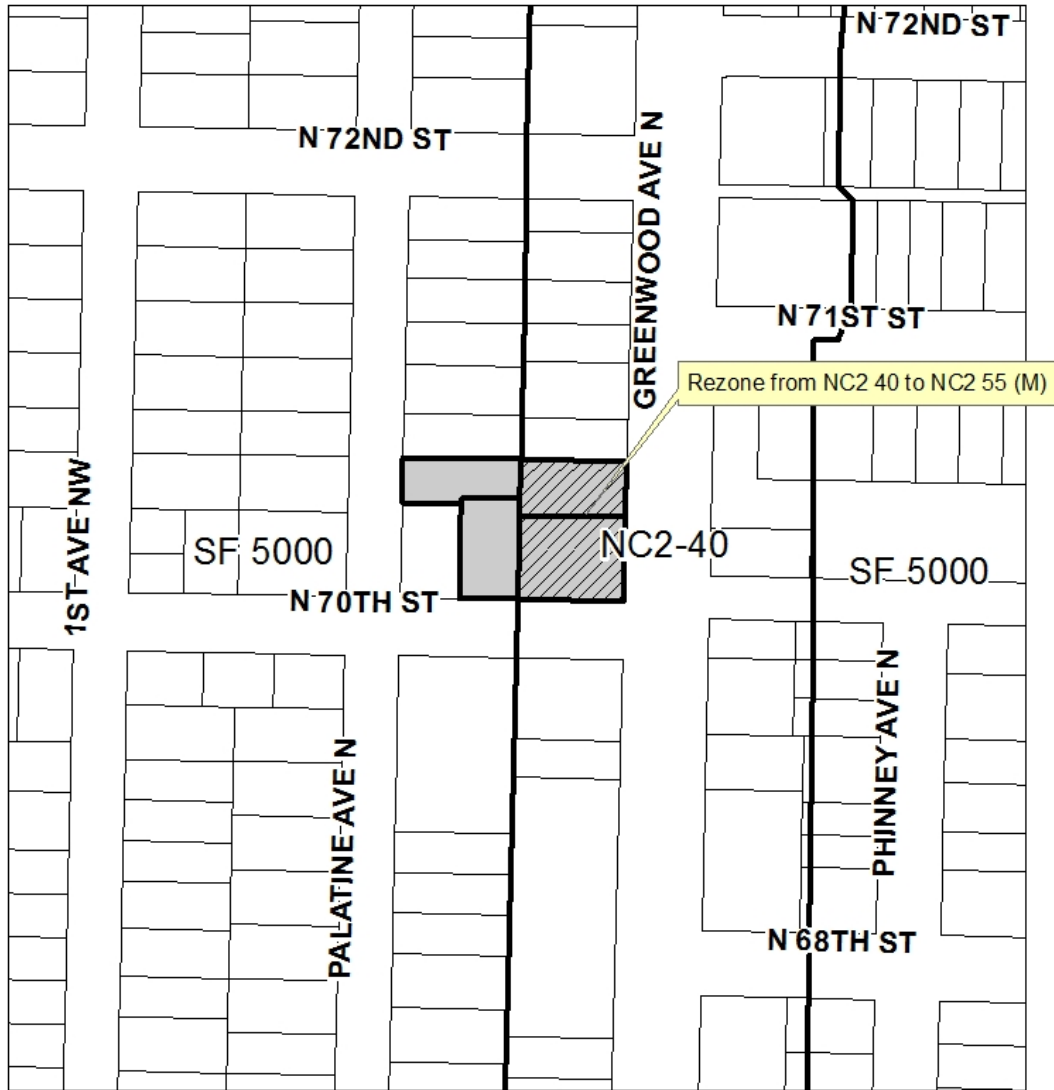
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
- For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this _____ day of _____, 2018.



City Council President

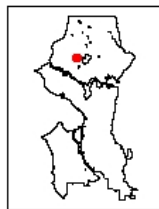
Substitute Findings, Conclusions and Decision

Exhibit A



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



0 100 200 300
Feet

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