

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

In the matter of the Petition:	)	Clerk File 314365
Application of Kathleen Justice to	)	FINDINGS, CONCLUSIONS,
rezone approximately 18,423	)	AND DECISION
square feet of land addressed as	)	
5256 Rainier Avenue S from	)	
Neighborhood Commercial 2 with a	)	
height limit of fifty-five feet and a	)	
(M) mandatory housing	)	
affordability suffix (NC2-55 (M))	)	
to Neighborhood Commercial 2	)	
with a height limit of sixty-five feet	)	
and a (M1) mandatory housing	)	
affordability suffix (NC2-65	)	
(M1))(Project No. 3025493-LU,	)	
Type IV).	)	

Introduction

This matter involves a petition by Kathleen Justice (the “Applicant”), to rezone approximately 18,423 square feet of land addressed as 5256 Rainier Avenue S from Neighborhood Commercial 2 with a height limit of fifty-five feet and a (M) mandatory housing affordability suffix (NC2-55 (M)) to Neighborhood Commercial 2 with a height limit of sixty-five feet and a (M1) mandatory housing affordability suffix (NC2-65 (M1)). Attachment A shows the area to be rezoned.

On June 20, 2019, 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) Determination of Non-significance with recommended conditions and a design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on July 10, 2019. On August 8, 2019, the Hearing Examiner issued Findings and Recommendation that recommended approval of the rezone, subject to conditions. On September 24, 2019, the Planning, Land Use and Zoning 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 Full Council.

### **Findings of Fact**

The Council hereby corrects a clerical error in the Introduction of the Hearing Examiner's Findings and Recommendation dated August 8, 2019 and adopts the Hearing Examiner's Findings of Fact as stated in the same Findings and Recommendation, as amended below. The Introduction and Findings of Fact are amended as follows:

#### Introduction

\* \* \*

A hearing on the rezone application was held before the Hearing Examiner on July 10, 2019. The applicant was represented by Abigail DeWeese, attorney-at-law, and the Director was represented by ~~Carly Guillory~~, Holly Godard, Senior Land Use Planner...

\* \* \*

#### Findings of Fact

##### Site and Vicinity

1. The subject site is located at 5256 Rainier Ave S. The site contains four parcels constituting about 18,423 square feet ~~one 18,423 square foot parcel~~ with existing structures...

\* \* \*

**Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated August 8, 2019, as amended below. The Council amends the conclusions as follows:

11. The rezone has been reviewed by the Director who concluded the proposed building would cause some additional height to be visible above that of what is currently allowed by the NC2-55 (M) zoning.

\* \* \*

21. The proposed rezone would allow an additional ~~25~~ 10 feet in zoned height...

\* \* \*

**Decision**

The Council hereby **GRANTS** a rezone of the Property from NC2-55 (M) to NC2-65 (M1), as shown in Exhibit A. The rezone is subject to the execution of a Property Use and Development Agreement requiring the owner to comply with the following conditions, consisting of the conditions found in the Hearing Examiner's recommendation which are adopted by the Council.

Dated this 14<sup>th</sup> day of OCTOBER, 2019.

  
\_\_\_\_\_  
City Council President

ATTACHMENT A

