

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

In the matter of the Petition of)	C.F. 311061
)	DPD Project 3011479
BMR-500 Fairview Avenue LLC)	FINDINGS, CONCLUSIONS AND
)	DECISION
For approval of a contract rezone)	
of land at 500 Fairview Avenue)	
from Industrial Commercial)	
with a 65 foot height limit (IC)	
65) to Seattle Mixed with an 85)	
foot height limit (SM 85).)	

Introduction

This matter involves the petition of BMR-500 Fairview Avenue LLC (the Applicant) to rezone a site located at 500 Fairview Avenue (the Property) from Industrial Commercial with a 65 foot height limit (IC 65) to Seattle Mixed with an 85 foot height limit (SM 85). The Applicant proposes to develop the Property with a seven story research and development laboratory.

On January 21, 2011, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone subject to conditions. DPD 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 28, 2011. On October 7, 2011, the Hearing Examiner recommended that the Council approve the contract rezone with a Property Use and Development Agreement. On December 8, 2011, the Committee on the Built Environment reviewed the record and the recommendations by DPD 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 as stated in the Findings and Recommendation of the Hearing Examiner dated October 7, 2011.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated October 7, 2011.

Decision

The Council hereby **GRANTS** a rezone of the Property from IC 65 to SM 85, as shown in Attachment A. The rezone is subject to the execution of a Property Use and Development Agreement requiring the owner to comply with the conditions found in the Hearing Examiner's recommendation adopted by the Council. The rezone shall expire three years from the date a Master Use Permit (MUP) is issued for the project. If the MUP is issued and the Applicant subsequently receives a certificate of occupancy for the permitted structure prior to the MUP expiring, including any renewals; the rezone remains in effect unless revoked according to Section 23.34.004. In addition to the SEPA and design review conditions from DPD's recommendation, the rezone is subject to the following condition:

Future development of the Property is restricted to a project developed in substantial accordance with the final approved Master Use Permit drawings for MUP Application 3011479 dated July 15, 2011, and included as Exhibit 9 in Clerk's File 311061.

Dated this _____ day of _____, 2011.

City Council President

Attachment A

