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**Findings and Recommendation of the Hearing Examiner**  
**GARY HUFF ON BEHALF OF UNIVERSITY CHRISTIAN CHURCH**  
**No. CF 309434, 3004384**

**Findings and Decision of the Hearing Examiner**  
**NO APPLES I-SPOKANE LLC**  
**Hearing Examiner File: MUP-10-022(W)**

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CITY OF SEATTLE  
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**Hearing Date: April 18, 2011**

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# MUP REZONE APPLICATION

C.F. 309343

EXISTING CONDITIONS  
15th AVENUE NE  
NE 47th to NE 50th AVENUES

15 March 2011

## LEGEND

-  0 - 278 Elev.,  
2 Foot Contour Interval
-  Parcels
-  Building Footprints
-  Pavement Edges
-  Application Area



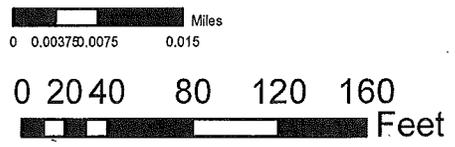
**Public** City of Seattle Hearing Examiner  
**EXHIBIT**

Appellant \_\_\_\_\_ ADMITTED   
Respondent \_\_\_\_\_ DENIED   
Department \_\_\_\_\_

FILE #MUP-10-022(W), CF 309434



Data Source: City of Seattle GIS  
Produced by: Marsha Tolon, RLA



**MUP REZONE**

**C.F. 309343**

**15TH AVE NE, NE 47TH STREET  
TO NE 50 AVENUE**

City of Seattle Hearing Examiner

Public

EXHIBIT

Appellant

Respondent

Department

ADMITTED

DENIED

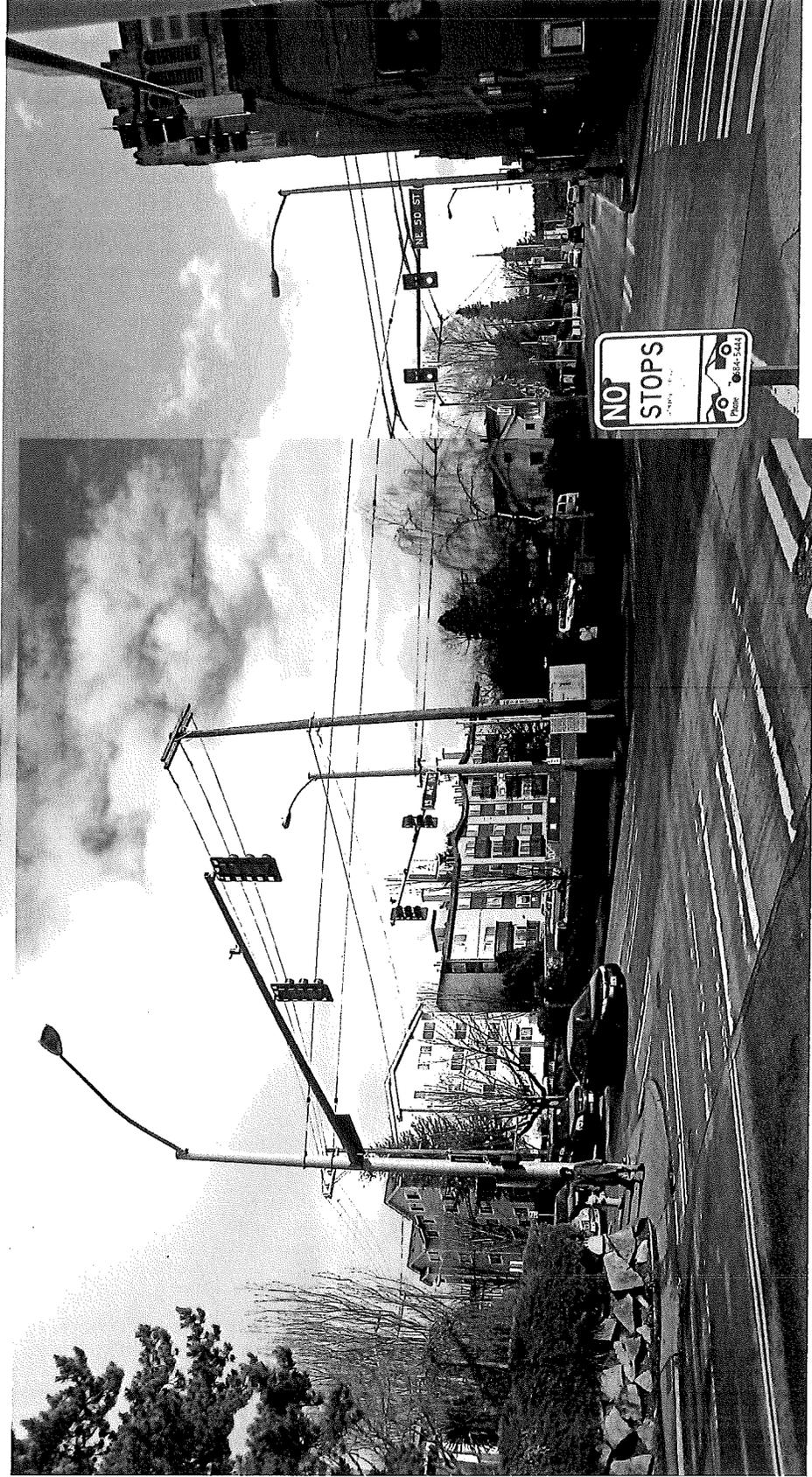
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FILE #MUP-10-022(W), CF 309434

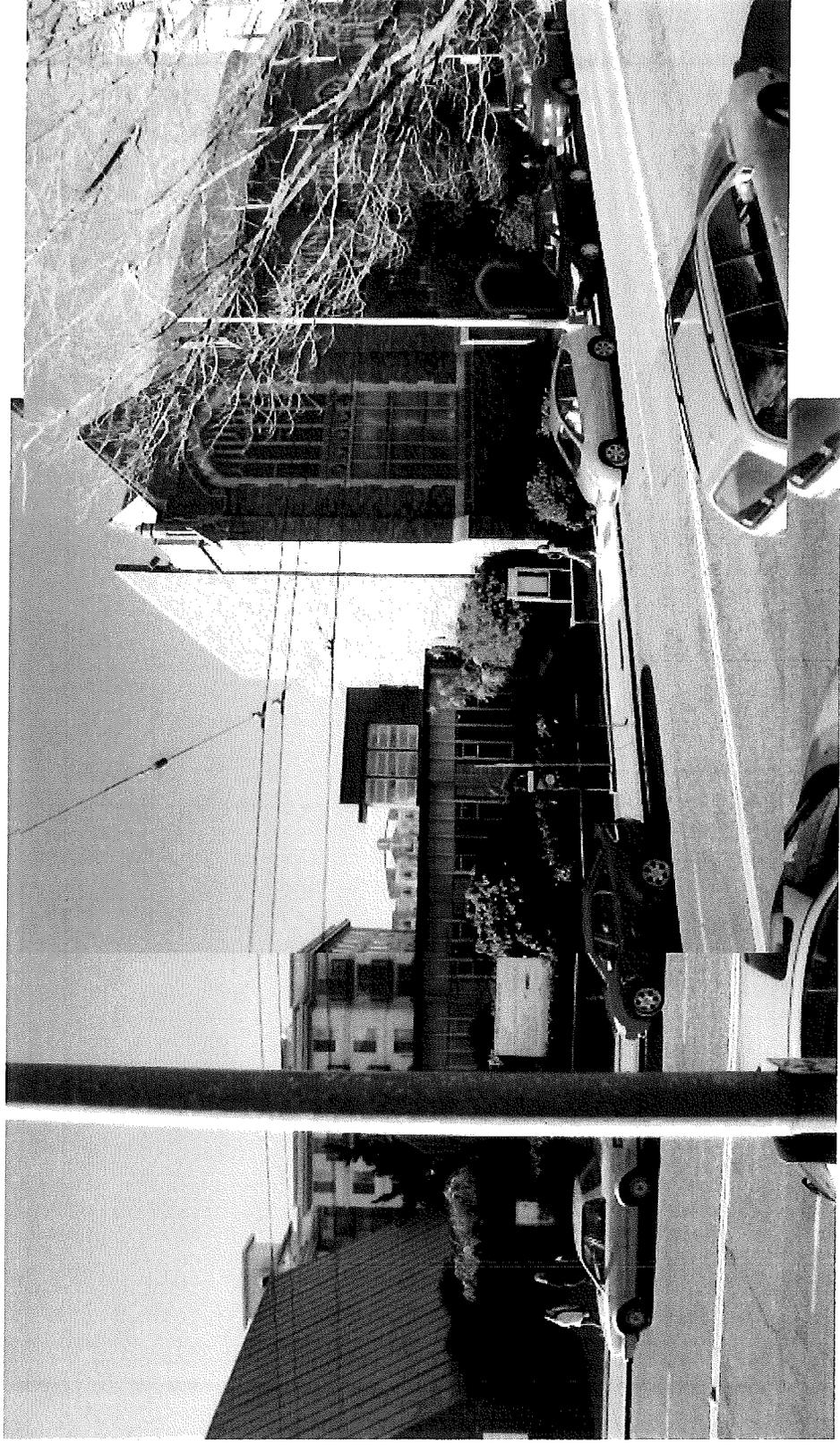
# A. View south, UCC Parking Lot



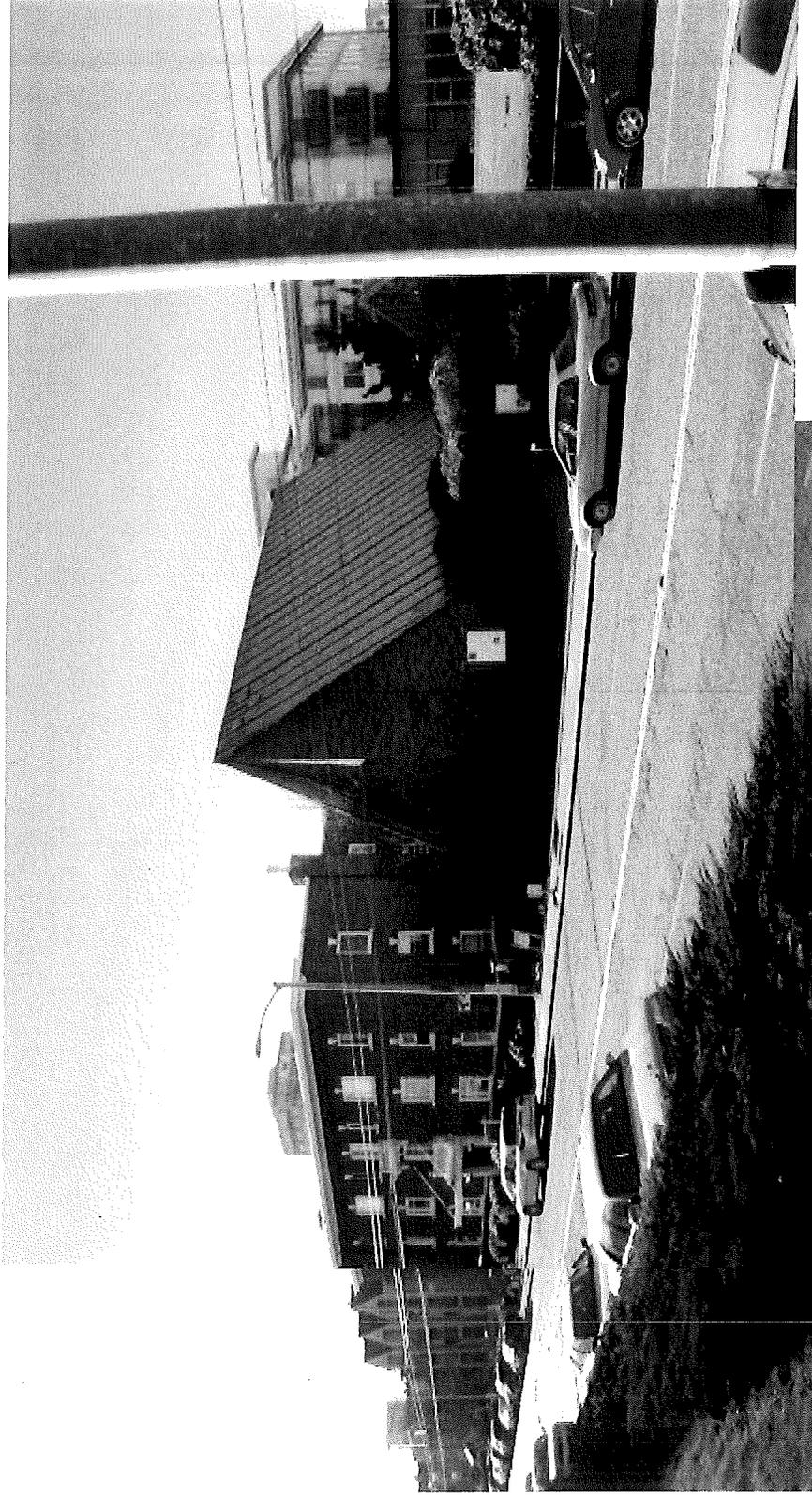
# B. View SE, NE 50<sup>th</sup> St. & 15<sup>th</sup> Ave NE



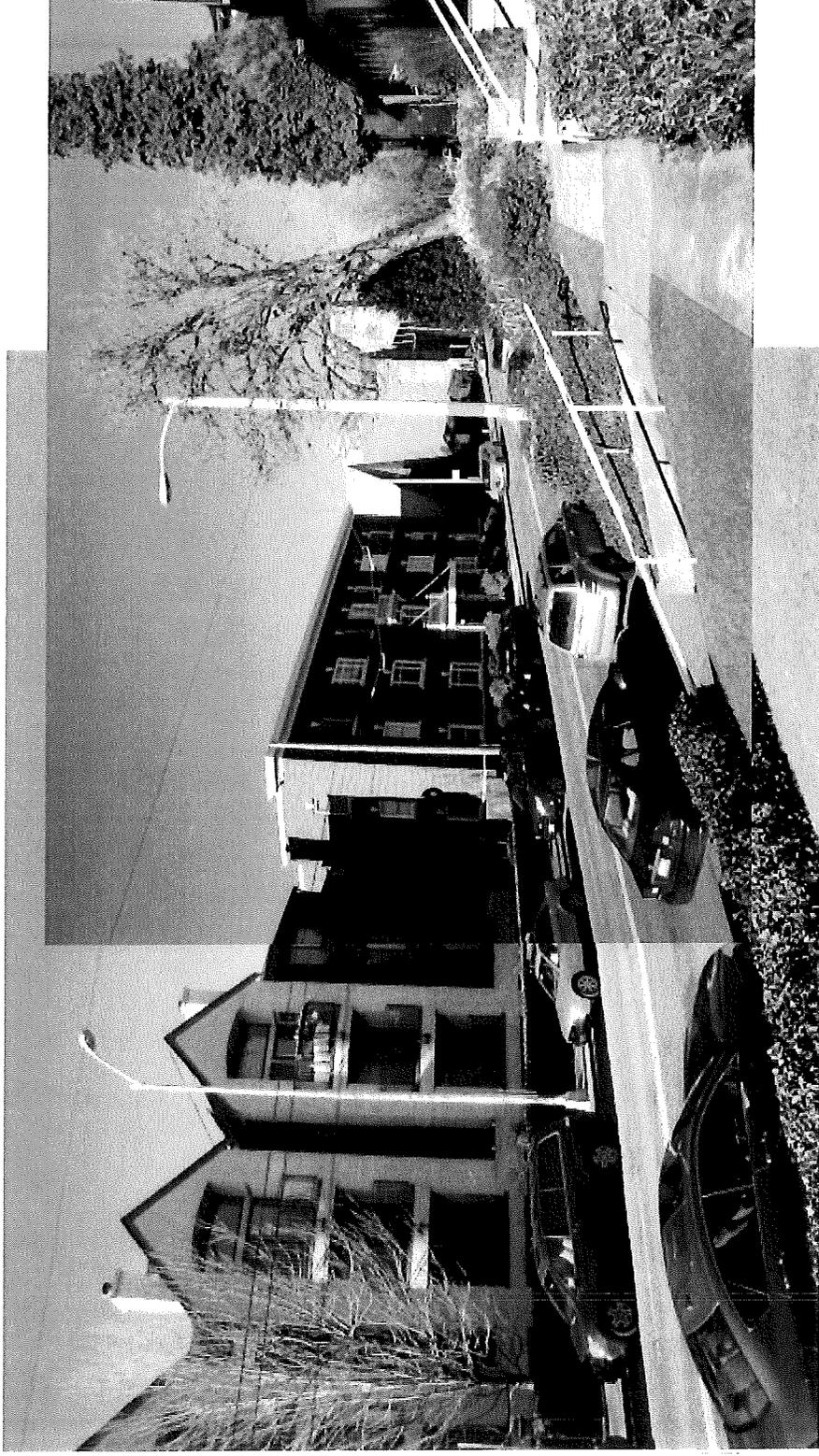
C. View west, UCC from 4734



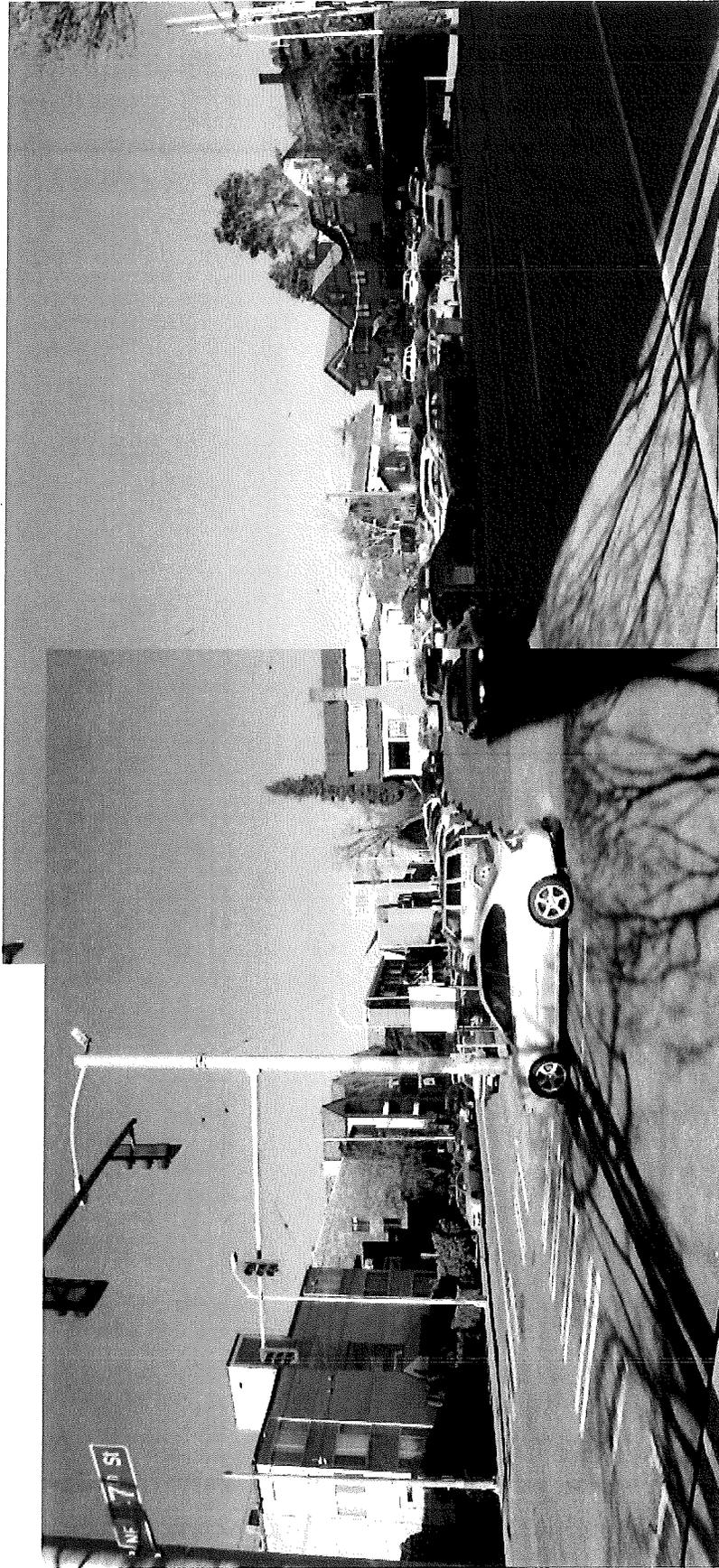
D. View SW, UCC from 4734



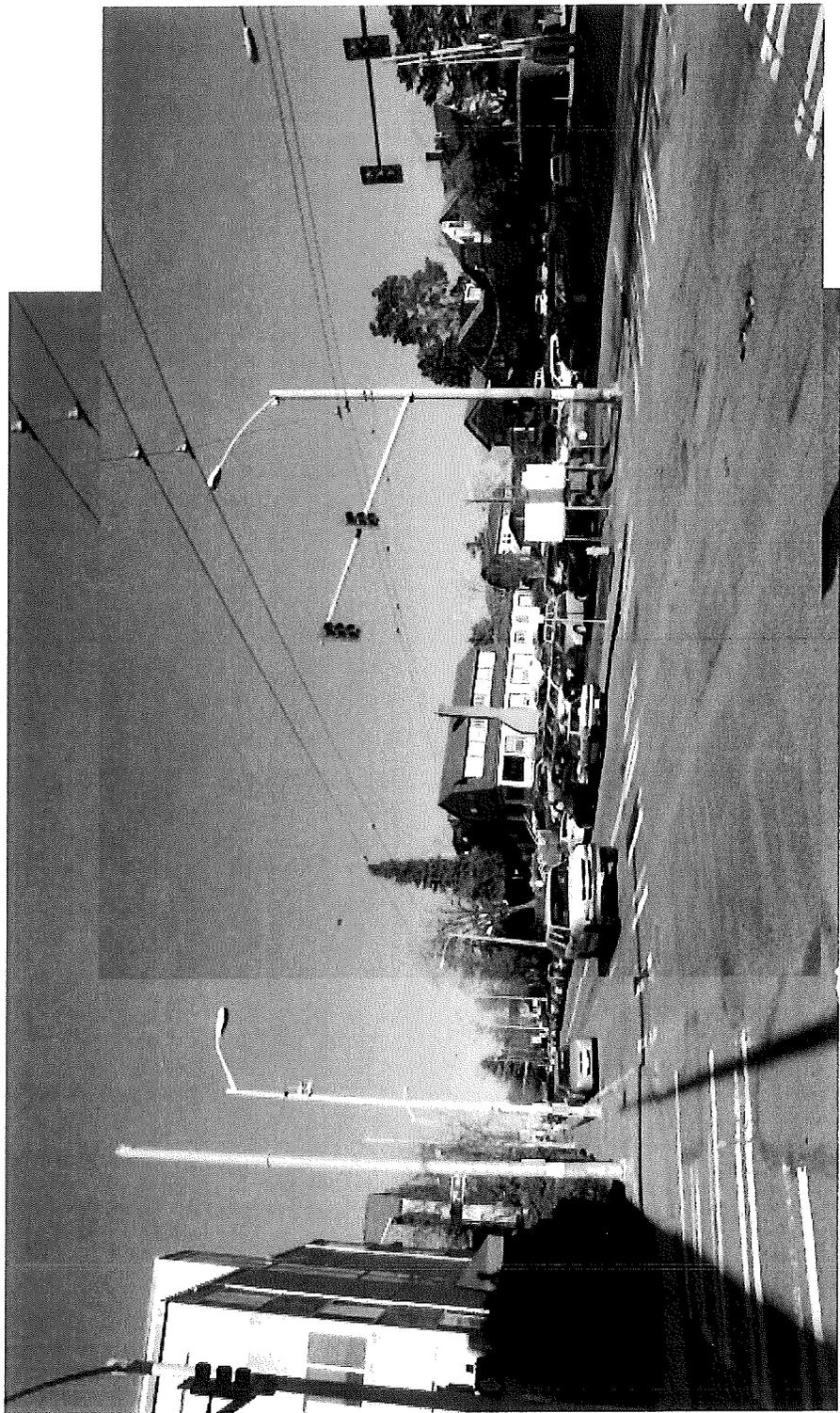
E. View NW, 15<sup>th</sup> Ave NE from 4714



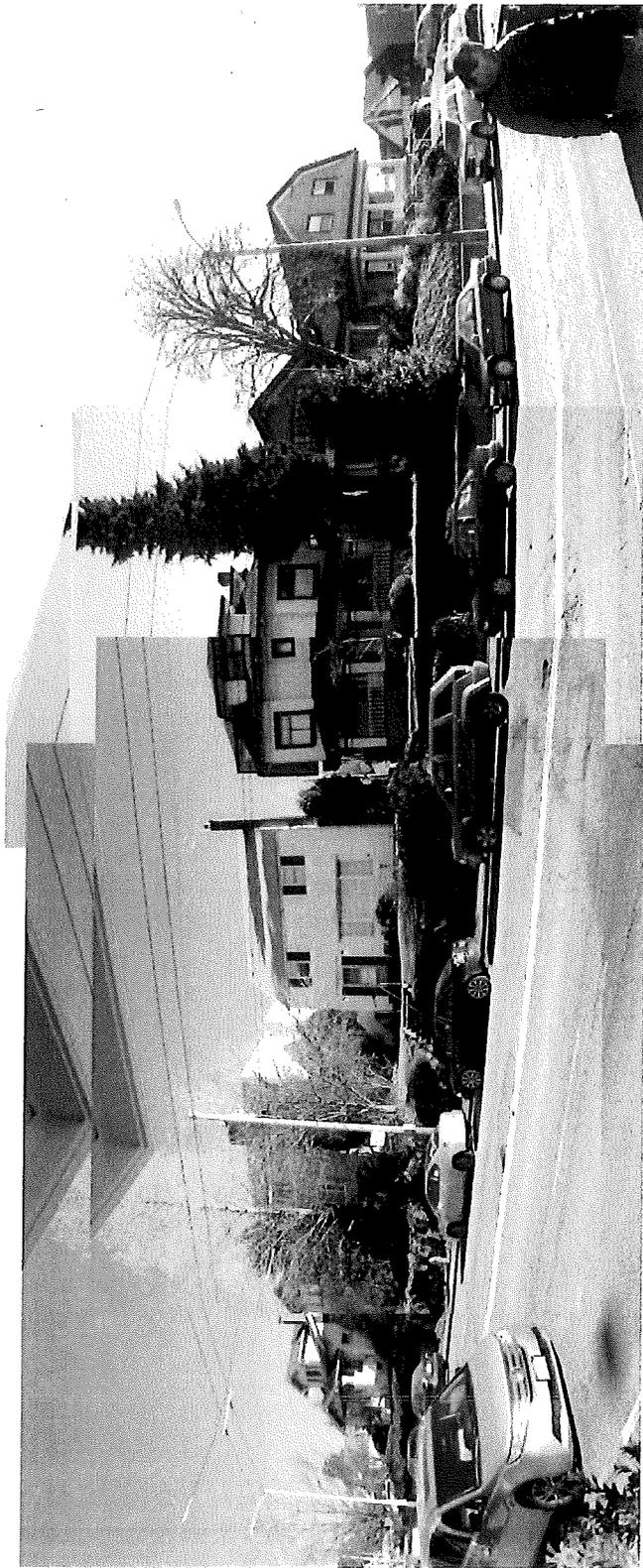
# F. View north, from UPC



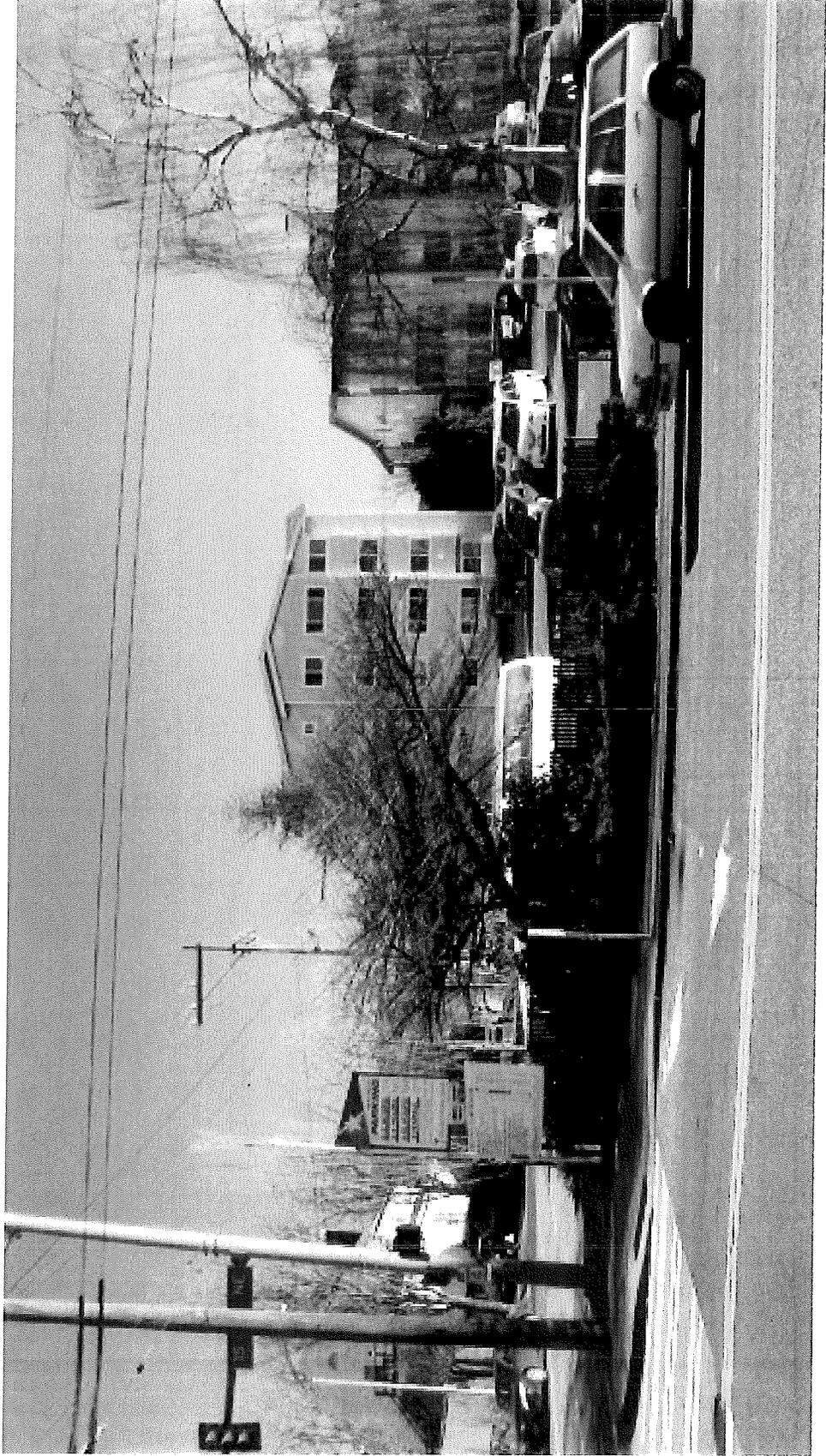
G. View NE, NE 47 St. & 15<sup>th</sup> NE Ave



H. View east, 15<sup>th</sup> Ave NE from 4719



# I. View west, from UCC





# UNIVERSITY DISTRICT ECUMENICAL CAMPUS Coalition

## Fact Sheet

**Program:** The proposed Ecumenical Campus is a neighborhood development project providing:

- Homes for multiple faith communities, worshiping separately and together
- Homes for the numerous human-service organizations they support as outreach ministries
- Nearby development sites to provide hundreds of housing units for populations in need
- A variety of public community resources, including a neighborhood park, excellent facilities for civic and cultural events, and a vital environment for owner-operated, neighborhood-based merchants and service providers.

### Partner Organizations:

- University Christian Church
- University Lutheran Church
- University Temple United Methodist Church
- University Baptist Church
- Christ Episcopal Church
- Cooperating Ministries in Higher Education (ecumenical campus ministry program, presently located at Covenant House)
- (Additional neighborhood churches and campus ministry programs continue to consider participation)

### Schedule:

- |                          |               |
|--------------------------|---------------|
| • Concept Development:   | 02/04 – 06/07 |
| • Feasibility Study:     | 06/07 – 06/08 |
| • Commitment Phase:      | 06/08 – 12/08 |
| • Preconstruction Phase: | 01/09 – 09/10 |
| • Construction Phase:    | 09/10 – 04/12 |

**Location:** The Ecumenical Campus will be located in Seattle's University District neighborhood. The partner churches have shared this neighborhood for a century, and are committed to actively participating in the life of this vital urban center. The site presently under consideration occupies the block bounded by University Way NE, 15th Avenue NE, 42nd and 43rd Streets. This location is central to the University District, adjacent to the central campus of the University of Washington, and served by excellent transit connections. It is also the location of University Temple's beautiful 1927 Gothic Revival sanctuary building, to be preserved and fully restored as one element of the project.

### For further information:

Clint Pehrson, Executive Director  
University District Ecumenical Campus Coalition  
206-621-1298 direct  
206-818-3273 cellular  
[cpehrson@ecumenicalcampus.org](mailto:cpehrson@ecumenicalcampus.org)

City of Seattle Hearing Examiner

EXHIBIT

Appellant   
Respondent  ADMITTED   
Department  DENIED

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FILE #MUP-10-022(W), CF 309434



## Woven Together

The challenges are common and complex:

1. Land-rich and cash-poor urban churches seeking a new way to be Church in the 21<sup>st</sup> Century.
2. Aging church facilities, in need of everything from seismic upgrades, hazmat mitigation and accessibility improvements to new roofs, boilers and plumbing.
3. An evolving church comprised of separate denominations that have spent the past 50 years working nationally and internationally to knit itself back together through ecumenism.
4. A "university ghetto" neighborhood in need of public open space and commercial renewal.
5. Human service needs (and development pressure) in a neighborhood with high land values.

This project draws together several worshiping communities (of different denominations) into a single urban development project in which they can gather separately and together in a variety of sacred spaces, while at the same time sharing most functions in common; a single community of believers. Located at the heart of the urban neighborhood these churches share, it places them in the midst of the greatest concentrations of people. Through this model, they will realize tremendous efficiencies, and create a meaningful expression of unity.

The churches included in this project share the "University District" in Seattle, the vibrant mixed-use neighborhood adjacent to the University of Washington. Lutheran, United Methodist, Disciples of Christ, Episcopal, United Church of Christ, American Baptist, Quaker and Christian Science churches have shared this neighborhood for a century. Since February of 2004, these churches have conducted a rigorous investigation into the merits of co-location. At present, six institutions have formed a new nonprofit corporation and are conducting a detailed feasibility study. Others remain possible participants.

Through a rigorous discernment process, the churches have determined that they share the following goals:

1. Leverage tens of millions of dollars worth of real estate equity into a new reality for themselves, shedding poorly-located and aging buildings that were built in a different time to meet a very different set of needs, and replacing them with an economically and environmentally-sustainable facility that can be a model to urban churches throughout the country.
2. Provide individuated sacred spaces for faith communities which will remain separate corporate entities, worshiping according to the unique traditions they embrace.
3. Share everything else as a larger community of believers, including church administration, fellowship facilities, education facilities, building infrastructure and parking.
4. Provide facilities for ecumenical campus ministry programs.
5. Coordinate the services of several social service agencies (presently dispersed in church buildings throughout the neighborhood) into a single service center.
6. Configure all assembly and support facilities to work well for secular events as well, so that the entire facility becomes a nexus for academic, civic and cultural events throughout the week.
7. Integrate the institutional functions into a larger development that includes commercial space and other uses, helping to capitalize the development, integrating it into an enlivened street environment, and further enriching the vitality of the neighborhood.
8. Provide badly-needed public open space for the use of the surrounding community.
9. Make existing church properties available to low-income housing providers, to create hundreds of housing units dispersed throughout the neighborhood.



## History and Context

Seattle's University District is a neighborhood in transition. Seattle, like many western cities, is experiencing tremendous growth, and the U. District is one of 3 "regional growth centers" targeted to receive the lion's share of new homes and jobs, along with Downtown Seattle to the south and the Northgate neighborhood to the north. The University District is a complete urban neighborhood, with a large academic institution (the University of Washington), an active commercial center, recreational, dining and cultural opportunities, and great transit connections. The neighborhood is targeted to receive much higher concentrations of housing and jobs during the next 20 years. Comprehensive regional planning dictates that this will be brought about through zoning changes, transportation planning, and other changes in land-use policy. Most of the regulatory foundation for these changes has been laid during the past 10 years, and the results are now being felt. Land values are rising quickly, and pressure is increasing for existing property owners to make their property available for higher density redevelopment.

Abiding within this context is a community of churches that have shared the University District for a century. These are "metropolitan congregations," urban churches that draw their members from the surrounding city and region. For several decades, these faith communities have collaborated on a broad range of services vital to the community, including a food bank, emergency shelter, feeding programs for street youth, a hygiene center for homeless populations, and a number of other services. They have also jointly operated an ecumenical campus ministry program, housed in its own stand-alone facility near the University campus.

In recent years, these churches have been transforming themselves into a closely affiliated cross-polity group known as the "Ecumenical Parish." This collective is the local expression of a growing ecumenical movement among many of the denominations of the Christian church. Ecumenism is their response to the disunity which has characterized so much of the Church's history. The Ecumenical Parish has created a strong bond between the University District churches, manifestations of which now include joint worship services throughout the church year, "pulpit exchanges" wherein clergy exchange preaching duties in each other's congregations, and large fellowship events, known as "ultimate potlucks."

It was at the first Ultimate Potluck, nearly four years ago, that a new idea began to emerge. Several of these worshipping communities were dealing simultaneously with the realities of aging facilities and rapidly rising property values. Like most churches, their sanctuaries, classrooms and other assembly spaces were only sporadically used during most of the week. Challenged to find the means to stay ahead of the demands of church buildings dating back to the First World War, they together arrived at the realization that they had over \$40 million worth of commercial real estate laying fallow beneath their facilities, almost entirely debt-free. To leave this equity untapped was poor stewardship of their resources, at a time when their very progressive goals for service, mission and ministry were growing more ambitious than ever.

This inclusive process has involved market analysis, conceptual design, and creation of a detailed development pro forma. There have been extensive consultations with the local business community, neighborhood leaders and elected officials, leading to the development of a conceptual plan for a 662,000 sf urban development. The University District Ecumenical Campus Coalition has been formed as a nonprofit tax-exempt corporation to conduct a detailed feasibility study, with study completion anticipated in mid-2008.



## Top Ten Goals and Strategies

1. **Expand support for broad range of social service agencies**  
Currently, numerous agencies are housed in found and borrowed space, many in church basements, scattered around the University District.
  - Better/larger facilities for existing agencies
  - Opportunities for expansion of churches' social justice ministries
  - Better coordination of (and integration of) services between agencies
  - Greater prominence in the community
  - Addresses goals of Ten Year Plan to End Homelessness
2. **Create new opportunities for hundreds of low-income housing units**  
Currently, the University District is a designated Regional Growth Center, yet has almost no facilities provided by low-income housing agencies.
  - Coordinated strategy for rapid land acquisition by housing providers
  - Existing church sites can be locations for several low-income housing projects
  - Comprehensive urban-planning approach to housing disadvantaged populations
  - Close proximity to social service providers
  - Excellent community integration, with range of transportation options
3. **Provide a true "Commons" to serve as the focal point of community life in the neighborhood**  
Currently, neighborhoods tend to enable "immunity from community," wherein we become increasingly isolated from each other. Few places exist where we can be community at little or no cost; leisure has been perverted into consumption.
  - A place for the vital, informal public life of the community
  - Generous public open space to be shared with the whole community
  - A variety of assembly spaces programmed with academic, civic & cultural events
  - Inclusive, mixed income, multi-generational, ease of association
  - Community-based, locally-owned, owner-operated businesses
4. **Replace or renovate severely outdated facilities for several institutions**  
Currently, partner congregations are housed in aging single-use facilities with significant infrastructure problems. Challenges include seismic deficiencies, inadequate fire and life-safety systems, inaccessibility for disabled persons, and aging building systems.
  - Right-sized, flexible and adaptable
  - Well-suited for current & future needs
  - Historic preservation and restoration
  - Modern systems & technologies (plumbing, electrical, data, environmental)
  - Low-maintenance, contemporary finishes
5. **Achieve greater environmental sustainability**  
Currently, multiple single-use facilities on large, low-density sites, dispersed throughout a Regional Growth Center with high land values
  - Reduce duplication by replacing redundant facilities with a single, shared facility
  - Replace aging, inefficient facilities with new, highly-sustainable construction
  - Achieve higher-density development on several acres of under-developed land
  - Locate high-traffic assembly facilities near multiple transportation options
  - New construction with environmentally-sustainable materials and technologies



**6. Achieve greater economic sustainability**

Currently, several worshipping communities struggle to operate and maintain aging single-use facilities designed to serve larger congregations in an earlier time when land was cheap and volunteers were abundant.

- A new national model for land-rich and cash-poor urban churches
- Reduce redundancies and achieve operational synergies by sharing
- "Integrated multiple-use" rather than "isolated single-use"
- Better use of resources through professional property management
- Produces net annual revenue for expansion of social service ministries

**7. Respond to regional growth management agenda**

Currently, multiple church facilities are scattered over a wide area, often at inconvenient distances from alternative transportation modes, resulting in heavy use of single-occupant vehicles. Rather than being "neighborhood parishes," these "metropolitan congregations" draw from metro area, resulting in many vehicle trips.

- Concentrate higher-density development to achieve more efficient land use
- Locate high-traffic assembly uses adjacent to multi-mode transit
- Provide sufficient off-street parking
- Spread uses over more hours of the day and more days of the week
- Contribute to the appeal of an important Regional Growth Center

**8. Contribute to greater neighborhood vitality**

Currently, the University District neighborhood is challenged to overcome decades of inertia and accommodate rapid growth in housing and jobs. Concurrent expansion of University of Washington facilities into the neighborhood further complicates these challenges.

- Make innovative contributions to a gracious and lively pedestrian environment
- Mix institutional uses with commercial and residential for a rich urban experience
- Increase merchant activity with appealing storefront spaces
- Introduce church members into the neighborhood mix on Sunday mornings
- Extend activity into the evenings and weekends, beyond normal business hours

**9. Connect University of Washington students, faculty and staff with the surrounding community**

Currently, there is a palpable separation "between town and gown," between the UW central campus and the adjacent urban neighborhood. This disconnect results in lost opportunities for each community to enrich the other.

- Provide facilities for UW cultural and academic programming in the community
- Churches provide an institutional "bridge" linking communities
- Civic activities create opportunities for students to develop civic consciousness
- Students and staff make an important contribution to the diverse community
- Provide valuable social services opportunities for university students

**10. Model Christian unity to the community and the larger world**

Currently, the Christian Church is fragmented and challenged to act effectively as a consequence of its divisions. Locally, nationally and internationally, an ecumenical movement toward greater unity is succeeding in overcoming these divisions.

- Sustain denominational traditions, but don't let them be points of division
- Multiple sacred spaces for worshipping separately and together
- Shared facilities for fellowship, education, administration, building infrastructure
- Ecumenical campus ministry to serve the neighboring U.W. community
- A new, ecumenical future, with shared mission, ministry and community

AN APPLICATION FOR REZONE OF BOTH SIDES OF 15<sup>TH</sup> NE BETWEEN 47<sup>TH</sup> AND 50<sup>TH</sup>  
FROM L-3 TO NC-3

BACKGROUND:

The University District Ecumenical Campus is, by now, a concept well known to leaders of both the City of Seattle and University District. Reaction has been enthusiastic.

Attached is a paper entitled "Woven Together" which summarizes the project.

University Christian Church (UCC) is part of UDECC (University District Campus Coalition) bent on bringing the Ecumenical Campus to reality.

This rezone request is an extension of the concepts and rationale embodied in the Ecumenical Campus project and ultimately integral to it's funding.

For seventeen years UCC has operated two properties on 15<sup>th</sup> NE just south of 50<sup>th</sup> as subsidized housing for low income University of Washington students. (See attached picture) Considering their usage, these properties are exempt from taxation. Nineteen students are served. That is not enough to meet need. By redeveloping these properties (including what is now a 67 car parking lot) we have the opportunity to significantly expand capacity into new facilities providing both low and moderate income housing.

The "Woven Together" paper mentioned above is the second version. Initially it supported "affordable housing" by subsidizing with revenues from the campus project. It did not provide any new units. That triggered UCC to start filling the void. Momentum from our efforts to garner community support for rezone, has grown to the point that the "Woven Together" paper has been modified to include a goal (# 9) of "making existing church properties available to low-income housing providers, to create hundreds of housing units dispersed throughout the neighborhood." UDECC is now coordinating a strategy for rapid land acquisition by housing providers. Several University District churches are considering joining UCC in making property available for that purpose.

Bruce Lorig and Associates are advisors to UDECC's feasibility study of the Ecumenical Campus project. They are the developers of University of Washington student housing. On our behalf Lorig contacted the University and report that officials there are enthusiastic about placing student and faculty housing on our parking lot. A modest beginning has mushroomed.

MEETING CITY, KING COUNTY GOALS

Long-term development of these properties for low income housing is a direct response to the "10-Year Plan to End Homelessness" that has been adopted by the City and King County. The other thrust of the 10-Year Plan is better accommodations for (and coordination of) human service organizations which makes it possible for disadvantaged populations to be moved quickly from emergency shelter into long-term housing. Better accommodation of human services is central to the co-location project. By providing sufficient low-income housing, our collective efforts are a direct response to the 10-Year Plan and fully supportive of the City's social service and housing goals.

## NO DEARTH OF POTENTIAL DEVELOPERS

Both LIHI (Low Income Housing Institute) and LATCH (Lutheran Alliance to Create Housing), have expressed significant interest in developing affordable housing on our property, depending on rezone that enables enough units to be financially feasible. Their letters supporting rezone are attached. Lorig is looking to development of our parking lot, again depending on rezone.

## PRESENT ZONING IS A PROBLEM

BUT...present L-3 zoning inhibits achieving housing goals on the scale needed. L-3 limits use of the property to low-rise residential-only, three story development. NC (neighborhood commercial) zoning allows mixed-use development, typically 65 or 85 feet tall in the U District. NC-3 (65) is the predominant zone throughout the University District, extending up to the alley behind U Christian. Extending that zone to encompass both sides of 15<sup>th</sup> is logical - it just adds the block to the same zone that abuts it on the south and west. L-3 zoning allows only 45% lot coverage up to three stories with a density of one unit per 800 square feet.

On the other hand, NC-3 permits 100% use of the lot area and a building 65 feet high with no unit density requirement. However, provision for housing requires set backs which reduce the buildable lot area to about 70%. In addition no housing units can be on the first floor.

Height limitations for NC-3 are either 40 or 65 feet. At 40 feet, the floor you gain over the three story L-3 limit is lost because no housing can be on the first floor. So the zoning advantage gained is basically the difference between 45% and 70% lot coverage. A rough calculation of unit capacity on the site of the two houses presently used for low income student housing, (confirmed as reasonable by an architect) is 12 at L-3, 18 at NC-3 (40 feet) and 30 at NC-3 (65 feet). LATCH questions their interest with a 40 foot limit. They say further that filling the first floor with something commercial is difficult. Sometimes they have to leave it vacant.

Applying the same formula to all of UCC's property on the east side of 15<sup>th</sup> NE, including the parking lot, results in L-3 = 45 units, NC-3 (40 feet) = 72 units, NC-3 (65 feet) = 120 units.

Considering the limitations of L-3 as opposed to the opportunities of NC-3, failure to rezone will likely curb developer enthusiasm to the point of killing a very worthwhile project.

At this stage of the UDECC feasibility study, the extent of property acquisition is unknown. It is possible that there will not be room in the "campus" for all of the service organizations now "penciled in." Some might then move to the UCC parking lot as first floor tenants with University housing above. The Food Bank is an example of a possibility. Housed for many years in University Christian Church, it has outgrown it's space.

Rezone began as an effort of University Christian Church. Formal petitioners now include University Presbyterian Church, Ann Petter and Dr. David Dong, every property owner on the east side of 15<sup>th</sup> NE between 47<sup>th</sup> and 50<sup>th</sup>. This would not be a "spot-zone" benefiting a single property owner. All of us applaud creation of affordable housing in the U District. Ann Petter and Dr. Dong will consider making their properties available to a developer should rezone occur, allowing a much larger footprint than originally planned. University Presbyterian Church has further needs, addressed in separate commentary. Given the potential size of the development footprint, this is a unique opportunity.

## BLENDING INTO THE UNIVERSITY DISTRICT NEIGHBORHOOD PLAN

This proposal is consistent with the University District Neighborhood Plan. The map on page 4 of that plan shows the block in question is to be "Low Rise Multifamily Residential," reflecting our current L-3 zoning. All the same, the entire block to the south of ours, and all the blocks to the west are zoned Neighborhood Commercial. We argue that the properties flanking 15<sup>th</sup> Avenue between 47<sup>th</sup> and 50<sup>th</sup> are part of the core commercial area and should have the same zoning as those in the block between 45<sup>th</sup> and 47<sup>th</sup>. This is particularly true, given the changing nature of the U District, transitioning as one of three designated urban centers targeted to receive the lions share of new homes and jobs as Seattle grows in boom proportions. We maintain that reacting to tremendous growth requires that comprehensive regional planning dictate land-use policy changes that result in rezoning.

As part of preparing this application, we have been in conversation with a broad cross-section of neighborhood leaders, including several members of the U District Chamber of Commerce Board. They are supportive of "affordable" housing in this location and approve rezone for that purpose. Their caveat is that first floor occupants should not be retail competitors to businesses on the Ave.

Certainly the U District churches are supportive. Attached are letters endorsing rezone from an ecumenical community trying to improve the lot of the local disadvantaged population. Also included is an endorsement from the University District Kiwanis Club who has a special interest in UW faculty housing.

## ANOTHER ASPECT OF RE-ZONING

As noted earlier, City leaders are enthusiastic about the plan for a co-location campus. They are drawn to the advantages for the City, which include expanding the tax base, returning previously exempt properties to the real-estate tax rolls, further concentrating housing in a high density transit zone, increasing pedestrian activity (which increases public safety and commercial vitality) to name a few. All of these arguments pertain also to our re-zone application, certainly as respects affordable housing on the east side of 15<sup>th</sup>. But what of the west side?

We have communicated our plans to property owners on the west side of 15<sup>th</sup> N.E., apartment owners except for UCC. Obviously details have not been finalized. Based on current understanding, those owners are neutral.

However exciting the prospect of the co-location project, much work remains before it becomes a reality. University Christian is part of the church coalition that has launched a detailed feasibility study. Should the plans "pencil out," committed congregations will be selling their sanctuaries to satisfy funding requirements. Obviously we wish to maximize sale proceeds to better insure that all advantages cited for the City, the University District and the involved churches actually occur. Speculating on whom a buyer might be is premature...another church, a developer? In any case, re-zone gives us the most options and insures the best price. Those dollars will be passed on to the co-location campus project, whose reality will truly be a win result for all concerned.

Should the co-location project not prove feasible, University Christian would face another set of options that might include redeveloping part of it's sanctuary property, particularly the north of the building which dates to 1915. Speculation this far in advance is fruitless. We cite the possibilities only to cover all aspects of this re-zone request.

Irrespective of the fate of the co-location project, the need for affordable housing in the University District is now! We should not wait.

Thank you for your consideration.

**AN APPLICATION FOR REZONE OF BOTH SIDES OF  
15<sup>TH</sup> AVENUE NE BETWEEN NE 47<sup>TH</sup> AND 50<sup>TH</sup> STREETS FROM L-3 TO NC-3**

**BACKGROUND**

University Presbyterian Church (UPC) has provided community services in the University District for nearly 100 years. The sanctuary and much of its church operations are located in the building located at 4545 15<sup>th</sup> Avenue NE. Growth in the church community, plus vibrant church-related services have caused UPC to continue to expand to the north of NE 47<sup>th</sup> Street to accommodate community need. Of the 12 parcels UPC currently owns on its "North Campus," six are located on 15<sup>th</sup> Avenue NE. UPC has for many years offered below market rental property to university students on two of its properties.

This rezone request is intended to demonstrate UPC's commitment to the concepts and rationale embodied in the Ecumenical Campus project. The requested rezone is ultimately integral to the project's funding. Likewise, it is in UPC's long-term interests to create an environment where it can expand its facilities and support its own vision for service in this community. UPC already has begun a master-planning project along 15<sup>th</sup> Avenue NE, and a change in zoning would allow UPC to consider freeing some of its properties in support of other uses for the community.

UPC is committed to help meet the clear need for low-income housing in the University District. Several past projects have been abandoned due to the economic hardship posed by current L-3 Zoning. The "Woven Together" paper included in the joint filing by University Christian Church (UCC) and UPC states a goal (#9) of "making existing church properties available to low-income housing providers, to create hundreds of housing units dispersed throughout the neighborhood." UDECC (University District Ecumenical Campus Coalition) is now coordinating a strategy for rapid land acquisition by housing providers. UPC is one of several University District churches that are considering joining UCC in making certain property available for that purpose.

Bruce Lorig and Associates are advisors to UDECC's feasibility study of the Ecumenical Campus project and are developers of University of Washington student housing. On behalf of UDECC, Lorig contacted the University of Washington and reported back that officials there are enthusiastic about placing student and faculty housing along 15<sup>th</sup> Avenue NE. Talks between all parties have now begun and it appears that this project is gaining significant momentum.

**MEETING THE GOALS of the CITY of SEATTLE & KING COUNTY**

Long-term development of these properties for low-income housing is a direct response to the "10-Year Plan to End Homelessness" that has been adopted by Seattle and King County. The other thrust of the 10-Year Plan is to provide better accommodations for (and coordination of) human service organizations, which makes it possible for disadvantaged populations to be moved quickly from emergency shelters into long-term housing. Better accommodation of human services is central to the UDECC co-location project. By providing sufficient low-income housing, our collective efforts are a direct response to the 10-Year Plan and fully supportive of Seattle's social service and housing goals.

City of Seattle Hearing Examiner

**EXHIBIT**

Appellant \_\_\_\_\_  
Respondent \_\_\_\_\_ ADMITTED   
Department \_\_\_\_\_ DENIED \_\_\_\_\_

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**FILE #MUP-10-022(W), CF 309434**

## **POTENTIAL DEVELOPERS**

While UPC has not as yet been directly involved in discussions with low-income housing developers, it has closely followed the discussion that UCC has had with LIHI (Low Income Housing Institute) and LATCH (Lutheran Alliance to Create Housing). Each of these nonprofit developers have expressed significant interest in developing affordable housing on the properties along 15<sup>th</sup> Avenue NE, if a rezone occurs that would enable enough units to make the project financially feasible. Letters from these two developers supporting this rezone application are attached to this joint proposal. Lorig and Associates is looking to the development of the UCC parking lot, again depending on a rezone.

## **DIFFICULTIES WITH THE PRESENT ZONING**

Present L-3 zoning inhibits the achievement of housing goals on the scale needed. L-3 limits use of the property to low-rise residential-only, three-story development. NC (neighborhood commercial) zoning allows mixed-use development, typically 65 or 85 feet tall in the University District. NC-3 (65) is the predominant zone throughout the University District, extending up to the alley behind UCC. Extending that zone to encompass both sides of 15<sup>th</sup> is logical - it simply adds the block to the same zone that abuts the block on the south and west.

L-3 zoning allows only 45% lot coverage up to three stories with a density of one unit per 800 square feet. By contrast, NC-3 permits 100% use of the lot area and a building height of 65 feet with no unit density requirement. Under current L-3 zoning, UPC has had to design around a 45% land use causing the initial designs for its North Campus expansion to utilize all six of its lots along 15<sup>th</sup> Avenue NE. Preliminary estimates indicate that a change to NC-3, with its denser land use and increased height, could allow three of those parcels to be used for other purposes, potentially low-income housing. Failure to rezone from L-3 to NC-3 will likely curb developer enthusiasm to the point of foreclosing a very worthwhile project, and eliminate the potential for UPC to provide low-income housing on 15<sup>th</sup> Ave. NE in the future.

While the proposed rezone began as an effort of University Christian Church, University Presbyterian Church has elected to become a formal petitioner along with Ann Petter and Dr. David Dong. These parties are all the property owners on the east side of 15<sup>th</sup> NE between 47<sup>th</sup> and 50<sup>th</sup> streets. This would not be a "spot-zone" benefiting a single property owner. All of the property owners along 15<sup>th</sup> Avenue NE applaud and support the creation of affordable housing in the University District. Ann Petter and Dr. Dong will consider making their properties available to a developer should rezone occur, allowing a much larger footprint than originally planned. Given the potential size of the development footprint and the vital need for low-income housing in Seattle, this unique opportunity should be encouraged.

## **BLENDING INTO THE UNIVERSITY DISTRICT NEIGHBORHOOD PLAN**

This proposal is consistent with the University District Neighborhood Plan. The map on page 4 of that plan shows the block in question is to be "Low Rise Multifamily Residential," reflecting current L-3 zoning. However, the entire block to the south of UCC, and all the blocks to the west are zoned Neighborhood Commercial. UPC supports the argument that the properties flanking 15<sup>th</sup> Avenue NE between 47<sup>th</sup> and 50<sup>th</sup> streets are part of the core commercial area and should have the same zoning as those in the block between 45<sup>th</sup> and 47<sup>th</sup> streets. This is particularly true in light of the changing nature of the University District as one of three designated urban

centers targeted to receive the lion's share of new homes and jobs in Seattle grows in boom proportions. The very substantial growth predicted for Seattle in comprehensive regional planning dictates land-use policy changes favoring this proposed rezone.

In the course of preparing this application, we have been in conversation with a broad cross-section of neighborhood leaders, including several members of the University District Chamber of Commerce Board. They are supportive of affordable housing in this location and approve a rezone for that purpose. Their caveat is that first floor occupants should not be retail competitors to core businesses on the Ave (University Way NE).

Certainly the University District churches are supportive. Included in this proposal are letters endorsing the rezone from an engaged ecumenical community devoted to improving the lives of all disadvantaged people and especially those in our community. Also included is an endorsement from the University District Kiwanis Club which has a special interest in University of Washington faculty housing.

### **THE UDECC CO-LOCATION PROJECT**

As noted earlier, City leaders are enthusiastic about the plan for a co-location campus. They are drawn to the advantages for the City, which include expanding the tax base, returning previously exempt properties to the real-estate tax rolls, further concentrating housing in a high density transit zone, increasing pedestrian activity (which increases public safety and commercial vitality), to name a few. All of these arguments pertain also to our re-zone application, especially with respect to affordable housing on the east side of 15<sup>th</sup>.

However exciting the prospect of the co-location project, much work remains before it becomes a reality. University Presbyterian Church is supportive of this effort, and is considering the appropriate level of support it should provide. While it is not considering a conversion of its sanctuary and existing church buildings, it believes in the merits of the project and the impact it could have on the University District.

Even if the co-location project does not materialize as hoped, the need for affordable housing in the University District will not go away. Delay would exacerbate the problem of homelessness and all the ill effects that result from it. The cooperation of the parties involved in this proposal is unprecedented and as history has shown, it is wise to strike while the iron is hot.

Thank you for your consideration.



City of Seattle

Department of Planning and Development  
Dianne Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3004384  
**Clerk's File Number** 309434  
**Applicant Name:** Gary Huff for University Christian Church  
**Address of Proposal:** 4735 – 15<sup>th</sup> Ave. N.E.

**SUMMARY OF PROPOSED ACTION:**

Council Land Use Action to allow a contract rezone of 15 parcels of land (129,300 sq. ft.) from Lowrise 3 to Neighborhood Commercial 3-65'. The properties are bounded on the east and west by alleys, the north by NE 50<sup>th</sup> St. and on the south by NE 47<sup>th</sup> St. Existing structures on the east side of 15<sup>th</sup> Ave. N.E. to be demolished.

The following approvals are required:

**Rezone** – to rezone 129,300 sq. ft. from L-3 to NC3-65' with conditions to mitigate potential adverse impacts. (Seattle Municipal Code Section 23.34.004)

**SEPA** – Environmental Determination (SMC 25.05)

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS  
[ ] DNS with conditions  
[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The parcels on one block face, a half block on either side of 15<sup>th</sup> Ave. N.E., bounded by N.E. 50<sup>th</sup> St. on the north and by N.E. 47<sup>th</sup> St. on the south are proposed to be rezoned away from L3 (Lowrise Three Multi-family) to a Commercial NC3-65' designation with a 65 foot height limit. Alleys run down the middle of each block separating the areas proposed for rezoning from properties to the east and to the west.

City of Seattle Hearing Examiner

**EXHIBIT**

Appellant \_\_\_\_\_  
Respondent \_\_\_\_\_  
Department \_\_\_\_\_  
ADMITTED   
DENIED \_\_\_\_\_

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The subject area is transitional between the University District commercial area to the west and south west, multi-family zoned and developed areas to the east and single family zoned areas to the northeast. The subject parcels form an extension of L-3 zoning into an area of Neighborhood commercial zoning to the west and south. To the north an area of L-3 zoning continues along 15<sup>th</sup> Ave. N.E.

The commercial and multi-family areas, along with the University of Washington campus, constitute the University District Urban Center in the Seattle Comprehensive Plan. Areas to the northeast, zoned single family, are not part of the Urban Village.



There are many institutional uses in the immediate vicinity. These include: the University of Washington a long block to the south at N.E. 45<sup>th</sup> St.; the University Heights Community Center on a full block across N.E. 50<sup>th</sup> St. to the north; and the University Christian Church, which owns much of the subject property. The University Presbyterian Church is located partially on the subject area and predominantly on property to the south across N.E. 47<sup>th</sup> St. Several other religious institutions are close by. Many fraternity and sorority houses are in the multi-family blocks to the east.

### Public Comment

Fifteen comment letters were received. Four offered support for the proposal including letters from the Lutheran Alliance To Create Housing, the Low Income Housing Institute and the University of Washington Office of Regional Affairs. A letter from the University District Community Council opposed a rezone to 65 feet in height, instead favoring one to 45 feet or redevelopment under the current zone designation. One from a representative of a multi-family building to the east offered multiple arguments against the proposal. Three objected to the proposed change because it might increase traffic and parking congestion and lessen the residential character of the area. Another expressed concern that the existing wood frame structures on some of the site would be demolished resulting in a loss of character and waste of resources. Five requested an extension of the comment period and/or additional information. A letter from the University Park Community Club contained seven individual sections which in addition to expressing concerns over potential height, traffic and parking impacts asked whether this action might increase density in the area beyond the current capacity of public infrastructure to support.

### Contract Rezone

The applicants for this rezone have proposed to change the zone designation of two half block areas on either side of 15<sup>th</sup> Ave. N.E. between N.E. 47<sup>th</sup> St. and N.E. 50<sup>th</sup> St. (see map above) from L3 to NC3-65'. The applicants are proposing this change of zoning now in anticipation of redevelopment at some future date with church facilities on the west side of 15<sup>th</sup> Ave. N.E. and with affordable, multi-family housing on the east side.

## **I. REZONE – ANALYSIS AND RECOMMENDATION OF THE DIRECTOR**

Seattle Municipal Code (SMC) section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighed and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

### **A. General Rezone Criteria**

#### **1. Urban Village or Urban Center Zoned Capacity**

The proposal site is in the University Center Urban Village. SMC 23.34.008A provides: "The zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village."

“For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.”

The proposed rezone to a NC zone with a 65 foot height limit would permit higher density of residential development than would be permitted under the existing L3 zoning. While a neighborhood commercial zone could be entirely in commercial use, the much more prevalent pattern of development in this area is mixed-use commercial and residential with residential uses above a commercial base at densities in excess of the capacity achievable with L3 zoning.

Therefore, the capacity for residential density would be increased in the urban village by the proposed rezone.

## 2. Match between Zone Criteria and Area Characteristics

Subsection SMC 23.34.008.B states as follows: “The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.” In this instance, the subject parcel is currently zoned L-3 and the proposed zone change is to NC3-65’ and it is the function and locational criteria for the current L-3 zone and for the proposed NC3 zone that are the focus of this analysis. In addition, consideration is given to the NC2-65’ designation. These criteria are stated in SMC 23.34.020, .072, .076 and .078.

The function and locational criteria for NC2 and NC3 zones designations are found in SMC 23.34.076 and .078. They are very similar. Both emphasize pedestrian oriented shopping with buildings along property lines. Differences arise in two areas important in this instance.

An NC2 zone would be located in an area with a “lack of strong edges to buffer the residential area” (SMC 23.34.076.B.3). An NC3 zone would be located in an area “separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas” (SMC 23.34.078.B.3). The areas proposed for rezoning on the east side of 15<sup>th</sup> Ave. N.E. fit the NC2 situation better being separated from areas of L3 zoning by only an alley. Areas on the west side of 15<sup>th</sup> Ave. N.E. fit the NC3 situation better being contiguous with the NC3 zoned University District commercial area and being separated from the L3 zoned areas by the area on the east side of 15<sup>th</sup> Ave. N.E. which is also a part of this rezone petition. Application of these two criteria would indicate 15<sup>th</sup> Ave. N.E. should divide the zone designation with NC3 on the west and NC2 on the east.

The function criteria of NC2 and NC3 are also very similar. NC2 zones are to have a variety of “small to medium sized” businesses where NC3 zones are to have a variety of sizes and types. In fact there are restrictions on the sizes of individual businesses in NC2 zones which do not exist in NC3 zones. Also, NC2 zoned areas are characterized by “an atmosphere attractive to pedestrians” while NC3 zoned areas have “intense pedestrian activity.” Assessment of the character of the proposal areas reveals a shift in character on either side of 15<sup>th</sup> N.E. To the west pedestrian activity is more intense and larger commercial uses are present on larger parcels. To east parcels are smaller, commercial uses less intense, if present at all and pedestrian traffic lighter. These

differences in the function criteria of NC2 and NC3 zones indicate that NC3 zoning should be present to the west of 15<sup>th</sup> Ave. N.E. and NC2 zoning should be present to the east.

The function and locational criteria for L3 zones, found in SMC 23.34.020, are aimed largely at limiting the areas where it can be present. L3 zoned areas should be located so as not to impact less intensely zoned areas either by being adjacent to them or by drawing auto traffic through them. The function of L3 zoned areas is to "provide 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. While the past of the subject site on the east side of 15<sup>th</sup> Ave. N.E. has been of small to medium scale multifamily development these structures are undersized for the current context and redevelopment of both the parking lots and the remaining wood frame structures would more appropriately be done with larger scale structures. The lowrise pattern of moderately sized structures surrounded by yard-like setbacks is of too low a scale to fit with the busy 15<sup>th</sup> N.E. and the very dense University District Urban Center. A neighborhood commercial designation and development pattern is a better fit. This is all the more true of the proposal areas west of 15<sup>th</sup> Ave. N.E. where development already is of a scale consistent with neighborhood commercial zoning and it is even more directly connected to the University District Urban Center.

*23.34.072 Designation of commercial zones.*

*"A. The encroachment of commercial development into residential areas shall be discouraged"*

The proposed rezone would represent a movement of the commercial zone into the existing multi-family area to the east. To characterize this action as an encroachment would be to conclude that it would be a negative move reducing the viability of the multi-family area and creating the opportunity for intrusion of commercial uses. In this instance the proposed rezone area would be an extension of commercial zoning along a very busy arterial, 15<sup>th</sup> Ave. N.E. As can be seen on the map of existing zoning above, the subject area represents a "corner" of Lowrise residential zoning cut into the larger square of the commercial core area. The proposed rezone can be seen as an adjustment to the predominant zoning pattern by including a busy area in the commercial district and not an encroachment into the more quiet residential areas to the east.

*"B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010."*

This consideration is not applicable in the subject instance as the areas being considered are not zoned single family and do not meet the locational criteria for single family zones.

*"C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code."*

These two code sections comprise the single family locational criteria in the Seattle Land Use Code. They do not have application here as a move to or from single family zoning is not

contemplated and the only adjacency to single family zoning is "kitty corner" across N.E. 50<sup>th</sup> St. at the alley right of way along the eastern border of the subject area.

*"D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas."*

The University District commercial area is one of the larger commercial areas in the City. It is a vibrant area of commercial, institutional and residential uses generally adjacent and to the west and northwest of the University of Washington main campus. While a large commercial district, it is concentrated and is not diffuse or sprawling. The commercial area is fairly well defined on the north by N.E. 50<sup>th</sup> St. and on the east by the uses facing onto 15<sup>th</sup> Ave N.E., with the alley on the east being the actual border. The area proposed for rezoning constitutes a small corner of the commercial district and its inclusion would not appreciably add to the total magnitude of that area.

*"E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts."*

The proposed rezone would add commercial area to the existing commercial district and would not create a new business district. The University District is a well established commercial area and the additional segment will have little effect on its long-term viability.

### 3. Zoning History and Precedential Effect

*"Previous and potential zoning changes both in and around the area proposed for rezone are to be considered."*

The subject parcels on both sides of NE 15<sup>th</sup> St. were rezoned from RM (Residential Multifamily Low Density) to RMH (Residential Multifamily High Density) in April of 1969. These designations existed under the Zoning Code of 1957 also know as Title 24. In June of 1982 the designations were again changed, this time to L-3 (Lowrise Three Multifamily) with the implementation of the multifamily portion of the current, Title 23, Seattle Land Use Code.

Zoning of the subject areas has remained multifamily with moderate height and density through both of the last two Seattle zoning codes. While this zoning matched the built form of the area on the east side of N.E. 15<sup>th</sup> St. It does not do so for the large church building and the apartment house on the west side. There is some consistency in that religious institutions are an allowed use in multifamily zones. The lack of change of zoning designation over time does not provide any particular impetuuous to change it now.

4. Neighborhood Plans

SMC 23.34.008.D provides:

- “1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.”*

The proposal site is within the University Community Urban Center. The University Community Plan element of the Seattle Comprehensive Plan (“Neighborhood Plan”) provides in UC-P4: “These goals and policies of the UCUC Neighborhood Plans are not intended to change the policy basis for consideration of rezones proposed after adoption of these goals and policies.”

Figure 1 in the Neighborhood Plan, titled Schematic Map of Residential Neighborhoods designates the subject area as part of low rise multifamily residential area. Figure 1 is referred to in Plan text only in Goal 2 “Vibrant commercial districts serving local needs and offering regional specialties. (See Map on Figure 1 for locations of principal commercial districts.)” There is no indication Figure 1 is intended to give policy direction with regard to rezone decisions.

Policy UC-P1 states: “In pursuit of Comprehensive Plan Policy H12, encourage ground-related housing types in portions of the northern tier, and Ravenna areas of the community.” Figure 1 identifies three areas as “Low Rise Residential Area Emphasizing Ground Related Units (2-3 stories).” The subject areas of this rezone are not within this area.

The University Community Urban Center Neighborhood Plan does not provide direction with regard to this proposed rezone.

5. Zoning Principles

SMC 23.34.008.E, regarding Zoning Principles, calls for consideration of the following issues:

*The impact of more intensive zones on less intensive zones of industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers; if possible. A gradual transition between zoning categories, including height limits, is preferred.*

Location of an NC2, rather than an NC3 one, on the east side of N.E. 15<sup>th</sup> would provide more use transition in that the list of permitted uses would contain fewer commercial uses of an intense, potentially intrusive manner and maximum size limits would apply to individual business establishments. General retail uses, for example, would be allowed up to 25,000 sq. ft. in NC2 and would have no maximum size limit in NC3. A taxi business would be prohibited in NC2 while allowed in an NC3 zone. Similar differences between the two zones exist in many other use categories.

Height limits available in the NC zones, as provided in SMC 23.47A.012 are 30 feet, 40 feet, 65 feet, 85 feet and 125 feet and 160 feet. On the east side of N.E. 15<sup>th</sup> St., where the proposed zone change would be along a 14 foot wide alley, the height limit attached to the new zone designation is an important consideration. A 40 foot height limit would be in the same general scale as the 35 foot high development allowed in an L3 zone.

The applicants request a 65 foot height limit as is found in the commercial district adjacent to the west. On the west side of 15<sup>th</sup> Ave. N.E. this height designation would be the same as those further to the west. East of 15<sup>th</sup> Ave. N.E. a 65 foot height designation would provide for a 30 plus foot height change across on opposite sides of the 14 foot wide alley. In effect, it would be a three story change.

The physical form of new development to be built between 15<sup>th</sup> Ave. N.E. and the alley to the east is unknown at this time. Therefore, it is presumed that development would rise to the full height limit. SMC 23.47A.014.B.3 requires buildings with a residential unit (likely to occur here) to set back from the rear property line across from a residential zone in a stepped pattern. No setback is required up to 13 feet in height, with a 15 foot setback required to a height of 40 feet and a gradual, further tapering above 40 feet at a rate of two feet of additional setback for every 10 feet of additional height. One half of the alley width, in this case seven feet, can be counted in this required setback. From the rear alley property line a 65 foot tall building with at least one residential unit would be required to set back 8 feet from 13 to 40 feet in elevation and to set back 13 feet at 65 feet of elevation. Certain additional features, such as elevator and stairway penthouses, are allowed to exceed the maximum height limits.

A building built to a 65 foot height, at minimum, code-required set back distances would provide a less than adequate transition in height across the alley to the L-3 area to the east. Such a building would provide a nearly mass of building along the long north-south extent of the alley. It would step back at points as it rose in elevation in a "wedding cake" pattern. It would create juxtaposition between zones that which would not transition gradually enough, given its 65 foot height, long length and close proximity to the L-3 areas to the east, to adequately transition between the two areas. A building or buildings with a carefully designed architecture might approach or reach this minimum in areas and still present an adequate sense of transition. Such a building would not have long stretches at a single height and a "wedding cake" setback from the eastern property line. A successful approach to minimizing the appearances of height, bulk and scale across the zone line requires a carefully articulated architectural expression and form with a balance of areas of building and areas of empty space.

In order to insure that the height transition between a proposed NC zone with a 65 foot height across the 14 foot wide alley from an existing area of L-3 zoning and use is adequate it will be recommended that all building elements above 13 feet be set back 30 feet from the east property line of the parcels on the east side of 15<sup>th</sup> Ave. N.E., provided that a Development Standard Departure may be granted by DPD, through the code proscribed, Design Review, process for the particular development proposed, to allow any reductions of this required setback which is found to adequately accomplish a sensitive and appropriate transition of heights across the alley.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers: (a) natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines; (b) freeways, expressways, other major traffic arterials, and railroad tracks; (c) distinct change in street layout and block orientation; (d) open space and green spaces.*

None of the identified features which may serve as buffers between zones are present.

3. *Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E(2) above; (2) platted lot lines.*

The proposed zone changes would be made along platted lot lines and would be bounded on all sides by public rights of way, either streets or alleys.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The proposal site is within a hub urban village and not restricted by this provision to heights of 40 feet or lower.

#### 6. Impact Evaluation

SMC 23.34.008.F, regarding Impact Evaluation, says, "the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings." Following are the factors and service capacities to be examined.

*Factors to be examined include, but are not limited to, the following:*

- a. *Housing, particularly low-income housing*

Approximately 320 feet of the 600 foot long block on the east side of 15<sup>th</sup> N.E. is currently surface parking; a lot for University Christian Church and another for University Presbyterian Church and the remaining 120 feet is developed with older multi-family buildings. Development of the eastern block under a new NC3-65

designation would be expected to greatly increase the amount of housing provided there. Given the proximity to the University, new residential units would likely be intended to serve the student population. Other groups needing moderately priced housing might also be served.

The western half block of this proposed rezone is more intensely developed. Existing sanctuary, office, classroom and meeting areas of the University Christian Church comprise most of this half block area. The remainder is developed with a multi-story apartment building. Development of the half block on the west side of 15<sup>th</sup> Ave. N.E. is already of a character which would be expected to be found in an NC zone. While redevelopment of this western half block area could result in the provision of additional housing, the current level of development causes an expectation that it would not be redeveloped in the foreseeable future.

b. *Public services*

Seattle Public Utilities has indicated that sewer capacity in the area is limited and that at the time of occupancy there might not be adequate capacity available. There are no known limitations on the availability of other municipal services such as police, fire protection or the provision of water and power.

As a designated Urban Center in the Seattle Comprehensive Plan the University District Urban Center is an area identified for substantial new residential growth. Infrastructure improvements, such as light rail service, are slated for the area. Ongoing job growth, particularly at the University of Washington, is expected.

A requirement for accommodating the projected growth in this area will be increasing the capacity of systems transporting sewage. At the time of construction of medium or large multi-family or commercial projects on the subject sites project level SEPA reviews conducted will provide an opportunity for contributions to the area-wide improvement of these systems. Such contributions might include study of the problem and identification of solutions (if they are not identified already at that time) and a proportional contribution to the infrastructure improvement.

Other public services, such as police and fire services, are not expected to be notably taxed by increased development which might result from the proposed change in zoning designations.

c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation*

Fifteenth Ave. N.E. is a busy, four lane arterial generating a good deal of traffic noise. Areas to the west are fairly intensely urban with little pervious surface or habitat areas. Replacement of surface parking areas built prior to modern stormwater quality requirements would be encouraged by the proposed upzone as the development potential of the sites would be increased. Afternoon light to some

on the open spaces on the ground-related structures to the east of the proposal area would be lessened with resulting negative effect upon the usability of those areas and the growth of and, potentially, the health of landscapes within them. There would likely be a period of direct sunlight in these yards each sunlit day as the sun moves from east to west.

*d. Pedestrian safety*

The site is served by existing sidewalks and major, nearby intersections are signalized. Pedestrian traffic in the area is substantial. Redevelopment of the site would be expected to further improve the pedestrian capacity and safety in the area. The proposed rezone would not be expected to negatively impact pedestrian safety.

*e. Manufacturing activity*

There are no manufacturing activities in the immediate area. The proposed zone designation would allow some manufacturing uses to take place on the site; although none are expected to be established. Manufacturing uses have not expanded into commercial areas of the city in general and the University District is not one where they tend to be found currently.

*f. Employment activity*

The proposed project would be expected to have no negative effect on area employment activity. To a small degree the establishment of new commercial space in new buildings created under the NC3 zoning might provide new jobs in the area.

*g. Character of areas recognized for architectural or historic value*

There are no historic landmarks on the proposal sites. The church building and 1920's era apartment on the western parcel are architecturally attractive and could potentially qualify as historic landmarks. These buildings are not proposed for demolition here, unlike the wood frame structures on the eastern parcel. Changing the zone designation of the western parcel from L3 to NC2 65' would not foreclose a redevelopment pattern which preserved historically important structures there. Demolition of these two large structures would require SEPA review and would present the opportunity to consider their potential historic importance.

*h. Shoreline view, public access and recreation*

Not applicable, as no shoreline areas are in the vicinity of the project.

*Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

*a. Street access to the area*

Street access to the area is good from arterial streets and from alleys along each block.

*b. Street capacity in the area*

The capacity of adjacent and surrounding streets is high and there remains sufficient capacity to accommodate demands created by expected mixed-use development of the site. The intersection of N.E. 45<sup>th</sup> St. and 15<sup>th</sup> Ave. N.E. is congested and experiences poor levels of service in the peak hours. Residential users of a redeveloped site would not be expected to commute out of the area in high percentages; instead staying within the University area for employment or educational activities. Routes to the I-5 freeway would be expected to follow N.E. 50<sup>th</sup> St. or Ravenna Blvd. avoiding the busy N.E. 45<sup>th</sup> St. Retail commercial uses would open and close during none peak hour periods and would be expected to draw customers from persons already in the immediate area. Office uses could draw additional traffic. The site is not expected to be developed with office uses as the area is not a preferred office location and development of office uses by other than the University has not happened in recent years.

Alley widths along both the east and west edges of the parcels subject to this rezone proposal are narrower than that called for in the Seattle Street Design Manual. While additional right-of-way setbacks are obtained during individual project reviews, there are exceptions which can be granted in situations where it appears the desired width will not be accomplished due to the pattern of existing development, topography or other reasons as stated in the Land Use Code. To insure that additional right-of-way widths are provided in the areas adjacent to this rezone application it is recommended that a condition require additional right-of-way setbacks and/or dedications shall be provided for each element of redevelopment of the area rezoned.

*c. Transit service*

Good transit service on University Ave. N.E. a block to the west would serve uses, either commercial or residential, established on a commercially designated site. Light rail expansion to the area is planned and expected to take place five to ten years.

*d. Parking capacity*

New development on the site would be expected to provide parking to meet Seattle Land Use Code requirements. The subject sites are within an area mapped in the current Land Use Code to require additional parking for multifamily projects with 2 or more parking (1.5 spaces for each 2 bedroom unit and another .25 per

bedroom for additional bedrooms). Existing on street parking is largely at capacity in the area. Residential parking zones are in place in residential areas and parking is metered in commercial areas. It is expected that redevelopment on the subject sites would provide adequate parking to meet their requirements. Given the higher level of parking required for new multifamily residences in the area it is unlikely new development would exacerbate the existing parking congestion.

e. *Utility and sewer capacity*

With the exception of sewer capacities discussed under "Public Services" above, existing capacities of utility and sewer services, such as water, power, garbage and recycling pickup and gas, in the area can reasonably be expected to accommodate development to be expected under the proposed change in zoning designations.

f. *Shoreline navigation*

Not applicable.

7. Changed Circumstances

*Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.*

In recent years the character of the University District of the University of Washington and of the multi-family residential area to the north have each undergone steady intensification of use and increase in residential population. The University population at the main campus has risen in twenty years from approximately 30,000 students to approximately 36,000 students today. A great deal of new multi-family residential development has taken place, including many six story buildings with apartment units over commercial bases with underground parking. The University has purchased the former Safeco Tower and occupies it as offices. The University has also expanded into the University District, with station at southern end of the University campus and another near Roosevelt Ave. N.E. and N.E. 65<sup>th</sup> St., itself as the prohibition against doing so has been lifted. Traffic has continued to increase in the area. An extension of the Sound Transit light rail system from downtown to the University District has been funded and will be under construction in the immediate future. Bus service and ridership to the area has increased over time and the University continues to offer significantly discounted transit passes to faculty, staff and students. On-going growth is expected to continue in the University District.

The location of the proposal site is on a busy arterial a short distance north of the University of Washington. The context, increasingly urban and busy, indicates a change to Neighborhood Commercial zoning and away from Lowrise Three and ground related housing is appropriate.

8. Overlay Districts

*If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The purpose of the University Community Urban Center Neighborhood Plan overlay, within which the subject site is located, is broad and includes both the existing and proposed zone designations, among others. It does not provide specific direction to the decision here.

9. Critical Areas

*If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

The subject does not contain and is not near an environmentally critical area.

**B. Height Limit Designation**

SMC 23.34.009 provides criteria for analysis of the appropriate height limit for zone designations where height limits are part of the designation (commercial and industrial zones).

*A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

Uses for which there appears to a demand in the University District include institutions, offices, retail sales and residences. The existing L3 zone allows only residential uses. The busy 15<sup>th</sup> Ave. N.E. is not conducive to residential uses a street level. A better approach is to place the residences above the first floor over commercial uses at street level. Of the four uses in demand in the area, it is residential uses which are most in demand. Retail, office and institutions appear to be adequately provided for in the existing situation as new construction in the past twenty years has primarily been residential multifamily and not office or retail uses. A viable form of multifamily building used extensively throughout Seattle takes place in the 65 foot height envelope with five stories of wood frame residential construction over a concrete, one story base and an underground parking garage. The 65 foot height designation appears best suited to the provision of new housing units.

*B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

Topographic elevation rises in the greater University District area from southwest to north east. Elevation rises approximately 12 feet from south to north along the approximately 602 foot length of the subject sites. From west to east the land approximately 20 feet in 262 feet of run. This rise continues for a block and a half to the east and for a longer distance to the north before heading

down towards University Village and Ravenna Creek. From existing and potential structures there are territorial views to the south and west from areas north and east of the proposal site.

The creation of a 65 foot height limit would result in the potential for 25 feet more structure height on the site than is currently allowed. This would result in some view blockage from structures to the northeast of the subject site. No views from public parks, public open spaces, or from view routes as identified in the Seattle SEPA ordinance would be expected to be affected by the proposed change in allowed height.

*C. Height and Scale of the Area.*

- 1. The height limits established by current zoning in the area shall be given consideration.*

To the west and southwest of the subject site current zoning carries a 65 foot height designation. Directly south of the proposal site areas to the To the east and north is L3 zoning with a height limit of 35 feet to the top of a pitched roof and 30 feet to the top of a wall. The current zoning in the area provides the same juxtaposition of height limits contemplated here. The critical determination to be made is where to put the demarking line and what potential conditions to attach to limit the impact of the transition in heights.

- 2. In general, permitted height limits shall 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.*

Existing development on the subject properties consists of large church buildings, some approaching 50 feet in height, and a three and a half story apartment building on the east side of N.E. 15<sup>th</sup> St. On the east side of that street there are large surface parking lots at the north and south ends of the block and seven two and three story wood frame multifamily buildings, residential in character with pitched roofs and horizontal wood siding, each sitting up on sites which are 10 to 12 feet above sidewalk grade. These wooden houses while attractive are somewhat out of context with the existing heavily trafficked street fronted with large church buildings and surface parking lots.

Development on the west side of N.E. 15<sup>th</sup> could be seen as an indication of the area's potential for redevelopment, although any new development in the immediate, commercially zoned area tends to be of a larger scale than that currently found on the site.

Existing development on the east side of the street cannot be said to be a good measure of the potential for development in that area. It appears to be underdeveloped by today's standards for its immediate context. Because development on the east side of N.E. 15<sup>th</sup> St. is not a good measure of the area's overall development potential a change of zone designation to one more closely matching that potential should be considered.

*D. Compatibility with Surrounding Area.*

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*

To the west new development in the University District is commonly at the 65 foot height limit prevalent in that area. To the east boarding houses, fraternities and sororities and other college student related institutions predominate on a scale generally consistent with L3 zoning. Many of these structures in the L3 zoned area are moderately non-conforming to height and lot coverage limitations of the L3 zone, but, they are generally consistent with the bulk and scale limits of the zone.

Moving the zoning boundary eastward as proposed would likely result in a shift in the change in character of the adjacent areas one alley to the east to a line which align with the transition/border from the subject site south to the University of Washington campus.

- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.*

L3 zoning often abuts areas of commercial use and activity, such as that found in NC3-65' zoned areas. L3 zoning provides for medium density multifamily development which is compatible with the commercial development found in NC zones. Therefore it does not need a transition zone between it and NC zones with regard to activity.

Height limits between the two zones are moderated somewhat by the upper level setback provisions of the Seattle Land Use Code. Nevertheless additional height mitigation would ease the transition in height across the 14 foot wide alley. Adequate mitigation to ease transition in height between the proposed rezone and areas to the east could include the following proposed condition.

Development on the subject site on the east side of 15<sup>th</sup> Ave. N.E. which is above 13 feet shall, in addition to observing Seattle Land Use Code development standards in place at the time of application vesting, set back 30 feet from the eastern property line, provided that this setback can be reduced through development standard departures granted through Design Review as part of a Master Use Permit issued for proposed development.

*E. Neighborhood Plans*

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

No adopted neighborhood plan elements provide specific direction regarding the height limits to be placed upon the subject properties.

## **RECOMMENDATION – REZONE**

Analysis of the rezone criteria above leads to the recommendation that the subject parcel be rezoned from L3 to NC2-65' with the condition that development on the subject site on the east side of 15<sup>th</sup> Ave. N.E. which is above forty feet shall, in addition to observing Seattle Land Use Code development standards in place at the time of application vesting, set aback 30 feet from the eastern property line, provided that this setback can be reduced through development standard departures granted through Design Review as part of a Master Use Permit issued for proposed development.

## **II. SEPA REVIEW AND CONDITIONING**

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by this Department. The information in the checklist, plans submitted by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).”

Under certain limitations and circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

### **Short-Term Impacts**

The proposed action to make a change the Seattle Land Use Map is not expected to have any short term adverse environmental impacts.

### Long-Term Impacts

The proposed change in zoning designation from L3 to NC3-65' would allow greater density of development in height, total floor area and potential commercial uses. The most likely development pattern for the subject sites on both sides of N.E 15<sup>th</sup> St. would involve apartment type, multifamily development on the east side and a combination of office, institution (religious facility) and possibly residential apartments on the west side. The potential use with the most intense traffic impacts would likely be offices. The negative environmental impacts likely to result from development of the subject sites under the proposed NC3-65' zone designation would include increased traffic congestion, increased on-street parking congestion, non-protected view blockage, and increased energy and water consumption.

At a regional level, where ongoing growth is expected, it is a growth management objective to direct much of the growth of existing urban areas where infrastructure exists to accommodate it and where transportation capacity can most efficiently be added to accommodate the increased population. Also, in dense urban settings people generally need to travel shorter distances as they can live closer to their places of employment and shopping. Energy used for residential heating is more efficient in a apartment style building with common walls.

The "carbon footprint" per person is, in general, smaller for those living in a dense urban setting. For this reason the City of Seattle has chosen to focus population and job growth in areas identified as Urban Villages of which the University Area Urban Center is a major one.

Zoning changes to allow increased residential and commercial density on the subject sites is an ecologically sound action on a macro scale. At the detailed level, potential environmental impacts of particular development, such as the function of road intersections, the availability of vehicle parking, the use of resources, protection of air quality, pedestrian safety, etc., would be analyzed and conditioned as authorized and necessary during SEPA reviews of individual development project proposals.

### Transportation

Surface streets between the subject site and surrounding destinations including the I-5 freeway and the SR 520 Bridge are congested during peak traffic periods on weekday mornings and afternoons. The proposed change in zone designation would likely result in higher density multifamily and commercial development than would have occurred under the current zoning. Commercial office space, in particular, could create marked increases in peak period traffic in the area. Residential uses generally add auto traffic during peak periods as well, but at less concentrated durations than commercial offices. Currently, it seems likely that redevelopment of the subject site would be with multifamily uses. There does not appear to be demand for new office or retail space. At some future date this situation could change.

In this particular location residential residents would be most likely to live in the area due to a daily need to visit the University of Washington campus. The experience of the University is that students and faculty use personal motor vehicles at a much lower rate than what is the generally observed level. The close proximity of the subject sites to the university campus would tend to moderate the amount of traffic generated during weekday peak periods.

Any proposals to create commercial office uses of more than moderate size would be subject to project level SEPA reviews and could be conditioned or denied based upon policy authority and transportation infrastructure conditions existing at that time.

Transportation impacts of the proposed changes to the Seattle Land Use Maps would be unlikely to cause significant adverse environmental impacts. No SEPA based mitigation appears to be warranted at this time.

### Parking

Parking on streets in the area of the proposal sites is highly congested. The current Seattle Land Use Code provides for a higher ratio of parking for new residential uses in the area. Residential parking zones are currently in place to restrict the use of parking in residential area by persons not living within them. Any new retail uses would be expected to serve persons already in the area for the most part. Commercial offices would be subject to project level SEPA reviews which could make use of SEPA policy authority to require parking mitigation measures.

Negative impacts from the proposed action to parking conditions in the area of the proposal sites are not found to be significant and mitigation measures are not warranted at this time. Individual project reviews at a later date might reach other conclusions.

### Height, Bulk, and Scale

As discussed above in the rezone analysis of appropriate height designations there are, on the parcels east of 15<sup>th</sup> Ave. N.E., some potential disparities in zoned height between proposed zone and existing, adjacent residential zones. The recommended condition to step height based upon distance from the east property line these parcels would be sufficient also to adequately mitigate based upon SEPA policies.

### DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. And EIS is required under RCW 43.21C.030(2)(C).

**RECOMMENDED CONDITIONS – SEPA**

None.

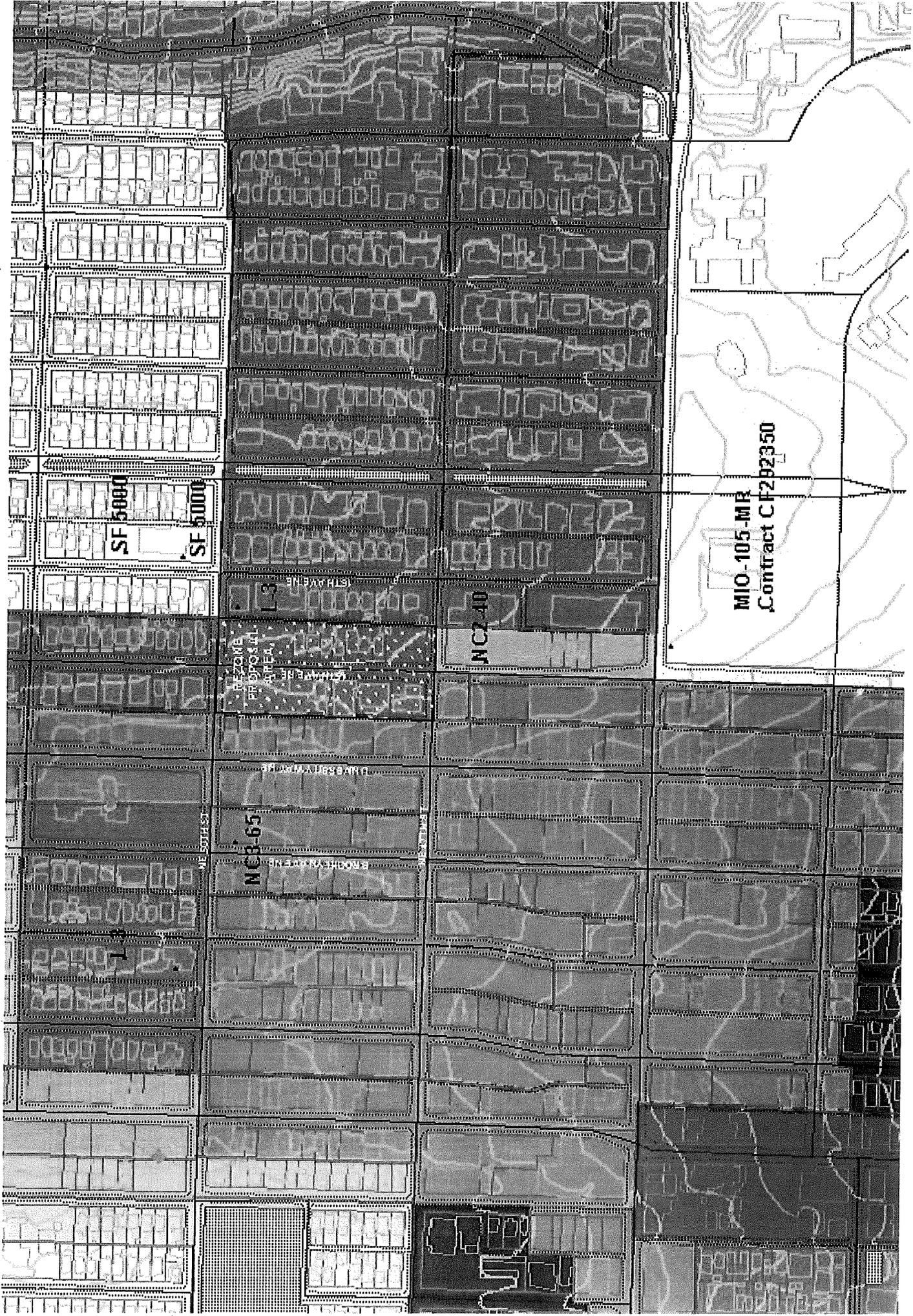
**RECOMMENDED REZONE CONDITIONS**

*For the life of the project:*

1. All building elements above 13 feet be set back 30 feet from the east property line of the parcels on the east side of 15<sup>th</sup> 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 accomplishes 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.

Signature: \_\_\_\_\_ (Signature on File)  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

Date: December 2, 2010



SF 5000

SF 5000

REZONE  
PROPOSAL  
AREA

NC8-65

NC2-10

MIO-105-MR  
Contract CF292350

City of Seattle Hearing Examiner

EXHIBIT

15

Appellant  ADMITTED   
Applicant  DENIED   
Department

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