

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

In the matter of: ) C.F. 314343  
)  
Application of David Neiman to rezone ) FINDINGS, CONCLUSIONS  
property located at 5911 42<sup>nd</sup> Avenue ) AND DECISION  
Southwest from Single Family 5000 (SF )  
5000) to Lowrise 1 (LR1) (Project No. )  
3016200, Type IV). )

Introduction

This matter involves the petition of David Neiman for a contract rezone of the property located at 5911 42<sup>nd</sup> Avenue Southwest. The property, depicted on Attachment A (the “Rezone Area”), is composed of a single parcel of land measuring 18,681 square feet. The proposal is to rezone the property from Single Family 5000 (SF 5000) to Lowrise 1 (LR1).

On July 24, 2017, the Director of Seattle’s Department of Construction and Inspection (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 August 14, 2017. Following the Hearing Examiner’s site visit, the record closed on August 29, 2017. On September 26, 2017, the Hearing Examiner issued Findings and Recommendations recommending approval of the rezone, subject to conditions. On November 27, 2017, the Planning, Land Use and Zoning Committee 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, Conclusions and Recommendation for C.F. 314343, dated September 26, 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 substantially increased residential development capacity in the Rezone Area. In particular, under the City's Land Use Code, the LR1 zone allows greater density than does the SF 5000 zone.

### **Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated September 26, 2017.

### **Decision**

The Council hereby **GRANTS** a rezone of the Rezone Area from SF 5000 to LR1, as reflected in Attachment A, subject to the conditions to be set forth in an executed Property Use and Development Agreement (PUDA) to be attached to the Council Bill approving the rezone, and repeated here:

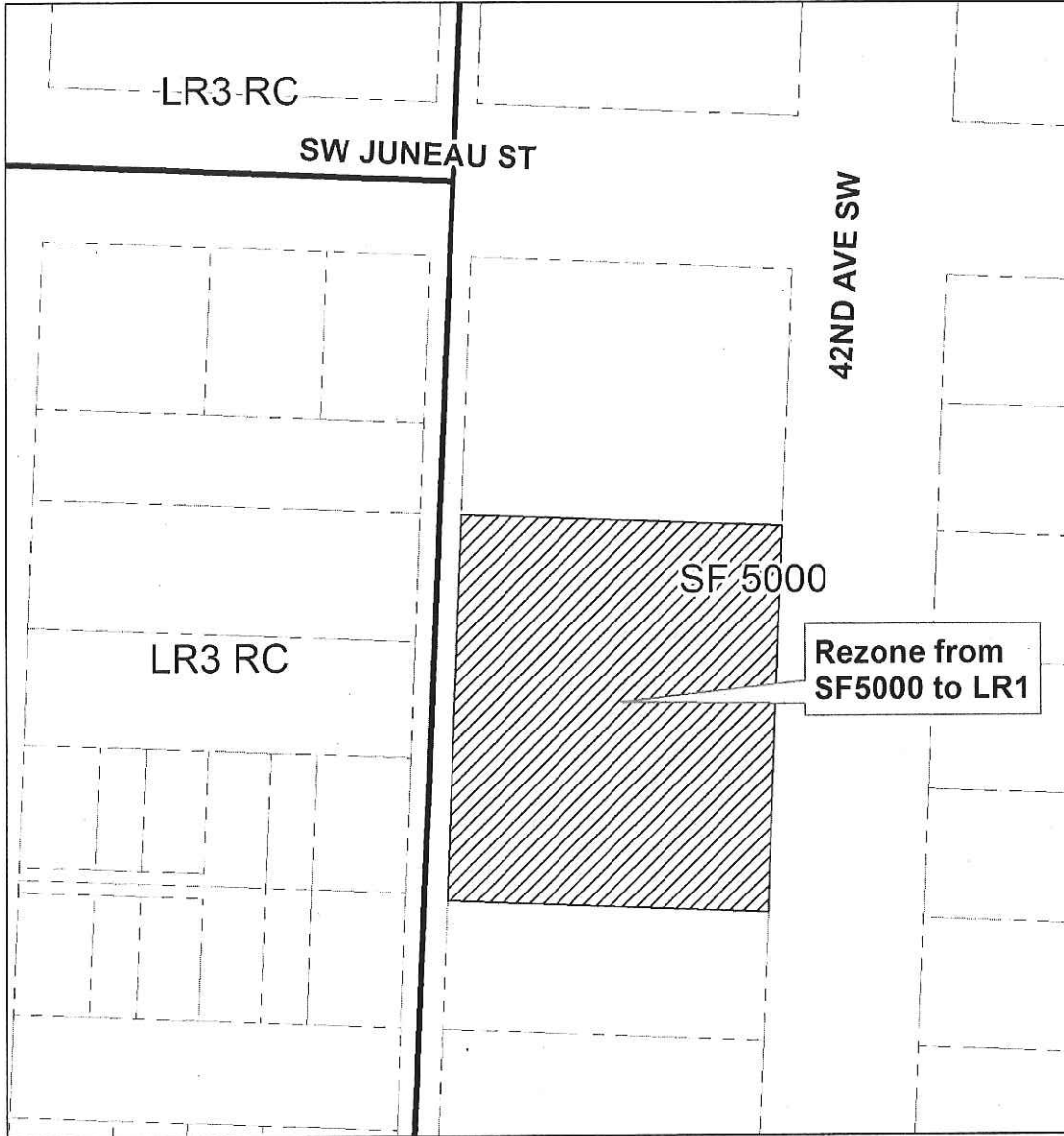
- a) Development of the Rezone Area is restricted to a project developed in substantial conformance with the final approved plans for Master Use Permit number 3016200.
- b) The provisions of Seattle Municipal Code Chapter 23.58C shall apply to the Rezone Area. For purposes of application of Chapter 23.58C, development of the Rezone Area shall be

subject to the following performance or payment requirements: 9% of units for the performance option or \$20.00 per square foot for the payment option.

Dated this 4<sup>th</sup> day of December, 2017.

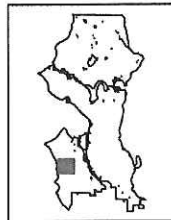
  
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City Council President

ATTACHMENT A



Proposed Rezone  
SDCI Project No. 3016200  
5911 42nd Avenue SW

 Parcels selection



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by Council Central Staff

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