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**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

CITY CLERK

In the Matter of the Application of

CF 309434

**GARY HUFF on behalf of
UNIVERSITY CHRISTIAN CHURCH**

DPD Reference:
3004384

for approval of a contract rezone for property
located at 4735 15th Avenue Northeast

Introduction

University Christian Church, University Presbyterian Church and others applied for a rezone of property located at 4735 15th Avenue Northeast from Lowrise 3 to Commercial zoning. The Director of the Department of Planning and Development (Director) submitted a report recommending that the rezone be approved. The Director's report included a SEPA Determination of Non-significance, which was appealed.

A consolidated hearing on the rezone application and SEPA appeal was held before the Hearing Examiner (Examiner) on March 15, 2011. The Applicant was represented by Gary Huff, attorney-at-law; the Appellant was represented by Leonard W. Junke, attorney-at-law; and the Director was represented by Scott Kemp, Senior Land Use Planner. The record was held open to March 21, 2011 for submittal of a map by the Department and contract language by the Applicant, and for the Examiner's site visit. Following those submittals, the Examiner reopened the hearing on April 14, 2011 for public comment and Examiner questions concerning the Applicant's proposed contract language.

The SEPA appeal is addressed in the Hearing Examiner's decision in MUP-10-022(W). For purposes of this recommendation on the rezone application, all section numbers refer to the Seattle Municipal Code (SMC or Code) unless otherwise indicated. Having considered the evidence in the record and visited the site, the Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

Site and Vicinity

1. The site is addressed as 4735 15th Avenue NE, and is located within the University Community Urban Center. It consists of the entire block face along 15th Avenue NE between NE 47th Street on the south, and NE 50th Street on the north. It is bounded by alleys on the west and the east, which run the length of each block and separate the site from properties to the west and east, respectively. The site consists of small to medium parcels as well as large to very large parcels.

2. The property is in several different ownerships, with much of it being owned by University Christian Church and University Presbyterian Church. All property owners on the eastern block face, and all but three owners on the western block face have joined in the rezone application.

3. The subject property is zoned Lowrise 3 and is developed with lowrise multifamily residential buildings; religious institutions of varying heights, some approaching 50 feet in height; surface parking lots; and seven single-family residences that sit 10 to 12 feet above sidewalk grade. Some of the houses are in multifamily residential use, and some are used as low-income housing for University of Washington students.

4. To the north and northwest, across NE 50th St., is L3 zoning that is separated by a "finger" of two half blocks of Neighborhood Commercial 3 zoning with a 65 foot height limit and pedestrian overlay (NCP3-65) along University Way NE. North of NE 52nd St., the zoning changes to L1. The lowrise-zoned areas are developed with lowrise multifamily residential structures, University Heights Community Center, and single-family residential structures in multifamily use. To the northeast is an area zoned single-family 5000 and developed with single-family residences, a few multifamily residences and religious institutions. To the east and southeast is a substantial area of L3 zoning developed with lowrise multifamily residential structures, single-family residential structures in multifamily use and a large religious institution. South of this area, at NE 45th St., is the University of Washington campus. To the west and southwest is the University District commercial area with NC3-65 zoning, although a half block directly south of the east side of the site is zoned NC2-40 and developed with a large religious institution and several small commercial uses. *See Exhibit 15.*

5. Topographic elevation rises in the University District area from southwest to northeast. Along the approximately 602-foot-length of the subject property, elevation rises approximately 14 feet from south to north. Along the 262-foot-width, the elevation rises approximately 20 feet from west to east. Consequently, structures located along 16th Avenue NE that have rear yards facing the alley between 15th Avenue NE and 16th Avenue NE are at a slightly higher elevation than structures located on the east side of the subject site.

6. The subject property is not located within an overlay district, and is not within or adjacent to a critical area.

7. Fifteenth Avenue NE is a one-way arterial going south. It is classified as a principal arterial south of NE 50th St. and as a minor arterial north of that. Northeast 50th St. is also a principal arterial, and NE 47th St. is a collector arterial. Traffic along 15th Ave. NE has not been studied for purposes of the rezone request. The Examiner observed that it is light to moderate during some hours of the day and heavy during the AM peak hour.

8. The site is well served by Metro transit, with numerous bus routes running along NE 45th St., NE 50th St., University Way NE and 15th Avenue NE, as well as on other nearby streets.

Zoning History

9. Prior to 1969, the property was zoned Residential Multifamily Low Density. In that year, it was rezoned to Residential Multifamily High Density. In 1982, the zoning was changed to L3 with the adoption of Title 23 SMC, the current zoning code, and has retained that designation to the present.

Neighborhood Plan

10. In evaluating a rezone proposal, consideration is to be given to those parts of a neighborhood plan that have been adopted by the City Council, with particular attention given to any adopted policies that guide future rezones. SMC 23.34.008.D.

11. Figure 1 in the University Community Urban Center Plan (University Plan) includes a "Schematic Map of Residential Neighborhoods," which includes the site in the area designated lowrise multifamily residential.¹ Other goals of interest are UC-G1, which calls for "Stable residential neighborhoods that can accommodate projected growth and foster desirable living conditions; UC-G4, which calls for a "community in which the housing needs and affordability levels of major demographic groups ... are met and which balances home ownership opportunities with rental unit supply;" and UC-G10, which envisions an "integrated social service delivery network that serves the entire community."

12. Potentially applicable University Plan policies include UC-P1, which states that ground related housing types are to be encouraged "in portions of the northern tier, and Ravenna areas of the community;"² UC-P2, which encourages "high-quality development, up to 65 feet, or about five stories, south of NE 43rd St., and from just east of Brooklyn to the west, to enhance this residential area with excellent proximity to the University and LRT stations;" UC-P15, "[e]mploy a variety of housing types and development strategies to effectively provide for identified needs, including existing housing preservation, code enforcement, accessory units, new ground-related housing, and mixed-use mid-rise residential development;" and UC-P16, "[e]mploy a variety of strategies to bring housing development to desired affordability levels, including development partnerships, zoning modifications, and subsidies.

¹ Figure 1 is mentioned in the University Plan only in UC-G2, which calls for a "vibrant commercial district serving local needs and offering regional specialties". The correct reference should probably be to Figure 2, entitled "Schematic Map of Commercial Areas".

² The "northern tier" is later defined in UC-P24 as "the lowrise multi-family residential *areas above NE 45th St. between 22nd Ave. NE and 15th Ave. NE* and North of NE 50th St. and west of Brooklyn Ave. NE". (Emphasis added.)

13. Additional Plan policies of interest include UC-P17, "[in] order to serve the existing residents to the north and emerging residential neighborhoods, organize a services spine roughly along NE 50th St. Include a wide variety of public, recreational, educational, community, and human services, plus churches, playfields and other facilities. (See Figure 3);"³ UC-P38, "[f]oster the coordinated efforts of local social service providers to identify and meet the specific service delivery needs in the urban center;" and UC-P4, which states that "[t]hese goals and policies of the UCUC Neighborhood Plan are not intended to change the policy basis for consideration of rezones proposed after adoption of these goals and policies."

Proposal

14. The proposal is to change the zoning on the subject site from L3 to NC3-65. The Applicants intend to redevelop their property in the future, with church facilities on the west side of 15th Avenue NE and low-income, multifamily housing on the east side.

15. Following the initial hearing on the proposal, the Applicants proposed conditions that would prohibit uses that regularly attract night-time crowds or consistently generate high demand for on-street parking, would likely limit street-level commercial uses to offices that support church-affiliated entities or nonprofit social or human service organizations, and would assure one-to-one replacement of low-and moderate-income housing on the east side of 15th Avenue NE. Exhibit 16. At the reopened hearing, the Applicants offered slightly revised conditions. Exhibit 17.

Public Comment

16. The Director received 15 comment letters on the proposal. Exhibit 11. The Examiner heard testimony from 7 members of the public and received additional written comments, some of which were from those who testified at the hearing. Overall, comments favoring the proposal came from members of the applicant churches, other churches and church coalitions, and housing advocacy organizations. These comments stressed the need for low-income housing in the area and the fact that the property is located close to transit and services, and emphasized that low-income housing does not "pencil out" economically at heights below 65 feet. Comments opposing the rezone stated that it contradicts community and neighborhood plan goals, and the density and height are out of scale with the neighborhood; it fails to follow zoning principles that call for transitions between zoning categories, including heights; and it could introduce numerous types of commercial businesses to an area that now has none, together with increased noise, and traffic and parking congestion. Some comments also expressed concerns about potential view blockage. Two housing advocacy organizations initially opposed the rezone as proposed because it failed to include a contract element that guaranteed replacement of existing low-income housing on at least a one-for-one basis

³ The correct reference should probably be to Figure 4, "Schematic Open Space and Community Open Space," which shows community facilities along NE 50th Street from 9th Avenue NE to the west side of 15th Avenue NE.

and thus, could lead to sale of the property and intense commercial development. They did not comment on the Applicant's later proposed conditions on low-income housing replacement.

Director's Review

17. The Director reviewed the proposal and the public comments and issued a Determination of Non-significance pursuant to SEPA. The Director recommended approval of a rezone to NC2-65 rather than to the requested NC3-65 designation. Exhibit 13. At the reopened hearing, the Director had suggestions to improve the Applicant's proposed conditions for the rezone.

Applicable Law

18. SMC 23.34.008.A requires that the zoned capacity for urban centers be no less than 125% of the growth targets adopted in the Comprehensive Plan for the center.

19. The L3 zone functions as an area that "provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures." SMC 23.34.020.A.

20. SMC 23.34.020.B provides the locational criteria for the L3 zone: "Properties already zoned L3;" "Properties developed predominantly to the permitted L3 density and where L3 scale is well established;" and "Properties within an urban center or village". SMC 23.34.020.B.1.

21. L3 zoning is most appropriate in areas predominately developed to L3 density and where L3 scale is well established, or areas within an urban center or village, and "where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred," and street widths should accommodate two-way traffic and parking along at least one curbside. SMC 23.34.020.B.3.1. Further, L3 zoning is most appropriate in areas "that are well served by public transit and have direct access to arterials so that vehicular traffic is not required to use streets that pass through less intensive residential zones;" "areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;" "areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;" and properties "adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable." SMC 23.34.020.B.3.

22. SMC 23.34.072, concerning the designation of commercial zones, states that the "encroachment of commercial development into residential areas shall be discouraged," that "[c]ompact, concentrated commercial areas or nodes" are preferred to "diffuse,

sprawling commercial areas," and that the "preservation and improvement of existing commercial areas" is preferred to the creation of new business districts.

23. SMC 23.34.076.A provides that the NC2 zone functions to "support or encourage a pedestrian-oriented shopping area that provides a full range of" goods and services to adjacent neighborhoods and "accommodates other uses that are compatible with the retail character of the area such as housing or offices," where it is possible to achieve a "variety of small to medium sized neighborhood-serving businesses," "[c]ontinuous storefronts built to the front lot line," an "atmosphere attractive to pedestrians," and "[s]hoppers can drive to the area, but walk from store to store."

24. SMC 23.34.076.B provides locational criteria for the NC2 zone: " ... secondary business districts in urban centers ... that extend for more than approximately two blocks;" "[l]ocated on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;" "[l]ack of strong edges to buffer the residential areas;" "[a] a mix of small and medium-sized parcels;" and "[l]imited or moderate transit service."

25. SMC 23.34.078.A provides that the NC3 zone functions to "support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved: 1. A variety of sizes and types of retail and other commercial businesses at street level; 2. Continuous storefronts or residences built to the front lot line; 3. Intense pedestrian activity; 4. Shoppers can drive to the area, but walk from store to store; 5. Transit is an important means of access."

26. SMC 23.34.078.B provides locational criteria for the NC3 zone: "1. The primary business district in an urban center or hub urban village; 2. Served by principal arterial; 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas; 4. Excellent transit service."

27. SMC 23.34.024 describes the function of the midrise zone as follows: "an area that provides concentrations of housing and desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment." However certain threshold conditions are required for midrise zoning, including that the property already be zoned midrise, be located in an area already developed predominantly to midrise intensity, or be located within an urban center with a neighborhood plan that indicates midrise zoning is appropriate.

28. The general rezone criteria, including "zoning principles" and factors to be evaluated for impact, are set forth in SMC 23.34.008.

29. SMC 23.34.009 prescribes criteria for a rezone that includes consideration of height limits in commercial zones. Height limits are to be "consistent with the type and scale of development intended for the zone," considering the "demand for permitted goods and services and the potential for displacement of preferred uses." They are also to "reinforce the natural topography of the area and its surroundings," considering the likelihood of view blockage. Height limits established by current zoning are to be considered, and permitted height limits are to be "compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential." They are to be "compatible with actual and zoned heights in surrounding areas," and are to provide a "gradual transition in height and scale and level of activity between zones" unless major physical buffers are present.

30. Compliance with the requirements of Chapter 23.34 SMC constitutes consistency with the Comprehensive Plan for purposes of reviewing proposed rezones. SMC 23.34.007.C. Thus, Plan goals and policies are not separately reviewed.

31. SMC 23.34.004 addresses contract rezones. Subsection A provides that the Council may approve a rezone subject to an agreement by the property owner "to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts which could occur from unrestricted use and development permitted in the zone" A rezone is to be conditioned on compliance with the terms and conditions of the agreement.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to SMC 23.76.052.
2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC on rezones are to be weighed and balanced together to determine the most appropriate zone and height designation. In addition, the zone function statements are to be used "to assess the likelihood that the area proposed to be rezoned would function as intended." SMC 23.34.007.A. "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement...." SMC 23.34.007.B.
3. The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation." SMC 23.34.008.B.
4. A 65-foot height limit on the subject property would permit taller residential structures and thus, higher residential densities along with some commercial uses. The change to NC65 zoning would increase the zoned capacity for the University Community Urban Center and thus, would be consistent with SMC 23.34.008.A.

5. Although UCC and church-related parking lots occupy much of the proposed rezone site, non-institutional uses are lowrise residential. Further, the site is located within an established lowrise residential area that functions well as an L3 zone. *See Exhibit 2.*

6. The site also meets the locational criteria for L3. It is zoned L3, predominant residential development is to the L3 density, the L3 scale is well established in the area. The street pattern provides good vehicular circulation, alleys are present, and parking is permitted on both sides of the street. Public transit is excellent, and there is close proximity and connection to neighborhood services, open spaces and other amenities. Further, like the adjacent areas zoned L-3, the site provides a transition between the commercial area to the west and the single-family area to the northeast. *See Exhibit 15.*

7. Midrise zoning would allow the Applicants to pursue their housing objectives at the heights traditionally required for low-income housing to be financially viable, and the site fits very well with the functional requirements for that zone. However, it does not meet the threshold conditions for midrise zoning.

8. The commercial area to the west extends east of the block face along University Way only south of NE 47th Street. The requested rezone would place NC zoning diagonally adjacent to the single-family-zoned property to the northeast, and would constitute an encroachment of commercial development into an established lowrise residential area, which is discouraged by SMC 23.34.072. It would not affect the compact, concentrated nature of the adjacent commercial area nor result in the creation of a new business district, both of which are also discouraged by this Code section.

9. If fully redeveloped, the site could function as an NC2 zone, i.e., as a pedestrian-oriented shopping area that provides a range of goods and services to adjacent neighborhoods through small to medium-sized businesses. Such redevelopment is unlikely, however, given the Applicants' focus on providing low-income residential housing, and the established lowrise uses along the west side of 15th Avenue NE.

10. The site is located on a street with good capacity and a mix of parcel sizes, but it would not meet the NC2 locational criterion of providing a secondary business district in urban centers that extends for approximately 2 blocks. It would meet the criterion of having a lack of strong edges to buffer the residential area to the east.

11. The site meets neither the function nor the locational criteria of the NC3 zone.

12. There is no evidence that the proposed rezone would provide a precedent for similar rezones in the area. Some public comments expressed concern that the rezone would precipitate rezone applications in the block north of the subject site. However, a rezone of that block would be unlikely, as it provides the only buffer between the commercial area along University Way and a large block of single-family zoning to the east.

Neighborhood Plan

13. Some goals and policies of the University Plan would support the Applicants' purpose in seeking the rezone. See, e.g., UC-G4 on meeting housing needs and affordability levels and UC-G10 envisioning a social service delivery network for the community, UC-P15 on employing a variety of housing types and development strategies to provide for identified needs, along with UC-P17 and UC-P38 on fostering the coordinated efforts of social service providers and establishing a services spine on property near the rezone site.
14. The goals and policies of the University Plan that are most relevant to the proposed rezone itself are not supportive. As noted, the University Plan clearly designates the rezone site as lowrise multifamily residential. Further, UC-P1 states that ground-related housing is to be encouraged in the area east of 15th Avenue NE and North of NE 45th Street, and UC-G1 calls for stable residential neighborhoods that can accommodate projected growth and foster desirable living conditions. The subject site can accommodate quite a bit of growth through redevelopment to the existing zoned density along the east side of 15th Avenue NE, which would also retain a stable multifamily residential neighborhood. By contrast, UC-P2 expressly encourages the 65-foot heights sought by the Applicants, but in a different area, southwest of the site.
15. The zoning principles listed in SMC 23.34.008.E are generally aimed at minimizing the impact of more intensive zones on less intensive zones, if possible. There are no physical features available to serve as buffers between zones in the area, but the proposed zone change would be made along platted lot lines. The dividing line between the NC and the L3 zones would be moved from the alley adjacent to the commercial uses on the east side of University Way NE to the 14-foot-wide alley along the east side of the subject site.
16. The zoning principles express a preference for a "gradual transition between zoning categories." On this subject, the Examiner adopts the Director's comprehensive discussion of transition in uses relative to the NC2 and NC3 zones, and transition in height at the site relative to setbacks. This is found in Exhibit 13 at pages 7-9.
17. The rezone would have the potential to greatly increase the amount of housing available in the area, and the Applicants have agreed to conditions that would require at least some of it to be low-income housing.
18. Full development of the site to either the existing or the proposed zoning would increase the demand for public services. There is no evidence in the record that the demand would exceed service capacities for most services. Seattle Public Utilities has stated that sewer capacity in the area is limited and that adequate capacity may not be available at the time a development on the site would be ready for occupancy. Project-level environmental review will provide an opportunity for contribution to the area-wide improvements needed for sewer infrastructure in this urban center.

19. Development of the site under the existing or the proposed zoning would decrease afternoon light to structures and related open spaces to the east. The Director has evaluated the potential other environmental impacts of the proposed rezone, including potential energy and water usage, and impacts on transportation, parking and height, bulk and scale pursuant to SEPA and determined that no significant adverse impacts are probable. Street access is good, and the capacity of streets in the area is high, although the intersection at NE 45th Street and 15th Avenue NE is congested and experiences poor levels of service during peak hours. Existing on-street parking is at capacity in the area, but any development on the site would be expected to provide parking and thus would be unlikely to add to parking congestion. Again, project-level environmental review will provide the opportunity for additional scrutiny. Existing alley widths along both the east and west sides of the property are below the widths required by the Seattle Street Design Manual, and a condition that requires additional right-of-way setbacks and/or dedication for each project on the rezoned property is recommended.

20. As noted, transit service in the area is excellent, and light rail expansion to the area is funded and planned within five to ten years.

21. There is no indication in the record of potential negative impacts on pedestrian safety or employment activity. Development of the property could provide some new jobs in the area.

22. There are no historic landmarks on the rezone site, and demolition of any of the historically important structures on the west side of the site would require additional review under SEPA.

23. Changed circumstances are to be considered only as they relate to elements or conditions included in the criteria for the relevant zone. Multifamily development and redevelopment has occurred on the site and in the surrounding L3-zoned area in recent years. Within the same area, there is little evidence of rezones that have allowed new mixed use development, or of other changes conducive to development under NC2 or NC3 zoning. However, changed circumstances are not required for a rezone and are not cited in support of this proposal. SMC 23.34.008.G.

24. The record indicates that the use most in demand within the University District is residential. If the property is rezoned, a 65-foot height would allow for more intensive residential development above a commercial base. As noted, the topography slopes up from west to east and south to north. Thus, development at a 65-foot height would create some view blockage for structures located east and north of the site, although no views protected under SEPA would be affected.

25. A 30-to 35-foot height is well established in the L3 zone, and a 65-foot height is well established in the nearby commercial zone area. Non-institutional development on the west side of 15th Avenue NE is a better indication of the area's potential for redevelopment than is the taller institutional development, or the single-family structures and parking lots on the east side. However, if zoned for greater residential height, these

block faces could provide an appropriate transition in height and scale between the commercial zoning to the west and the lowrise zoning to the east. A 65-foot height limit could be compatible with actual and zoned heights in surrounding areas. Because the height transition from NC2-65 to lowrise development would occur across an alley just 14 feet wide, a condition is recommended to ease the height transition between the two zones.

26. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the site is the existing L3 designation.

27. If the site is rezoned to NC-65, the PUDA provisions suggested in the recommendation should be agreed to by all owners of property on the east side of 15th Avenue NE in order to ensure that the intent of the PUDA is realized.

Recommendation

The Hearing Examiner recommends that the City Council **DENY** the requested rezone. However, if the Council approves a rezone, it should be to an NC2-65 designation rather than to the NC3-65 designation requested, and should be subject to the following conditions:

1. All building elements above 13 feet shall be set back 30 feet from the east property line of the parcels on the east side of 15th Ave. N.E. (Lots 16-30, Block 15, University Park Addition), provided that a development standard departure may be granted by DPD through design review, as part of a Master Use Permit, where it is found that any allowed reductions of this required setback adequately accomplish a sensitive and appropriate transition of height, bulk and scale across the alley to the east.
2. Additional right-of-way setbacks and/or dedications shall be provided, as designated in the Seattle Street Improvement Manual and the Seattle Municipal Code, for each element of redevelopment of the area rezoned (Lots 16-30, Block 15, University Park Addition and Lots 1-15, Block 2, University Heights Addition) without application of any exemption provisions thereof, including situations where the limited size of new construction would not otherwise require application of the provisions.

Further, the rezone should be subject to the requirement for a PUDA, agreed to by all owners of property on the east side of 15th Avenue NE, that applies the following provisions to that property:

1. In the event that a Master Use Permit application is made for any parcel east of 15th Avenue NE, the following restrictions shall apply:
 - a. New development on the east side of 15th Avenue NE shall be limited to proposals that include primarily residential uses.
 - b. Street-level commercial uses on the east side of 15th Avenue NE shall be limited to office space and support services for

church-affiliated entities, or non-profit social or human service organizations consistent with the mission of the churches. Nothing shall preclude any such entities or non-profit organizations from making limited retail sales of items or materials consistent with its goals and purposes including, without limitation, a church bookstore and church-affiliated coffee shop.

- c. Nothing shall preclude any owner of property on the east side of 15th Avenue NE from seeking relief from the restriction in paragraph 2 on street-level commercial uses where it can demonstrate that, despite its best efforts, it has been unable to lease the ground floor commercial areas at reasonable rental rates for a period of nine months. However, with the exception of church-related uses, uses that regularly attract night-time crowds, or consistently generate a high demand for on-street parking, are prohibited.
- d. A minimum of 18 residential units, or 20 percent of the residential units constructed on the property owned by University Christian Church on the east side of 15th Avenue NE, whichever is greater, shall be affordable to those with an annual household income that does not exceed fifty percent of the Washington State median income, as computed annually by the City.

Entered this 18th day of April, 2011.


Sue A. Tanner
Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Built Environment Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3 (physical address)
P.O. 94728 (mailing address)
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.