

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

In the matter of the Petition:)	Clerk File 314331
Application of Zella Apartments, LLC))	FINDINGS, CONCLUSIONS, AND DECISION
For approval of a rezone of property located at 203 West Republican Street)))	

Introduction

This matter involves a petition by Zella Apartments, LLC (the Applicant)¹, to rezone approximately 14,000 square feet of land located at 203 West Republican Street (the Property) from Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) to Neighborhood Commercial 3 with an 85-foot height limit (NC3 85). Attachment A shows the area to be rezoned.

On November 3, 2016, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone, with 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 December 6, 2016. On January 10, 2017, the Hearing Examiner issued findings and conclusions and recommended approval of the rezone, subject to conditions. On March 21, 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.

¹ The initial application was made by Mariner on Republican, LLC.

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 10, 2017.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated January 10, 2017.

Decision

The Council hereby **GRANTS** a rezone of the Property from NC3 65 to NC3 85, as shown in Exhibit A. Development of the Property must comply with SEPA and Design Review conditions as stated in the Findings and Recommendation of the Hearing Examiner dated January 10, 2017. Development of the Property is also subject to the following rezone conditions, which replace rezone conditions one and two in the Findings and Recommendation of the Hearing Examiner and which must be incorporated into an executed Property Use and Development Agreement:

1. Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3020961, once SDCI issues that MUP. 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.

2. The provisions of Seattle Municipal Code (SMC) Chapter 23.58B shall apply to applicable development, if any, on the Property. Compliance with that Chapter shall be through the payment option according to SMC 23.58B.040. Any required cash contribution according to SMC 23.58B.040.A shall be provided prior to issuance of the first construction permit other than a demolition, excavation, or shoring permit.
3. For purposes of compliance with SMC Chapter 23.58C, the development pursuant to MUP #3020961 shall include 8 units, as defined in SMC 23.58C.020, affordable to households earning 60 percent of median income, as defined in SMC 23.84A.025 (the Affordable Units).
4. The location and configuration of the Affordable Units shall be shown on the MUP plans and shall be subject to review and approval by the Office of Housing for consistency with the criteria set forth in SMC 23.58C.050.C.1 and 23.58C.050.C.2.
5. Prior to issuance of MUP #3020961, an executed and recorded agreement between the City and the owner shall be provided that specifies the following requirements:
 - The development shall include 8 units, as defined in SMC 23.58C.020, affordable to households earning 60 percent of median income, as defined in SMC 23.84A.025. At initial occupancy, the Affordable Units shall be rental units.

- The Affordable Units shall comply with following requirements, the substance of which requirements shall be stated in its entirety in the agreement:
 - 23.58C.050.B, provided that the period referenced in SMC 23.58C.050.B.1.a and SMC 23.58C.050.B.2 may be changed from seventy-five years to fifty years; and
 - 23.58C.050.C.

The agreement shall be recorded on the title of the Property. The agreement shall be enforceable by the City in Superior Court.

Dated this _____ day of _____, 2017.

City Council President

ATTACHMENT A

