

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

In the matter of:	Clerk File (C.F.) 314358
)
Brook V, LLC to rezone an 13,785 square foot site)
located at 1600 Dexter Avenue North from) FINDINGS, CONCLUSIONS
Neighborhood Commercial 3 with a pedestrian) AND DECISION
designation and a 40-foot height limit (NC3P 40) to)
Neighborhood Commercial 3 with a pedestrian)
designation, a 75-foot height limit, and the MHA)
suffix (NC3P 75 (M1)), and)
)
The Appeal by Londi Lindell)
)
Of a Recommendation by the City Hearing Examiner)
on the rezone petition.)

Introduction

This matter involves the petition of Brook V, LLC (Applicant) for a contract rezone of the property located at 1600 Dexter Avenue North. The property, depicted on Attachment A (Rezone Area), is composed of three parcels of land totaling 13,785 square feet. The proposal is to rezone the property from Neighborhood Commercial 3 with a pedestrian designation and a 40-foot height limit (NC3P 40) to Neighborhood Commercial 3 with a pedestrian designation, a 75-foot height limit, and the MHA suffix (NC3P 75 (M1)).

On September 5, 2017, the Director of the Seattle 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 September 27, 2017. Following the Hearing Examiner's site visit, the record closed on October 6, 2017. On October 20, 2017, the Hearing Examiner issued Findings and a Recommendation to approve the rezone, subject to conditions.

On November 3, 2017, Londi Lindell (Appellant), a neighboring property owner, filed: an appeal of the Hearing Examiner's recommendation, a request to supplement the record, and a request to present oral argument. On January 17, 2018, the Planning, Land Use and Zoning Committee (PLUZ) considered the Appellant's request to supplement the record. The Committee determined that the new evidence or information submitted by the appellant could reasonably have been produced at the time of the open record hearing before the Hearing Examiner and denied the Appellant's request to supplement the record. Following that determination, the Committee considered, and granted, the request to present oral argument. After hearing oral argument from the Appellant and the Applicant's attorney, the PLUZ Committee reviewed the record and the recommendations by SDCI and the Hearing Examiner, and considered the appeal and the applicant's response to that appeal, in its meetings on January 17 and February 7, 2018. On February 7, 2018, the PLUZ committee denied the appeal 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. 314358, dated October 20, 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 increased residential development capacity in the Rezone Area. In particular, under the City's Land Use Code, the NC3P-75 (M1) zone allows greater floor area and height than does the NC3P-40 zone.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated October 20, 2017.

Decision

The Council hereby **GRANTS** a rezone of the Rezone Area from NC3P-40 to NC3P-75 (M1), 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 3021980. 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.
- b) The provisions of Seattle Municipal Code Chapter 23.58B and 23.58C shall apply to the Rezone Area.

Dated this _____ day of _____, 2018.

City Council President

ATTACHMENT A

