

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

In the matter of the Petition:)	Clerk File 314287
)	
Application of Kevin Cleary)	FINDINGS, CONCLUSIONS,
)	AND DECISION
To rezone land at 10711 8th Ave)	
NE a 95,027 square feet of portion)	
of land from Neighborhood)	
Commercial 3-40 (NC3-40) to)	
NC3-65 (Project No. 3018442,)	
Type IV).)	

Introduction

This matter involves a petition by Kevin Cleary to rezone approximately a 95,027 sq. ft. of portion of land from NC3-40 to NC3-65. The rezone site is bounded on the East by 8th Ave NE, on the West by 10700 and 10702 5th Ave NE on the North by 551, 543, and a portion of 539 NE Northgate Way and to the south by 10631 8th Ave NE. Attachment A shows the area to be rezoned. The real property making up the rezone area consists of several parcels of land, separately owned by three owners.

On January 27, 2016, the Director of the Seattle Department of Construction Inspections (SDCI) recommended approval of the proposed rezone, without conditions. On, February 19, 2016, after holding an open-record hearing, the Hearing Examiner issued Findings and Recommendation that also recommended approval of the rezone, without conditions. The matter first came before the Planning, Land Use, and Zoning Committee (Committee) on April 19, 2016. At that meeting, the Committee reviewed the Hearing Examiner's record and a staff report. On May 3, 2016, the Committee voted to recommend the full Council approve the rezone, with a condition.

Findings of Fact and Conclusions

1. The Council hereby adopts the Hearing Examiner's Findings of Fact and Conclusions of Law for Clerk File 314287, dated February 19, 2016.

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.

Decision

The Council hereby GRANTS a rezone of the rezone site from NC3-40 to NC3-65 as described above and shown in Attachment A, contingent upon the execution a Property Use and Development Agreement (PUDA) by each owner of real property in the rezone site. The PUDA requires the property owner to comply with the condition that the provisions of Seattle Municipal Code Chapter 23.58B shall apply to the owner's property within the rezone described above and shown in Attachment A. If any owner fails to execute the PUDA before 30 days after passage and approval of this ordinance by the City Council, the rezone of the property owned by that Owner will not take effect.

Dated this _____ day of _____, 2016.

City Council President

ATTACHMENT A

