

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

In the matter of the Petition of	)	C.F. 309434
	)	DPD Project 3004384
The University Christian Church,	)	FINDINGS, CONCLUSIONS AND
University Presbyterian Church,	)	DECISION
and David and Anna Dong	)	
	)	
To rezone approximately	)	
129,300 square feet of land at	)	
4715 to 4735 15 <sup>th</sup> Avenue	)	
Northeast from Lowrise 3	)	
multifamily residential to	)	
Neighborhood Commercial 3	)	
with a 65 foot height limit, and	)	
	)	
The Appeal by	)	
	)	
The University Christian	)	
Church, the University	)	
Presbyterian Church, and the	)	
Seattle Displacement	)	
Coalition and Interfaith	)	
Taskforce on Homelessness	)	
	)	
Of a Recommendation by the	)	
City Hearing Examiner on the	)	
rezone petition.	)	

**Introduction**

This matter involves the petition of the University Christian Church, the University Presbyterian Church and David and Anna Dong (collectively Applicants) to rezone facing half blocks on 15<sup>th</sup> Avenue Northeast between Northeast 50<sup>th</sup> Street and Northeast 47<sup>th</sup> Street in the University Community urban Center from Lowrise 3 (LR 3) multifamily residential to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65).

The Applicants filed a rezone petition in May 2008. On December 2, 2010 the Department of Planning and Development (DPD) issued an affirmative rezone recommendation and State Environmental Policy Act (SEPA) threshold determination of non-significance. The SEPA threshold

determination was appealed by a property owner to the east of the rezone area. The Hearing Examiner held a consolidated hearing on the SEPA appeal and rezone recommendation on March 15, 2011. The record was held open to allow DPD and the Applicants to submit additional information. The Hearing Examiner reopened the hearing on April 14, 2011 for additional questions and public comment. On April 18, 2011 the Hearing Examiner issued a final decision affirming DPD's SEPA threshold determination. The same day the Hearing Examiner recommended that Council deny the proposed rezone. In her denial recommendation the Hearing Examiner noted that if a rezone is approved for the block it should be to Neighborhood Commercial 2 with a 65 foot height limit (NC2 65) and subject to limitations set out in a property use and development agreement. On April 28, 2011 and May 2, 2011 the University Christian Church and the University Presbyterian Church appealed the Hearing Examiner's recommendation to the Council. On May 2, 2011, the Seattle Displacement Coalition and the Interfaith Task Force on Homelessness appealed the Hearing Examiner's alternative recommendation of a rezone to NC2 65 subject to a PUDA. In meetings on August 18 and September 14, 2011, the Committee on the Built Environment heard oral argument on the appeal and made a recommendation to the Council.

### **Findings of Fact**

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated April 18, 2011, with the exception of Finding of Fact 7. The council adopts and the following additional findings of fact:

1. Fifteenth Avenue Northeast is a two-way arterial. It is classified as a principal arterial south of NE 50<sup>th</sup> Street and as a minor arterial north of that. Northeast 50<sup>th</sup> Street is also a principal arterial, and NE 47<sup>th</sup> Street is a collector arterial. Traffic along 15<sup>th</sup> Avenue Northeast has not been studied for the purposes of the rezone request.

2. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.
3. The appellants bears the burden of proof in demonstrating that the Hearing Examiner erred in her recommendation. SMC 23.76.056.A.

**Conclusions**

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Findings and Recommendation of the Hearing Examiner dated April 18, 2011.

**Decision**

The Hearing Examiner's recommendation to deny the rezone is affirmed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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