

March 28, 2025

MEMORANDUM

To: Land Use Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314491 and Council Bill 120962: 8601 Fremont Avenue N Rezone

On April 2, the Land Use Committee (Committee) will make a recommendation to the City Council on [Clerk File \(CF\) 314491](#), which contains the application by Blair Stone, Encore Architects, on behalf of Bellwether Housing (Applicant), to rezone the lot at 8601 Fremont Ave N (Council District 5) from Neighborhood Residential 3 (NR3) to Lowrise 2 with an M1 Mandatory Housing Affordability (MHA) suffix (LR2 (M1)). The rezone would facilitate the development of two residential buildings containing a total of 53 affordable housing units. Concurrently, the Committee will consider Council Bill (CB) 120962, which would amend the zoning map and accept a Property Use and Development Agreement (PUDA) to implement the rezone.

The Committee received a briefing on the proposed rezone on March 17. This memorandum describes the actions the Committee should take to approve the rezone and next steps.

Committee Decision Documents

To approve a contract rezone the Committee must make recommendations to the City Council on two pieces of legislation:

1. The Clerk File, containing the initial application and the Hearing Examiner's record on the rezone, to which the Council adds "Findings, Conclusions and Decision" (FCD) granting the rezone application, and
2. A bill amending the zoning map and approving a PUDA.

CF 314491 - Findings, Conclusions and Decision

Council staff has drafted a proposed Council FCD document (Attachment 1), which:

- Adopts the Hearing Examiner's findings and conclusions, and
- Adopts the rezone conditions recommended by the Hearing Examiner, with one amendment. The Hearing Examiner's recommended rezone condition 2 states:
 2. *Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and/or 23.58C*

Because Chapters 23.58B and 23.58C (the chapters of the Land Use Code including MHA requirements), already include payment and performance calculation amounts, which change with inflation, this second step of adding those requirements to the PUDA is redundant. Central Staff recommends not including requirements in the PUDA that are different from those in the Land Use Code. Consequently, the second sentence should not be included in Condition 2. Consequently, that sentence has not been included in the draft FCD.

CB 120962 – Rezone Bill

A Council Bill that would amend the Official Land Use Map to rezone the site and approve and accept a PUDA has been introduced and referred to the Committee for consideration alongside the Clerk File. This rezone bill would effectuate the rezone.

The draft PUDA included as Exhibit B to the CB reflects the conditions as described above. A final version of the PUDA will need to be recorded prior to City Council action on the bill.

Next Steps

If the Committee adds the draft Findings, Conclusions and Decision document to the CF, and recommends approval of the rezone and passage of the CB, the applicant will record the final version of the PUDA against their property. This recording must occur before the City Council acts on the legislation.

To provide time for that process, Central Staff recommends referring the CF and CB to the City Council meeting on April 15. At that time, the Chair will have an amendment to replace the recorded PUDA for the draft currently attached to the CB.

The Land Use Code requires that Council act on any rezone application that has not been appealed within 90 days of the Hearing Examiner's recommendation. Consequently, City Council action on the application should occur by April 29, 2025.

Attachments:

1. Findings, Conclusions and Decision for CF 314491

cc: Ben Noble, Director
Yolanda Ho, Deputy Director

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

In the matter of the Petition:)	Clerk File 314491
Application of Encore Architects,)	FINDINGS, CONCLUSIONS,
PLLC, to rezone an approximately)	AND DECISION
34,654 square foot site located at 8601)	
Fremont Ave. N. from Neighborhood)	
Residential 3 (NR3) to Lowrise 2 with)	
a (M1) Mandatory Housing)	
Affordability suffix (LR2 (M1)))	
(Project No. 3036119-LU; Type IV).)	

Introduction

This matter involves a petition by Blair Stone, Encore Architects, on behalf of Bellwether Housing (“Applicant”) for a contract rezone of property at 8601 Fremont Avenue N from Neighborhood Residential 3 (NR3) to Lowrise 2 with a (M1) Mandatory Housing Affordability suffix (LR2 (M1)).

The proposal site is approximately 34,654 square feet in size and is located in the Greenwood neighborhood. The application includes a Master Use Permit to redevelop the site with two residential buildings containing 53 affordable apartment units. The Applicant intends to satisfy MHA program requirements through on-site performance. Attachment A shows the area to be rezoned.

On December 23, 2024, the Seattle Department of Construction and Inspections (SDCI) issued a recommendation to approve the application with conditions. On January 14, 2025, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On January 29, 2025, the Deputy Hearing Examiner recommended conditional approval. On April 2, 2025, the Land Use Committee of the Council reviewed the record and the recommendations

by SDCI and the Deputy 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 Findings and Recommendation of the Hearing Examiner dated January 29, 2025.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated January 29, 2025.

Decision

The Council hereby **GRANTS** a rezone of the property from NR3 to LR2 (M1), 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 are adopted by the Council as follows:

CONDITIONS

Prior to Issuance of a Master Use Permit

1. The rezone includes a Mandatory Housing Affordability designation of M1.
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C.

Prior to Issuance of a Building Permit

3. Plans shall be in substantial conformance with the approved plans for Master Use Permit number 3036119-LU, provided that, should the City Council adopt legislation that implements a zoning designation for the site with higher development capacity than LR2, the Applicant may revise its proposal to fully conform with the later-adopted zoning designation.

Dated this _____ day of _____, 2025.

City Council President

ATTACHMENT A

