

**DRAFT**

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

In the matter of the Petition:	)	Clerk File 314127
	)	
Application of Maria Barrientos	)	FINDINGS, CONCLUSIONS, AND DECISION
	)	
To rezone 12,300 square feet of land located at 2203 and 2209 Eastlake Avenue East from NC1P- 30 and LR2 RC to NC2P-40	)	
	)	

Introduction

This matter involves a petition by Maria Barrientos to rezone approximately 12,300 square feet of property located at 2203 and 2209 Eastlake Avenue East from Neighborhood Commercial 1 Pedestrian with a 30 foot height limit (NC1P-30) and Lowrise 2 Residential Commercial (LR2 RC) to Neighborhood Commercial 2 Pedestrian with a 40 foot height limit (NC2P-40).

Attachment A shows the area to be rezoned.

On September 28, 2015, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone, with conditions. On, January 11, 2016, after holding an open-record hearing, the Hearing Examiner issued Corrected Findings and Recommendation that also recommended approval of the rezone, subject to conditions. On January 25, 2016, Mid-Eastlake Neighbors and 13 individuals jointly appealed the Hearing Examiner's Recommendation.

The matter first came before the Planning, Land Use, and Zoning Committee (Committee) on March 1, 2016. At that meeting, the Committee deferred consideration of the matter to the

March 15 Committee meeting. On March 15, 2016, the Committee heard oral arguments related to Mid-Eastlake Neighbors' appeal of the Hearing Examiner's recommendation and reviewed the Hearing Examiner's record and a staff report. On April 5, 2016, the Committee voted to recommend the full Council approve the rezone, with conditions.

### Findings of Fact and Conclusions

1. The Council hereby adopts the Hearing Examiner's Corrected Findings of Fact and Conclusions of Law for Clerk File 314127, dated January 11, 2016, with the following corrections:

a. Finding 6 is amended to read as follows:

Eastlake Avenue East has a 75-foot-wide right-of-way with two-way traffic and parking on both sides. It is designated a principal arterial street and is a major Metro bus corridor between downtown Seattle and areas north of Lake Union, with several bus stops and frequent transit service. Eastlake Avenue East also provides connections to the Burke Gilman Trail. East Boston Street has a 60-foot-wide right-of-way and is a non-arterial access street east and west of Eastlake Avenue East. Most other nearby non-arterial streets are at least 60 feet wide. The alley to the west of the subject site is 20 feet wide.

b. Finding 13 is amended to read as follows:

The Applicant met with neighborhood groups, who expressed a desire for the dynamic of a public gathering place in conjunction with the proposal, and the proposal evolved during the design review process. The structure will be eroded at the corner of Eastlake Avenue East and East Boston Street to provide for a courtyard corner plaza that also encompasses the walkway to the building entry.

See Exhibit R31. The structure will be set back 30 feet west of Eastlake Avenue East and 20 feet north of East Boston Street at the corner of Eastlake Avenue East and East Boston Street. The 20-foot wide alley to the west will provide access from East Boston Street and East Lynn Street to the underground parking.

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

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

4. The Council hereby adopts the conditions identified in the Hearing Examiner's Corrected Findings and Recommendation for Clerk File 314127, dated January 11, 2016.

#### Decision

The appeal is denied. The Council hereby GRANTS a rezone of the property from NC1P-30 and LR2 RC to NC2P-40 as described above and shown in Attachment A. The rezone is subject to the execution of a Property Use and Development Agreement (PUDA) requiring the property owner to comply with the conditions described in the Hearing Examiner's Corrected Findings of Fact and Conclusions of Law for Clerk File 314127, dated January 11, 2016.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Council President

ATTACHMENT A

