



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** December 6, 2011

**To:** Sally Clark, Chair  
Tim Burgess, Vice Chair  
Sally Bagshaw, Member  
Committee on the Built Environment (COBE)

**From:** Ketil Freeman, Central Staff

**Subject:** C.F. 311061 - Application of Richard B. Robison for approval of a contract rezone of land at 500 Fairview Avenue North from Industrial Commercial with a 65 foot height limit (IC 65) to Seattle Mixed with an 85 foot height limit (SM 85) for future construction of a 7-story research facility with 2.25 floors of parking (Project No. 3011479, Type IV).

**Overview**

BMR-500 Fairview Avenue LLC (Applicant) has applied for a contract rezone of an approximately 22,000 square foot site located at the northeast corner of Fairview Avenue North and Republican Street. The Applicant requests a rezone of the site from Industrial Commercial with a 65 foot height limit (IC 65) to Seattle Mixed with an 85 foot height limit (SM 85). The Applicant plans to redevelop the site with a seven story research and development laboratory. With height allowances for research and development laboratories, the height of the proposed structure would be approximately 105 feet.

The Applicant filed a rezone petition in January 2011. On September 1, 2011 the Department of Planning and Development (DPD) issued an affirmative rezone recommendation, State Environmental Policy Act 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 issued her recommendation to Council to approve the requested rezone with a Property Use and Development Agreement (PUDA).

**Type of Action and Materials**

This rezone petition is a quasi-judicial action under the Seattle Municipal Code. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication. Council decisions must be made on the record established by the City Hearing Examiner.<sup>1</sup>

The Hearing Examiner establishes the record at an open-record hearing. After the hearing, the record may be supplemented through timely request to Council. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Excerpts from the record are attached to this memo. The entire record, including audio recordings of the Hearing Examiner's open record hearing, are available for review in my office.

Attachments to this memo include:

- Proposed Council Findings, Conclusions and Decision (Blue Paper)

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<sup>1</sup> Seattle Municipal Code (S.M.C.) § 23.76.054.E.

- A draft council bill with attached PUDA (Yellow Paper)
- The Hearing Examiner's recommendation to approve the rezone (Tab A);
- A map showing existing zone designations for the site and vicinity (Tab B);<sup>2</sup> and
- A packet of 11 X 17 drawings showing a massing study, floor plans, elevations, landscape treatments, and views of the proposed building from different perspectives (Tab C).<sup>3</sup>

### **Recommendations from DPD and the Hearing Examiner**

Both DPD and the Hearing Examiner recommend approval of the proposed rezone. The following summarizes key conclusions from the *Findings and Recommendation of the Hearing Examiner*:

- SM Rezone Criteria: The site of the proposed rezone meets function and locational criteria for the SM zone. The existing industrial zone classification is no longer appropriate and development in the area has transitioned from industrial uses to residential, office and biotechnology research and development laboratories uses for which the SM zone is a better fit.<sup>4</sup>
- South Lake Union Urban Center Plan: The proposed rezone is consistent with goals and policies in the South Lake Union Urban Center Plan, which, among other things, encourages cultivation of the biotechnology cluster and calls for preservation of views of Lake Union.<sup>5</sup>
- Transition to Adjacent Zones: The proposed structure is designed to minimize impacts to properties to the east of the site and includes groundlevel setbacks to maintain solar access.<sup>6</sup>

### **Draft Council Findings, Conclusion and Decision**

Council staff has drafted necessary documents to complete the rezone including proposed Council Findings, Conclusions and Decision for the Clerk's File. The Clerk's File contains the content of the record established by the Hearing Examiner and the proposed Council Findings, Conclusions and Decision.

The proposed Council Findings, Conclusions and Decision:

1. Adopts the Hearing Examiner's findings and conclusions and
2. Approves the proposed rezone subject to a condition that the owner execute a PUDA limiting development to the project shown on final approved plans.

### **Next Steps**

If COBE recommends approval of the proposed Findings, Conclusion and Decision, staff will finalize a Council Bill for referral to Full Council. Additionally, staff will finalize a PUDA for execution by the Applicant. These documents should be ready for a Full Council vote by December 19, 2011.

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<sup>2</sup> Exhibit 5.

<sup>3</sup> Exhibits 10 and 12.

<sup>4</sup> *Findings and Recommendation of the Hearing Examiner*, Conclusions 5-9.

<sup>5</sup> *Findings and Recommendation of the Hearing Examiner*, Conclusion 11.

<sup>6</sup> *Findings and Recommendation of the Hearing Examiner*, Conclusion 13-14.