

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

In the matter of the Petition:)	Clerk File 314474
)	
Application of Acer House, LLC, for a)	FINDINGS, CONCLUSIONS,
contract rezone of a site located at)	AND DECISION
2210 East Cherry Street from)	
Neighborhood Commercial 1 with a)	
40 foot height limit and M Mandatory)	
Housing Affordability suffix (NC1-40)	
(M)) to Neighborhood Commercial 1)	
with a 65 foot height limit and M1)	
Mandatory Housing Affordability)	
suffix (NC1-65 (M1)) and from)	
Neighborhood Commercial 1 with a)	
40 foot height limit and M2)	
Mandatory Housing Affordability)	
suffix (NC1 40 (M2)) to)	
Neighborhood Commercial 1 with a)	
65 foot height limit and M2)	
Mandatory Housing Affordability)	
suffix (NC1-65 (M2)) and accepting a)	
Property Use and Development)	
Agreements as a condition of rezone)	
approval. (Application of Acer House,)	
LLC, C.F. 314474, SDCI Project)	
3037185-LU).)	

Introduction

This matter involves a petition by Acer House, LLC (“Applicant”), for a contract rezone of an approximately 19,000 square foot site located at the northwest corner of the intersection of East Cherry Street and 23rd Avenue.

The site is split-zoned with the eastern portion zoned Neighborhood Commercial 1 with a 40-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC1-40 (M)) and the western portion zoned Neighborhood Commercial 1 with a 40-foot height limit and M2 Mandatory Housing Affordability suffix (NC1 40 (M2)). The proposed rezone would be to a

Neighborhood Commercial 1 zone with a 65-foot height limit. The Mandatory Housing Affordability suffix for the eastern portion of the site would increase to M1 and stay at M2 for the western portion. Attachment A shows the area to be rezoned. Attachment B provides a legal description of the site.

The Applicant has applied for a permit to redevelop the site with a mixed-use building developed in an Afro-futurist style and palette with 114 apartment units and street-level commercial uses. The Applicant intends to satisfy MHA program requirements through on-site performance and participate in the Multi-family Tax Exemption Program.

On June 8, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On July 19, 2023, the Hearing Examiner held an open-record public hearing on the proposed rezone. On August 17, 2023, the Hearing Examiner recommended conditional approval. On October 20, 2023, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the 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 August 17, 2023.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated August 17, 2023.

Decision

The Council hereby **GRANTS** a rezone parcels 912610-1705, 912610-1725, 912610-1730, and 912610-1706 of the property from NC1-40 (M) to Neighborhood Commercial 1 with a 65 foot height limit and M1 Mandatory Housing Affordability suffix (NC1-65 (M1)) and parcels 912610-1695, 912610-1685, and 912610-1681 of the property from NC1 40 (M2) to Neighborhood Commercial 1 with a 65 foot height limit and M2 Mandatory Housing Affordability suffix (NC1-65 (M2)) of the property from, as shown in Attachment 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:

Prior to Issuance of a Building Permit

1. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit (MUP) Number 3037185-LU.

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. Provide a Construction Management Plan that has been approved by the Seattle Department of Transportation (SDOT). The submittal information and review process for Construction Management Plans are described on the SDOT website.
2. Provide an archaeological monitoring and inadvertent discovery plan prepared by a qualified professional and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

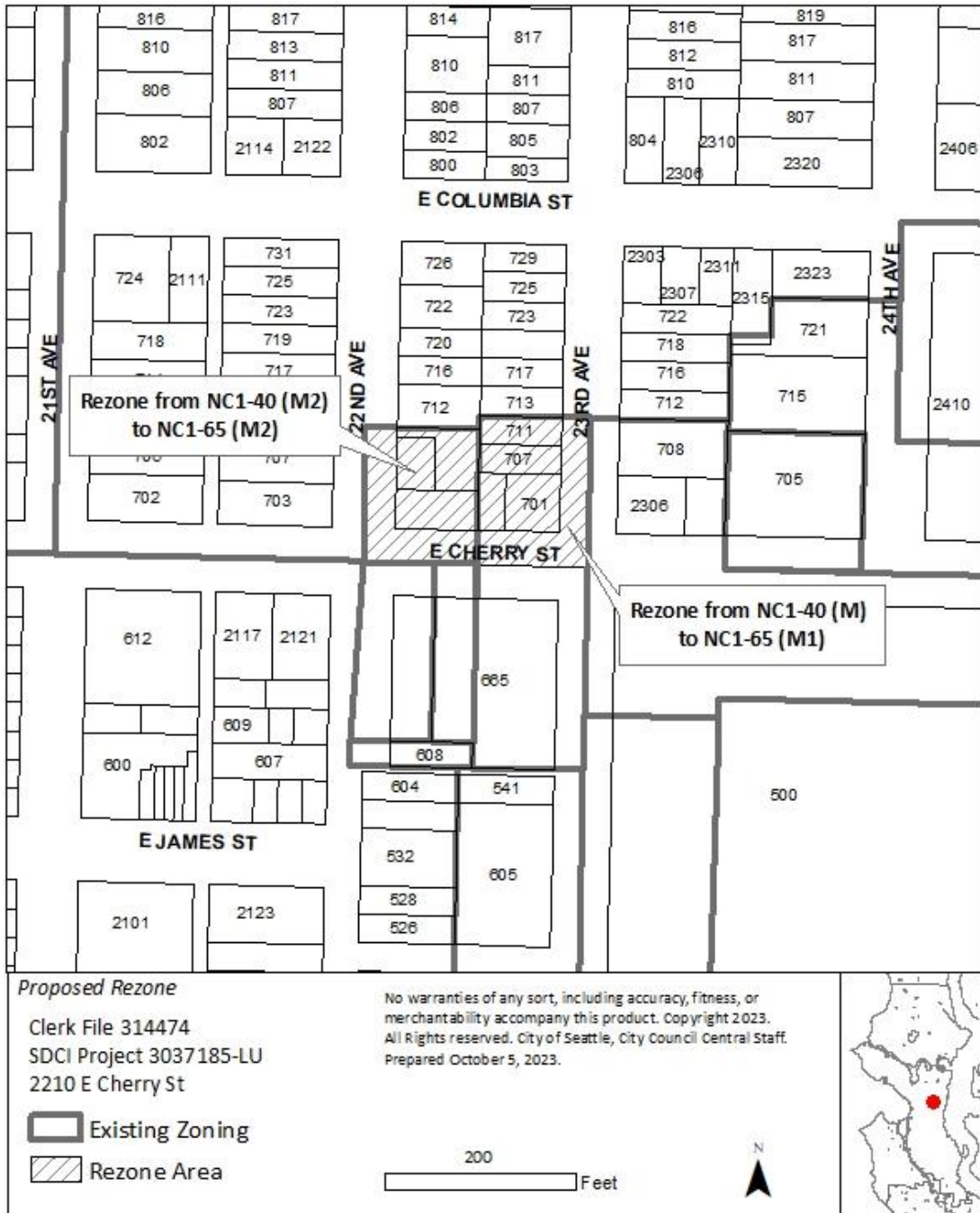
For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials presented at the Design Review Board Recommendation meeting and in the materials submitted after the recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by a Land Use Planner at the Seattle Department of Construction and Inspections.

Dated this _____ day of _____, 2023.

City Council President

ATTACHMENT A



ATTACHMENT B

PARCELS #912610--1695, 912610--1685 & 912610--1681

(PER STEWART TITLE INSURANCE COMPANY ORDER NO. 820537, DATED JUNE 30, 2020)

PARCELS A, C, AND C, CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NO. 3032095-LU, RECORDED UNDER RECORDING NO. 20181024900003, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING STATE OF WASHINGTON.

PARCEL #912610--1705

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 4201--3523432, DATED JULY 15, 2020)

THE EASTERLY 2/3 OF LOTS 11 AND 12, BLOCK 17, WALLA WALLA ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 81, IN KING COUNTY, WASHINGTON.

PARCEL #912610--1725

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 4201--3547292, DATED AUGUST 07, 2020)

LOT 13, BLOCK 17 WALLA WALLA ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 81, IN KING COUNTY, WASHINGTON.

PARCEL #912610--1730

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 4201--3547283, DATED AUGUST 07, 2020)

LOT 14, BLOCK 17 WALLA WALLA ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 81, IN KING COUNTY, WASHINGTON.

PARCEL #912610--1706

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 4201--3523524, DATED JULY 15, 2020)

THE WEST ONE-THIRD OF LOTS 11 AND 12, BLOCK 17, WALLA WALLA ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 81, IN KING COUNTY, WASHINGTON.