

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
and University Presbyterian)	DECISION
Church, and David and Anna)	
Dong)	
)	
To rezone approximately)	
129,300 square feet of land at)	
4715 to 4735 15 th 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 Task Force 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 15th Avenue NE between Northeast 50th Street and Northeast 47th 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 (PUDA).

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 to approve the rezone subject to a PUDA. On November 11, 2011, the Dongs withdrew their application, objected to the restrictions in the PUDA, and indicated that they would not execute a PUDA.

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 also adopts the following additional findings of fact:

1. Fifteenth Avenue NE is a two-way arterial. It is classified as a principal arterial south of NE 50th Street and as a minor arterial north of that. Northeast 50th Street is

also a principal arterial, and NE 47th Street is a collector arterial. Traffic along 15th 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 Appellant 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, with the exception of conclusions 5, 6, 8, 9, 10, 14, 26, and 27, which are not adopted. The Council adopts the following additional conclusions:

1. Weighing and balancing the applicable section of Chapter 23.34 SMC together, the most appropriate zone designation for the site is NC2 65, subject to restrictions contained in a PUDA.

Decision

The Hearing Examiner's recommendation to deny the rezone is rejected and the rezone to NC2 65 is hereby **granted**, as shown on Attachment A, for those properties described on Attachment B, contingent upon execution by the owners of the properties of a PUDA containing those rezone conditions set out below. If the PUDA is not executed by an owner, the rezone to NC2 65 would not take effect for that owner's property and the restrictions and conditions set out below would not apply.

The rezone is subject to the following conditions:

1. In the event that Master Use Permit application is made for any parcels east of 15th Avenue NE, the following restrictions shall apply:
 - a. For commercial, mixed use or residential projects, all building elements above 13 feet shall be set back 30 feet from the east property line of parcels on the east side of 15th Avenue NE (Lots 16-30, Block 15, University Park Addition), provided that one-half the width of the abutting alley may be counted as part of the required setback. A development standard departure from the setback may be granted by the Department of Planning and Development through design review, as part of a master use permit, where it is found that any allowed reductions of this required setback adequately accomplish a sensitive and appropriate transition of height bulk and scale across the alley to the east.
 - b. Additional right-of-way setbacks and/or dedications shall be provided, pursuant to the Seattle Street Improvement Manual and the Seattle Municipal Code, for each element of redevelopment of the area rezoned without application of any exemption provisions thereof, including situations where the limited size of new construction would not otherwise require application of the provisions.
 - c. The first new project that is situated in whole or in part on Lots 24 - 30, Block 15, University Park Addition shall be limited to proposals that include primarily residential uses and shall include no fewer than 29 affordable units. “Affordable unit” means a residential unit affordable to those with an annual household income that does not exceed 50% of the annual median family income for the Seattle area, as published from time to time by the US Department of Housing and Urban Development with adjustments according to household size as determined by the Director of the Department of Planning and Development. In the event that more than 145 residential units are proposed to be developed in the first new project that is situated in whole or in part on Lots 24 - 30, Block 15,

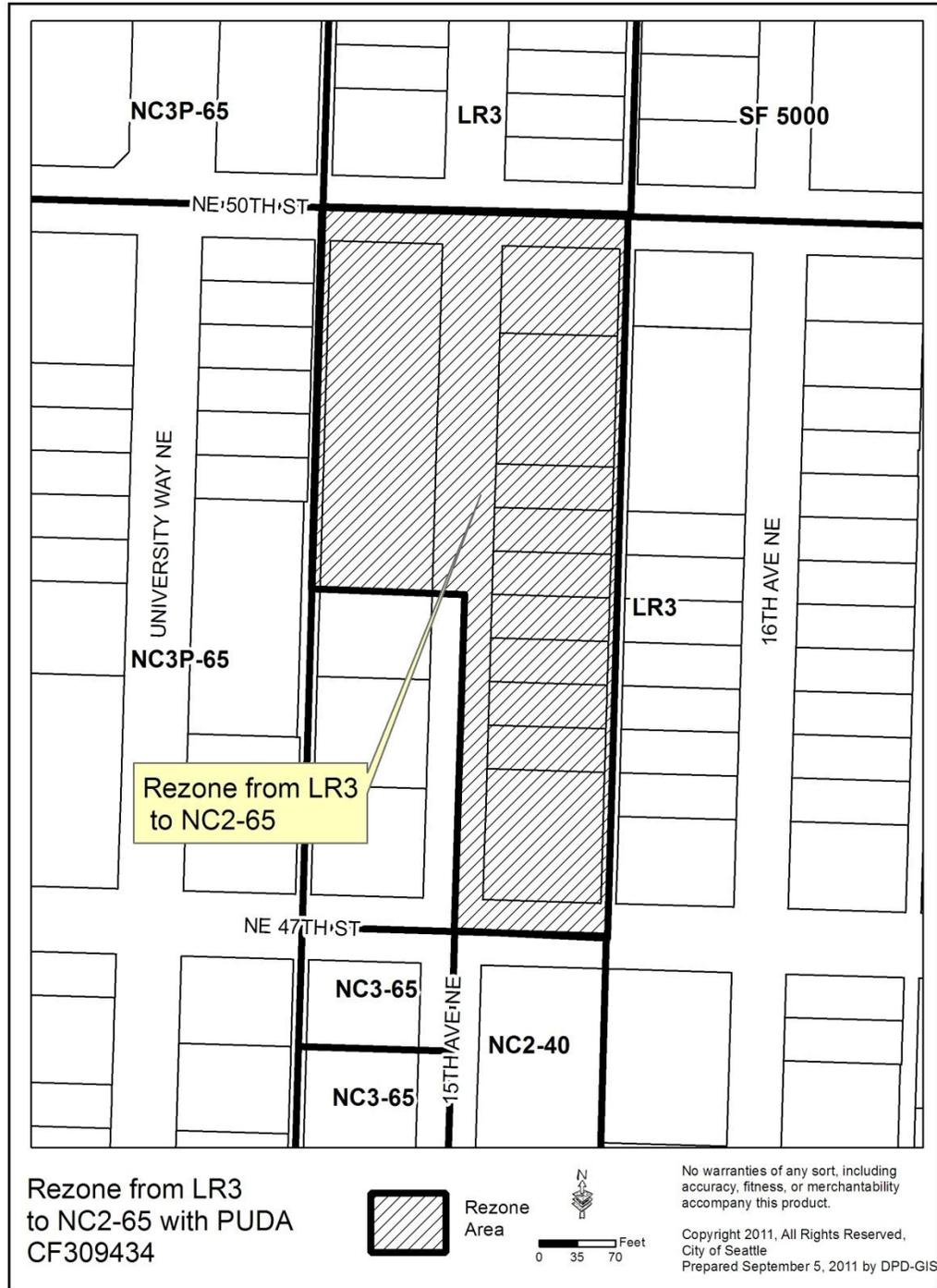
University Park Addition, at least 20 percent of all residential units in that project shall be affordable units. The affordable-unit condition may be satisfied by the first new project on one or more of Lots 24-30 Block 15, University Park Addition, in which case no additional affordable units are required to be developed on the remainder of the lots. As an on-going condition of this Agreement, all affordable units required to be developed by this paragraph c must remain affordable to eligible households.

- d. Street-level commercial uses shall be limited to office space and support services for a religious facility-affiliated entity, or non-profit social or human service organization consistent with the mission of a religious facility-affiliated entity. Nothing shall preclude any such entity or non-profit organization from making limited retail sales of items or materials consistent with its goals and purposes including, without limitation, a religious facility-affiliated bookstore and religious facility-affiliated coffee shop.
- e. The Director of the Department of Planning and Development, as a Type I decision pursuant to Seattle Municipal Code Chapter 23.76, may grant relief from the restrictions of paragraph d on street-level commercial uses where it can be demonstrated that, despite best efforts, an owner has been unable to lease the ground floor commercial areas at reasonable rental rates for a period of nine months. However, with the exception of religious facility-related uses, uses that generally attract night-time crowds, or consistently generate a high demand for on-street parking, are prohibited.

Dated this _____ day of _____, 2012.

City Council President

Attachment A



Attachment B

Property Owned by the University Christian Church	LOTS 1-8, BLOCK 2, UNIVERSITY HEIGHTS ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE 70, IN KING COUNTY, WASHINGTON.
	And
	LOTS 24-30, BLOCK 15, UNIVERSITY PARK ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 13 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON.

Property Owned by the University Presbyterian Church	LOTS 16-22, BLOCK 15, UNIVERSITY PARK ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 13 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON.
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Property Owned by David and Anna Dong	LOT 23, BLOCK 15, UNIVERSITY PARK ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 13 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON.
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CF 309434 - Billbook Table of Contents

The proposal is a quasi-judicial rezone. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication. Council decisions must be made on the record established by the City Hearing Examiner.¹

The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Excerpts from the record are attached. The entire record including audio recordings of the Hearing Examiner's open record hearing are available for review.

Tab A - The Hearing Examiner's recommendation to deny the rezone

Tab B - Appeals of the Hearing Examiner's recommendation by the Applicants and the Seattle Displacement Coalition

Tab C - Responses by the Applicants, Seattle Displacement Coalition and the University Park Community Club

Tab D - Replies by the Applicants and the Seattle Displacement Coalition

Tab E - Selected exhibits from the record

Tab F - Written public comment²

Tab G - Letter from Dong's Withdrawing From the Application

¹ Seattle Municipal Code (S.M.C.) § 23.76.054.E.

² Exhibit 11 and written comment sent to the Hearing Examiner.

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

CITY CLERK

In the Matter of the Application of

CF 309434

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

DPD Reference:
3004384

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

Introduction

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

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

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

Findings of Fact

Site and Vicinity

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

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

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

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

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

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

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

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

Zoning History

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

Neighborhood Plan

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

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

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

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

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

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

Proposal

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

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

Public Comment

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

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

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

Director's Review

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

Applicable Law

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

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

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

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

Neighborhood Plan

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

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

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

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

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

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

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

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

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

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

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

Recommendation

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

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

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

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

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

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

Entered this 18th day of April, 2011.


Sue A. Tanner
Hearing Examiner

CONCERNING FURTHER REVIEW

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

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

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

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

B

Law Offices

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A Professional Service Corporation

1201 Third Avenue, Suite 2900, Seattle, Washington 98101
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Please reply to Seattle Office

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Gary D. Huff
(206) 224-8024
ghuff@karrtuttle.com

April 28, 2011

Seattle City Council
Built Environment Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3
PO Box 97428
Seattle, WA 98124-4728

RE: Appeal of the Recommendation of the Hearing Examiner
In the Matter of the Application of Gary Huff on behalf of University
Christian Church and University Presbyterian Church for approval of a
contract rezone of property located at 4735 15th Avenue NE
CF 309434
DPD Reference: 3004384

Dear City Council:

Please accept this letter as the appeal of University Christian Church and University Presbyterian Church of the Recommendation of the Hearing Examiner in the Matter of the Application of the undersigned on behalf of University Christian Church and University Presbyterian Church for approval of a contract rezone of property located on 15th Avenue NE between 47th and 50th NE.

I. Purpose, Background and Clarifications.

University Christian Church ("UCC") sees this rezone request as an extension of its mission: to house and provide for the underserved elements of our community. It is for this purpose that the subject properties were acquired over time. It is for this purpose that the

houses now existing on the UCC properties are used to provide lodging for low income University of Washington students.

To describe the church's request as establishing commercial zoning is a misnomer. NC zoning is sought not because of any desire or intent to engage in commercial enterprise. NC zoning is a means to an end. It allows sufficient density and lot coverage to make low income housing feasible. As noted in the Examiner's recommendation, other possible zoning designations contain provisions or restrictions which preclude the attainment of that objective.

Similarly, UCC does not intend to construct a market rate housing project with a minimally sufficient low income housing component. UCC intends to dedicate its entire development to the low income and underserved communities.

University Presbyterian Church ("UPC") has no specific plans for its portion of the property except to allow for a future expansion of church-related uses which may or may not include a low income housing component.

II. **Objections to the Hearing Examiner's Recommendation.**

A. Mischaracterization of Applicants' Intended Use. The Examiner characterizes Applicants' intended use as commercial and analyzes commercial zoning against the locational policies of SMC 23.34 and the University Community Plan. As noted above, Applicants' intended uses are not at all "commercial" in the normal meaning of that term. The actual uses are better characterized as low income housing, social services and religious—uses which are hardly "commercial" and which should be encouraged.

In Conclusion 8, the Examiner also mistakenly characterized the proposal as an encroachment of commercial zoning into residential areas. As noted at page 2 of the Director's Recommendation (the "Staff Report"), "The subject area is transitional between the University District commercial area to the west and south west, multi-family zoning and developed areas to the east and single family zoned areas to the Northeast. The subject parcels (currently) form an extension of L-3 zoning *into* an area of Neighborhood commercial zoning to the west and south."

The Staff Report further notes at page 5 that "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." The report notes the heavy traffic along 15th and concludes that "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. Misplaced Reliance on Inapplicable Policies in the University Community Urban Center Neighborhood Plan (Conclusion 14). The church properties are located within the University Community Urban Center—a fact which formed the basis of much of the policy analysis and justification in the Director’s Analysis and Recommendation to the Examiner. The Examiner ignored much of the Department’s analysis and instead concentrated on policies contained in the University Community Urban Center Neighborhood Plan (the “Neighborhood Plan”). However, as noted at page 7 of the Director’s Recommendation, SMC 23.34.008D(2) merely provides that “Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.” “Taken into consideration” is substantially different than “shall control.”

Despite this, the Examiner cites the goals and policies of the University Plan as a basis for recommending against the requested rezone (Conclusion 14). Even the Neighborhood Plan itself at UC-P4 states that “These goals and policies . . . are *not* intended to change the policy basis for consideration or rezones proposed after adoption of these goals and policies.”

The Staff Report notes that Figure 1 (a *schematic* map of residential neighborhoods which generally depicts the east side of 15th Avenue as part of a low rise multifamily residential neighborhood) is the *only* mention of any kind of this area. The Staff Report further states that there is *no* indication of any kind that Figure 1 was intended to give policy direction with regard to rezone decisions.

The staff report concludes its discussion of the Neighborhood Plan: “The University Community Urban Center Neighborhood Plan does not provide direction with respect to the proposed rezone.” Yet a substantial portion of the Examiner’s recommendation is based on language which, as noted by DPD, was not intended to provide policy direction.

- C. Improper Application of Locational Criteria. In Conclusion 10, the Examiner states as follows:

“The site is located on a street with good capacity and a mix of parcel sizes, but it would not meet the NC2 locational criterion of providing a secondary business district in urban centers that extends for approximately 2 blocks. It

would meet the criterion of having a lack of strong edges to buffer the residential area to the east.”

The Examiner thus recognizes that the proposal meets *all but one* of the NC2 locational criteria set forth in SMC 23.34.076B. The exception, according to the Examiner, is the criterion addressing a 2 block secondary business district. The Examiner, however, ignores the introductory language of this code section which provides that “A Neighborhood Commercial 2 zone designation is most appropriate on land that is *generally* characterized by the following conditions . . .” This language explicitly recognizes that strict compliance with each and every criterion is *not* required.

- D. Improper “Weighing and Balancing” of Code Provisions (Conclusion 26). In Conclusion 26, the Examiner states that “Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the site is the existing L3 designation.” However, as is more fully explained above, the L3 side of this “weighing and balancing” exercise inappropriately emphasized policies of the Neighborhood Plan which by their terms were *not* intended to play a role in this determination.

The Examiner’s discussion and balancing also failed to take into account the strong policy emphasis and social benefit attendant to the provision of low income housing. That failure should not be allowed to tip the scales in a way which results in the loss of an opportunity to address a grave and dire social need.

- E. Misstatement in Proposed PUDA Conditions. Should the Council concur in the Applicants’ request, UPC in particular wishes to have one misstatement corrected. Proposed Condition 1(a) appropriately addresses the plans and intentions of UCC regarding the redevelopment of its properties. UPC, however, may or may not decide to include residential uses if and when it redevelops its lots for church-related purposes. Thus, Applicants jointly propose that Condition 1(a) be reworded to provide that “New development *on the UCC properties* on the east side of 15th Avenue NE shall be limited to proposals that include primarily residential uses.

III. Specific Relief Requested.

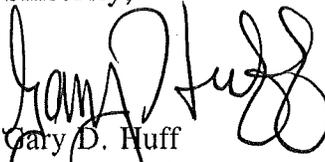
Appellants request that the Council:

- (1) Reject the Examiner’s recommendation of denial; and

- (2) Adopt the Examiner's alternate recommendation to rezone the properties to NC2-65, subject to the PUDA conditions listed in the Examiner's alternative recommendation. UPC specifically requests that the language of Condition 1(a) be amended to clarify that that the condition applies only to UCC properties (as in Condition 1(d) pertaining to the low income housing percentage).

Thank you for your consideration of the request. We believe that the underserved, the churches' mission and the community at large will be benefitted by the implementation of these plans. This rezone is the first critical step in that process.

Sincerely,



Gary D. Huff
Karr Tuttle Campbell

cc: University Christian Church
University Presbyterian Church



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2025 First Avenue, Suite 500
Seattle, WA 98121-3140
Phone: 206.382.9540
Fax: 206.626.0675
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May 2, 2011

Seattle City Council
Built Environment Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3
Seattle, WA 98124-4728

Re: Appeal of the Recommendation of the Hearing Examiner

*In the Matter of the Application of Gary Huff on behalf of University
Christian Church and University Presbyterian Church for approval of a
contract rezone of property located at 4735 15th Avenue NE*

CF : 309434
DPD Ref: 3004384

Dear City Council:

This office represents University Presbyterian Church, one of the property owners and co-applicant for the above-referenced contract rezone. University Presbyterian Church joins in the appeal statement filed by Gary Huff who represented University Presbyterian Church and the University Christian Church before the Hearing Examiner. Specifically, University Presbyterian seeks the same relief requested by Mr. Huff in his appeal statement, urging the City Council to reject the Hearing Examiner's recommendation to deny the requested rezone and instead to adopt the alternative Hearing Examiner recommendation to approve the rezone to NC2-65, provided that the Council modify the proposed language of Condition 1(a) to apply specifically to the University Christian property (as does Condition 1(d)). We further request that Council provide the appellants with the opportunity for oral argument based on the record, as provided in SMC 23.76.054.F.

The Hearing Examiner decision ignores many of the applicable policies and code provisions evaluated in the Director's Recommendation and Report (Director's Report, **Exhibit 13**) that support the rezone to NC2 and, as a result, reaches several erroneous conclusions. We specifically assign error to Conclusions 5, 6, 8, 9, 10, 14, 26, and 27 (as to proposed Condition 1a specifically). We urge the Council to adopt the analysis contained in the Director's Report and, in weighing the various policies and code requirements, to approve the rezone to NC2-65. This will facilitate the important programs of both religious institutions and, specifically, will

provide adequate housing density on the properties to allow University Christian to develop needed low-income housing to serve the residents of this community and to satisfy the housing policies of the University Community Neighborhood Plan. With the proposed contract rezone conditions, this overriding neighborhood plan objective to provide additional housing and, in particular, affordable housing, at a scale that is compatible with the adjacent residential neighborhoods can be achieved. In fact, given the existing uses along the 15th Ave. corridor, as compared to the existing uses along University Avenue, the proposed rezone will likely provide a greater and nearer-term opportunity for redevelopment and provision for affordable housing in this neighborhood than would reliance on redevelopment pursuant to existing L3 zoning. This is one of the over-arching objectives of the University Community Neighborhood Plan. *See* Policies UC-G4, UC-P16.

University Community Neighborhood Plan: We concur in the conclusion contained in the Director's Report, that this neighborhood plan does not provide any specific direction regarding the requested rezone (**Exhibit 13, p. 7**) and with the assertion in Mr. Huff's appeal statement that the UC Community Plan policies are not intended to be directive in evaluating rezone requests. UC-P4. As such, the Hearing Examiner erred in concluding otherwise, by over-emphasizing the low density residential policies, while ignoring the uncontested record information that explains the reason for the requested increased residential density: i.e., to support the economic feasibility of the desired low-income housing envisioned by University Christian Church. **Exhibit 11.**

In particular, the Hearing Examiner's Conclusion 14, that the "site can accommodate quite a bit of growth through redevelopment" with the existing L3 zoning, is not supported by the facts in the record and the analysis provided by the Director's Report that concluded the opposite. **Exhibit 13, p. 5.** Further, as explained in the Director's Report, UC-P1, which supports ground-related housing, does not apply to the area proposed for this rezone. **Exhibit 13, p. 7.** The Hearing Examiner erred in suggesting that it does in Conclusion 14. It is also interesting to note that the neighborhood plan final report identified the area north of 55th for downzoning to address transition to existing single-family residential neighborhoods further north. The proposed rezone is south of 55th, and, therefore, of less concern for impacts and transition to the adjacent low-density residential areas further north. *See, University Community Urban Center Plan Final Report* at p. III-26.

Applicable Code Provisions—NC vs. L3 Criteria: The Hearing Examiner erred in her over-reliance on the L3 zoning criteria without adequate recognition of the applicable NC zoning criteria—especially in the context of the need to provide additional housing density in this area generally, and affordable or low-income housing specifically. As such, the Examiner erred in concluding that the L3 zoning is the "most appropriate," or that L3 zoning is "functionally well."

In particular, L3 criteria are most appropriate for areas where it is desirable to "limit development to infill projects and conversions." SMC 23.34.020.A. Limiting development along 15th, which is well-served by transit and a half block from the neighborhood retail development to infill and conversions, will do little to achieve the increased housing density desired by the comprehensive plan policies and required to make the economics of low income

housing feasible. In contrast, the Director's Report properly recognized that the NC designation was a more appropriate zoning designation to achieve overall comprehensive plan objectives:

While the past of the subject site on the east side of 15th 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 15th 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 15th 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.

Exhibit 13, Director's Report at p. 5.

In addition, the Director's Report correctly recognized that the proposed rezone to NC2 would not create an "encroachment" into an existing residential area, but rather an appropriate "adjustment to the predominant zoning pattern by including a busy area in the [adjacent] commercial district [immediately to the west along University Avenue.]" *Id.* The Hearing Examiner erred in finding otherwise in Conclusion 8.

Council should adopt the Director's analysis and conclusion that NC2 is more appropriate zoning for this area than L3.

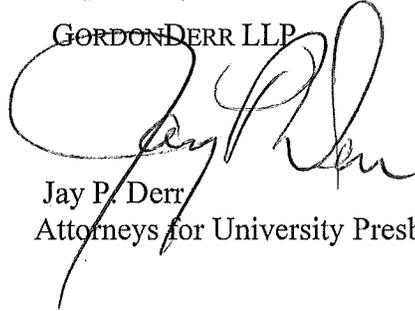
Rezone Condition 1(a): As was stated in the application, University Presbyterian Church does not currently have specific plans for development of its properties within the rezone area. However, it has acquired the property over time for purposes of constructing additional space for worship and fellowship, church administration, social services and, potentially, ministry-partnered commercial activities such as a coffee house or bookstore. While future uses may include some affordable housing, that is not necessarily within University Presbyterian's plans or needs for the site. To impose a "primarily residential" condition on the University Presbyterian Church's ownership could substantially hinder the services and ministries envisioned for that property. In fact, Condition 1(a), as proposed by the Hearing Examiner, was not proposed by the parties during the Hearing Examiner process (*see Exhibit 17*) and would impose a use limitation that does not currently exist with the L3 zoning that is inconsistent with University Presbyterian Church's plans for its ownership. Contract rezone conditions are to be those conditions necessary to mitigate adverse impacts from a proposed rezone. SMC 23.34.004.A. The Hearing Examiner identifies no evidence of adverse impacts that supports imposing this residential use restriction on all parcels within the proposed NC2 rezone.

By revising Condition 1(a) to apply to the University Christian property only, (the same as the limitation found in Condition 1(d), the City can achieve an overall "primarily residential" objective for this corridor, without imposing that restriction on each separate parcel or ownership.

Conclusion: For these reasons, we join Mr. Huff in his appeal and urge the City Council to approve the NC2-65 rezone, subject to the conditions proposed, provided that Condition 1a be revised to limit its application to the University Christian Church properties.

Respectfully submitted,

GORDON DERR LLP

A handwritten signature in black ink, appearing to read "Jay P. Derr", is written over the typed name and firm name.

Jay P. Derr
Attorneys for University Presbyterian Church

e-cc: University Presbyterian Church
Attn: Dale Whitney

Gary Huff,
Attorney for University Christian Church
and University Presbyterian Church

Appeal to the Seattle City Council's Built Environment Committee from the Seattle Displacement Coalition and Interfaith Task Force on Homelessness of portions of the Hearings Examiner Decision on the Contract Rezone Application by University Christian Church CF 309434 (DPD Reference: 3004384 – to rezone the parcels along both sides of 15th Ave NE between NE 47th and NE 50th Streets)

May 2, 2011

City of Seattle
Built Environment Committee
c/o Seattle City Clerk
600 4th Avenue, Floor 3
P.O. Box 94728
Seattle, WA 98124-4728

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Dear Councilmembers,

The Displacement Coalition and Interfaith Task Force on Homelessness hereby submit this appeal of portions of the Hearings Examiners Decision regarding requests by property owners, including University Christian Church and University Presbyterian Church to 'upzone' properties fronting both sides of 15th Avenue NE between NE 47th and NE 50th from an L3 residential classification to the commercial classification NC3-65.

The Seattle Displacement Coalition is a 34 year old low income housing and advocacy nonprofit group here in Seattle with membership directly and indirectly affected by this proposal. The Interfaith Task Force on Homelessness is a ten year old interfaith group established to provide a forum for leaders and members of the faith-based community around the goal of both expanding and preserving our area's low income housing stock. The Task Force also has participants and members who are directly and indirectly affected by this project.

OUR APPEAL:

We are NOT appealing the Hearings Examiner's primary recommendation to DENY OUTRIGHT the requested rezone. However, WE ARE APPEALING the Hearings Examiner's fallback or secondary recommendations outlining conditions she says should be affixed to a rezone in the event the City Council chooses to move forward anyway and approve a rezone. In particular, we are appealing the adequacy of the low income housing mitigation she has recommended as a condition for the rezone.

The Hearings Examiner's proposed housing condition does not go far enough to ensure full replacement of low income and affordable housing both directly and indirectly threatened as a result of any upzone of these properties. As such, her recommended mitigation is inadequate as well as inconsistent with clearly stated and long established goals and policies of the City aimed at preventing displacement.

In this appeal we will cite precedents for such housing mitigation including several areas of the city's land use code, SEPA policies, Comp Plan, and in resolutions and ordinances on the books for years in Seattle. These policies and laws give clear and (in some cases) very explicit guidance to the Council to require more adequate housing mitigation as a condition for a rezone especially when that rezone will cause significant displacement as this proposal will.

First we will show what those impacts are and then cite these precedents and guidance given to the Council under existing laws and policies. And then we will indicate what we believe that specific mitigation should be allowed consistent with the law and within your legally defined authority and legislative mandate.

What the Hearings Examiner did recommend as housing mitigation and our response to it:

Contained in the Hearings Examiners fallback set of recommendations she does call for a PUDA that includes a commitment from one of the property owners – University Christian Church – to replace 1 for 1 all low income housing they would remove on their properties subject to this rezone.

Since the developer – University Christian - will be removing housing for 18 existing low income households for a new development already planned (which is the reason for this rezone), she calls for a PUDA that requires the Church in their new development to include 18 units priced below 50% of median or 20% of the new units at those rent levels, whichever is greater. Parenthetically, University Christian has indicated to our organizations, to DPD and the Hearings Examiner that they are willing to fulfill this replacement obligation.

We are pleased with and strongly support this specific recommendation by the Hearing Examiner and we appreciate the Church's good faith commitment so far in the process to meet this responsibility. This sets a critically important example at a time when much new residential construction (accommodated by the city's interest in rezoning much of our city) threatens a considerable portion of our remaining low income housing stock. It affirms the long running city principle (already embedded in several places of the code and elsewhere in city policy) that developers can move forward with their plans, receive the very lucrative economic and financial rewards that accompany an upzone (which in this case greatly deviates from the current code as affirmed by the Hearings Examiner's decision to deny) while also fulfilling a 1 for 1 replacement requirement at comparable price – thereby reinforcing rather than undercutting the city's stated and longstanding policy goal of no net loss of low income housing.

If the rezone is granted University Christian Church says they will build 200 units of housing on the site they own at the Northeast corner of the block and that it will include at least 18 units serving unrelated low income and minority households. That's the number of low income households now living in two older buildings/homes that will be removed for their new development under the rezone.

But with respect to the Church, it is only an oral commitment right now and only applied to that one property owner. Consequently the replacement obligation absolutely must be affirmed and codified as a 1 for 1 replacement requirement for all property owners and future properties who

might reap the benefits of this rezone; including the site now owned by U-Christian. For example, what if after the rezone, U-Christian's abandons their plan and they instead choose to sell the property now at an inflated value to another party? One for one replacement requirements must be written as an obligation that is carried to the new owners. Given the way the Hearings Examiner drew up her "1 for 1" recommendation, she did not craft it properly to achieve this and it does not apply at all to the rest of the property owners on the affected block.

What the Hearing Examiner left out of her housing mitigation requirement:

Our primary concern is that the Hearings Examiner set a replacement obligation for U-Christian's planned development but she neglected to address THE REMAINDER OF THE BLOCK. For these other properties, she did not impose any conditions at all to mitigate low income housing impacts, both direct and indirect that would accompany redevelopment set in motion by this rezone, nor did she consider the impact of the rezone on low income housing on properties immediately surrounding the rezone especially blocks north of the rezone area.

This contract rezone includes both sides of the entire block along 15th NE between 47th and 50th, U-Christian owns roughly less than 20-30 percent of the affected properties. The remainder is not under University Christian's ownership. These include at least three other low income housing buildings and an estimated 50 low-income and low-moderate income households. Those sites include the Hiatt Apartments at the south end of the block, another four unit apartment directly south of University Christian's properties, and a old large home broken up into separate units that provide housing for approximately 8 working and student households.

Not withstanding University Christian's intentions, an upzone such as this one poses a grave threat to low income housing located on this block not under University Christian's control. Given the additionally allowed density and non-residential uses that could be allowed, the economic balance easily tips toward redevelopment of these properties that could lead to demolition of more low income units on this block.

Of even greater significance, the kind of precedent will be set for other rezone requests especially for blocks along 15th immediately north of the site where hundreds of additional low-income housing units are located in both large group homes and lower density apartment buildings. At present, few of these units are at risk of demolition under current zoning. If that area is rezoned and allowable densities are increased there, the loss of many more affordable rentals is likely. We are thus looking at significant impacts on existing low-income opportunities; that is, housing directly affected in the block to be rezoned and hundreds more indirectly affected.

(We strongly disagree with the Hearings Examiners conclusion that the rezone will not set a precedent that encourages future rezones of blocks directly north of the rezone area. Quite the contrary, the upzone creates a contiguity that otherwise would not exist and allow developers on blocks north of the rezone which now are only residential to argue that contiguity meets a key city criteria for granting rezones. It also would dramatically change the economics of

redeveloping those sites and likely prompt rezone requests, and sales turnover from longer term owners to speculator/developers.)

For these and other reasons, should the Council decide to approve this rezone, it is necessary to build into your approval, a provision explicitly requiring developers to replace 100% of the units they remove and at comparable rent. Note also as we highlight below there now is nothing unusual about doing this or unprecedented were the council to require this, given the long policy history you have where you have already done this.

Without this latter condition, the rezone becomes a recipe for accelerated displacement and loss of low-income housing in the neighborhood and city. It also sets in motion a spillover effect setting the stage for similar upzones immediately north of this block along 15th that could lead to demolition, gentrification, and displacement of existing low-income housing on a much broader scale.

Consequences of this rezone without an adequate 1 for 1 low income housing replacement requirement:

Once this so called "contract" rezone is issued, the developer is free to undertake just about any kind of development that otherwise would be allowed within the NC-65 zone – subject only to minimal requirements outlined by the Hearings Examiner and an inadequate replacement requirement.

Under NC-65, the developers for example could line portions of either side of block with commercial establishments, bars and nightlife establishments totally and completely out of scale and character for that area and completely inconsistent with neighborhood planning and comp plan goals for that area. Those plans and policies call for limiting these uses along University Way and not 15th. (Note that such commercial uses on the ground floor become more likely as conditions such as added setbacks are imposed on the upper floors. Developers will look to recoup profit lost from the upper floors with more intense commercial uses on the lower floors)

Or the developers could turn much of the site over to the University of Washington for offices as well with full frontage facades as they have done elsewhere in the community (such as along Roosevelt). Numerous other options and uses would be allowed that are wholly unacceptable for this area, inconsistent with the community and comp plan and at densities far out of scale with the surrounding community especially in relation to the lower density homes and properties to the east and northeast. The result of this will lead to more displacement and loss of existing low income housing concentrated in the surrounding area.

DPD acknowledges the lower density character of the block subject to this contract rezone but then goes on to say "the lowrise pattern of moderately sized structures surrounded by yard-like setbacks is of too low a scale to fit with the busy 15th N.E. and the very dense University District Urban Center. A neighborhood commercial designation and development pattern is a better fit." Nothing could be further from the truth. This is wholly a distortion of the longstanding character of this area and does not in anyway reflect current trends or community or comp plan goals for this area.

As the U-District Community Council (UDCC) states in its letter to you, "if this is the case, why stop at NC-3 65 zoning 50th Street? Why not just upzone all of the properties along 15th Ave NE north of 50th in the same manner or, for that matter, all of the U-District Urban Center?" Such densities and commercial uses are designated for parts of the strip along University Way but never have they been slated or intended for 15th Ave NE. In fact it likely would set in motion a serious spillover and spread of these denser and intense commercial uses into an area DPD itself acknowledges is predominantly mixed lower scale and residential. Other than church activity on part of that block all activity now on that street is residential running northward block after block.

As stated in the UDCC letter, this move to NC-65 is directly contradictory to longstanding community and comp plan goals aimed at preserving their existing low income and affordable housing. DPD appears to have left out any and all such assessments and acknowledgements – dismissing them in part perhaps because developers seeking this rezone say they plan lower income housing for the site. But again, there's nothing in the contract rezone to guarantee that any social objectives are met other than on U-Christians site which itself can be overridden effectively if they sell their property.

Please note that the DPD decision, in order to suggest the area is more transient and transitional than it really is, does not adequately or accurately describe the type of housing, price of that housing, and nature and income of the residents who live within the rezone area. In fact, there's no analysis at all of the housing that will be lost, or the people who will be displaced and their incomes. The DPD assessment bordered on dismissive in fact of the current residential character of that area saying only that it's "student housing" and made up of "apartments". This is not the case at all as demographics of that area indicate.

Further, a significant percentage – perhaps the majority of the rest of the units located on both sides of 15th NE between NE 47th and NE 50th are occupied, not by students, but by low income and moderate income working people – many of whom also work in the immediate area – and who have incomes well below 50-60 percent of median income. This is certainly true of the Lothlerian Apartments immediately South of the Wayfarer (out building). And this is no less true of the current residential buildings that would be torn down and redeveloped on the east side of the block where there are now approximately 30-40 low income households in several residential building. We personally know this because I've circulated fliers and knocked on most doors on either side of that strip and talked personally with many of the longtime residents who reside there.

The DPD analysis did not acknowledge this low income housing loss in buildings that will be removed (or the indirect and cumulative affect on surrounding blocks) or provide numbers or any assessment of the impact of this loss both direct and indirect on the stock of low income housing in the U-District. Nor did the Hearings Examiner's decision because it did not build into the decision adequate conditions or requirements ensuring that whoever redevelops on either side of the block – in order to receive the benefit of this rezone – replace any of these units at comparable price. There is no 1 for 1 requirement built in as a condition of this rezone to ensure compatibility with any social objective or in order to ensure compatibility with clear

longstanding goals built into public policies, the zoning code and comp plan requiring 1 for 1 replacement of any low income housing that is removed.

Longstanding city precedents for attaching full 1 for 1 and at comparable price:

Lest current councilmembers have doubts about this longstanding commitment, we have attached explicit and extensive documentation showing it is the city's intent to attach housing conditions to future upzones in our city to ensure 1 for 1 replacement and at comparable price. Indeed, our land use code, in more than one place, already includes language prescribing 1-for-1 replacement of low-income housing when major institutions expand, and also when developers seek permits to build above normal zoning constraints in mid-rise and high-rise zones.

In December 2008, the city adopted an incentive zoning program for mid and highrise zones which includes the following language: See **SMC 23.58A.014 Ordinance 122882 D.** *If a rental housing building on a lot contained four or more dwelling units that were occupied and demolished on the site of the new project within 18 months prior to a Master Use Permit application to establish bonus residential floor area on the lot, the amount of low-income housing to be provided under subsection B1 of this Section is increased by the gross square footage of any units within the building that were rented to tenants who received a tenant relocation assistance payment under Chapter 22.210*

In 2006, the Council also approved **Resolution 30939 committing the city to implementation of incentive zoning schemes more broadly with a goal to both preserve and expand affordable housing.** **An excerpt of that resolution reads:** *WHEREAS, ESHB 2984 provides an opportunity to broaden the application of incentive programs throughout the City, both to stimulate additional housing development and to ensure that a portion of it is affordable; and WHEREAS, developers or property owners benefiting from zoning code changes should be asked to participate in creating necessary infrastructure and amenities, including affordable housing, to meet community objectives and create livable communities;*

Further, 1-for-1 requirements are included in many other places in the code and in the comprehensive plan via language indicating the city's intent to apply this condition more generally to preserve our low-income stock. These polices date back decades clearly expressing the council's intent to ensure no net loss of low income units, particularly in discretionary land use decisions involving rezones, changes in major institutional boundaries, etc.

Please see Attachment One (that directly follows this appeal letter and is attached below) which provides a specific list of all language codified in law that the City Council already has adopted indicating clear intent and providing specific guidance especially when granting rezones to require 1 for 1 REPLACEMENT OF LOW INCOME UNITS AND AT COMPARABLE PRICE.

(Also, we do not attach it hear but choose to reference a legal opinion our attorney submitted in the case involving expansion of Children's Hospital highlighting the legality and constitutionality of 1 for 1 replacement requirements AND AT COMPARABLE LOW INCOME RENTS. There should be no debate about whether this is legal given the city's long history of

imposing replacement requirements AT COMPARABLE PRICE. But in case this comes up again please see our legal memo attached and submitted for the record in the Children's case to the Council's Built Environment Committee. We reference it here so we can cite it in this case should legal questions be raised.)

Specific 1 for 1 language we recommend:

We recommend the City Council take the Hearings Examiners 1 for 1 replacement language and apply it to all affected property owners and future property owners on the block. To achieve that, below we are proposing some specific language. It is language drawn from existing precedents and housing mitigation language already adopted by the Council and applied elsewhere under differing conditions but when developers tear down existing low income housing. We present this language as a specific recommendation and call on you to adopt this or similar language that absolutely ensures 100 percent replacement of all housing affected by this rezone and at comparable price.

Most importantly to the Coalition, a requirement must be built into the decision explicitly requiring 100 percent comparable replacement (1 for 1 replacement) of all types of housing that will be lost and especially a requirement that requires developers to replace all units they remove at comparable low income rents serving those at low income levels below 50% of area median or less. Again, there is absolutely nothing unusual for the Council to do this because it's embedded elsewhere in the code and in policies dating back years.

Without this condition, the rezone becomes a recipe for accelerated displacement and loss of low income housing in the neighborhood and city. It sets in motion further redevelopment of the surrounding blocks and indirect displacement of dozens of other low income units as well.

The language we are asking you to support for the contract rezone (DPD Project 3004384): We support insertion of the following requirement as a condition that any developer/owner, current and future, must meet prior to redevelopment within the area subject to the rezone (area running along 15th NE from NE 47th NE to NE 50th and bounded by alleys to E. and W.) The text we use below draws directly from the text contained in other existing city laws as well as state and federal law which we cite in the accompanying attachment:

If a rental housing building on a lot contained four or more households (each with a separate landlord/tenant agreement) or that were occupied by such households and demolished on the site of the new project within two years prior to a Master Use Permit application for redevelopment of that lot, the developer is required to provide an amount of functionally equivalent housing that can serve an equal or greater number of low income tenants who are currently renting in the building (or who were renting in the building at any one time within the two years prior to the Master Use Permit application). A low income tenant means any household earning less than 50 percent of area median. The units shall be "functionally equivalent" when they are comparably priced, affordable to those who were displaced, and conform to the definition contained in Attachment A #2 of HUD Oct 2000 "Relocation Authority for HOPE VI Grants" Rules ([click here](#) and see footnote below). Further, the additional low-income housing is subject to the following requirements:

1. *For the first 50 calendar years of operation, the low-income housing shall be affordable to households with incomes at or below 50 percent of median income as defined by Section 23.84A.025.*

2. *A cash payment in lieu of the additional low-income housing is not permitted.*

3. *The replacement housing required under this provision shall be in addition to any low-income housing a developer is required to provide under any existing or future low income housing bonus or other incentive or zoning programs. They shall be completed, and a certificate of occupancy shall be issued, within three years from the time when a certificate of occupancy is issued for any units or for occupancy of commercial space in the project, except that the Director may extend the time for completion if Director finds that:*

(a) The failure to complete the low-income housing is due to circumstances beyond the applicant's control;

(b) The applicant has been acting and may reasonably be expected to continue to act in good faith and with due diligence; and

(c) The low-income housing will be completed within a reasonable time.

** for purposes of this paragraph, functionally equivalent unit means that it performs the same function, provides the same utility and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principle features must be present. Generally functional equivalency is an objective standard, reflecting the range of purposes for which various physical features of a dwelling unit may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the department may consider reasonable tradeoffs for specific features when the replacement unit is equal or better than the displacement dwelling or when a developer chooses to increase the number of such units in order to serve more low income households than were displaced from the site.*

Summary or our appeal:

In sum, granting this rezone without specific 1 for 1 replacement requirements guarantees developments that will cause accelerated and significant displacement of low income households both on the affected properties and in the immediate area especially north of the rezoned properties along 15th.

We have met with church leaders at University Christian. They agree in principle to 1-for-1 replacement as they increase the stock but it is up to you to codify this and apply it to all properties on the block. This is a unique opportunity with the principle developer and sponsor of this application making such an oral commitment up front. There are thus excellent reasons to codify it and build it in as a condition for this rezone for all properties on the block.

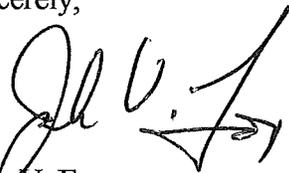
And there is ample documentation we have referenced showing it is the city's intent to attach housing conditions to future upzones in our city. Indeed, our land use code, in more than one place, already includes language prescribing 1-for-1 replacement of low-income housing when

major institutions expand, and also when developers seek permits to build above normal zoning constraints in mid-rise and high-rise zones. Further there is 1-for-1 and or other versions of this requirement included elsewhere in the code and in the comprehensive plan via language indicating the city's intent to apply this condition more generally to preserve our low-income stock. There is nothing unusual for the Council to do this. It even has done so in other cases involving contract rezones (and in PUDA's) such as the High Point Agreement with SHA. (see specific reference listed below with citation)

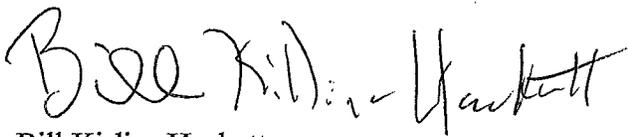
Let's get it done here. The city is moving to increase densities in all our neighborhoods. We can set a precedent here that serves to ensure that when more growth does occur as a result of rezones here and elsewhere, it need not translate into unnecessary housing losses, further displacement and homelessness. Please attach language into this rezone requiring all developers within the affected area to replace 1-for-1 and at comparable price any housing they remove.

Thank you for your consideration and we look forward to your review of this, further opportunity to comment and be a part of your review, and your ultimate decision. We'll look forward to hearing from you.

Sincerely,



John V. Fox
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Seattle, Wa. 98105
206-632-0668
Jvf4119@zipcon.net



Bill Kirlin- Hackett
Interfaith Task Force on Homelessness
3030 Bellevue Way NE
Bellevue Washington 98004
425-442-5418
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Attachment One:

The following is a list of applicable legislation including ordinances and resolutions approved in the last 18 years already in place that affirm clear legal authority to require 1

for 1 or 'comparable replacement' housing including replacement at comparable price and establishing that it is the city's intent to broaden the scope of this authority especially when granting rezones or in other ways when land use changes are approved allowing increased density in our communities

I. List of legislation where 1 for 1 or comparable replacement housing already has been explicitly added by ordinance to the code:

**1. Incentive Zoning in mid-rise and highrise zones
SMC 23.58A.014 Ordinance 122882 Adopted Dec. 2008**

D. If a rental housing building on a lot contained four or more dwelling units that were occupied and demolished on the site of the new project within 18 months prior to a Master Use Permit application to establish bonus residential floor area on the lot, the amount of low-income housing to be provided under subsection B1 of this Section is increased by the gross square footage of any units within the building that were rented to tenants who received a tenant relocation assistance payment under Chapter 22.210

*** Also see resolution passed expressing the city's intent to utilize incentive zoning to ensure replacement of low cost units removed as a result of redevelopment in "multi-family zones throughout the city". Passed Dec 4th 2006 Resolution 30939:**

A RESOLUTION affirming the Council's and Mayor's support for the use of new affordable housing incentive program authority, providing suggested guidelines for expenditure of funds acquired through incentive zoning programs, and requesting reporting by the Department of Planning and Development and the Office of Housing WHEREAS, ESHB 2984 provides an opportunity to broaden the application of incentive programs throughout the City, both to stimulate additional housing development and to ensure that a portion of it is affordable; and WHEREAS, developers or property owners benefiting from zoning code changes should be asked to participate in creating necessary infrastructure and amenities, including affordable housing, to meet community objectives and create livable communities; WHEREAS, the Mayor intends to submit and the Council anticipates considering changes to zone designations and development standards for the Dravus commercial area, South Lake Union, South Downtown, Northgate, and multifamily zones throughout the City

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Affirmation of Support for Use of Incentive Zoning Programs. The Council hereby affirms its support for the use of affordable housing incentive programs in rezones or changes to development standards that increase development potential.

2. Major Institutions Section: SMC 23.24.124 B7 adopted 1994 which reads "Major institutions may not expand their boundaries if the expansion would result in demolition of

residential structures 'unless comparable replacement is proposed to maintain the housing stock of the city.' "

3. Residential Anti-Displacement and Relocation Assistance Plan (September 1998 Ordinance 119163): See especially replacement housing section Section 7 entitled "*One-for-One Replacement of Lower Income Units*", setting 1 for 1 replacement at comparable price requirements in cases where public or private actions involving use of various federal funds causes the loss of existing units.

4. Agreements between the City and University of Washington involving leasing policies (See Section E. 1.b. 1 of Ordinance 121688 Adopted November 29, 2004) which reads:

b. Leasing Policy. The Leasing Policy is as follows:

(1) Permitted Leasing: Notwithstanding any provision of the University of Washington Master Plan and conditions of its approval, the University of Washington may lease any property within the City of Seattle, subject to all of the following:

g) Except as permitted in an adopted master plan, within the , the use of leased space by the University shall neither result in the demolition of a structure(s) that contains a residential use nor change a residential use to a nonresidential use, unless such use is replaced with comparable use within the UDNUCV. Comparable use shall be defined to be the number of units and comparable price to those demolished; and

5. See also ordinances codifying memorandum of agreements between the City of Seattle and Seattle Housing Authority outlining terms and conditions accompanying the City's approval of land use changes for redevelopment of Hight Point (Ord.121164 Attachment 6), Holly Park (Ord's.118687, 121139 Res. 30321; Ord 118605, 119688 and Resolutions 29579, 29578) and Rainier Vista (Ordinance 120562) each requiring SHA to replace 1 for 1 housing that was removed at those sites.

II. Comprehensive Plan language to draw upon when setting 1 for 1 as a condition include these polices dating back decades including: Numerous policies in the Comprehensive Plan reference the need to preserve existing low income opportunities and prevent displacement and gentrification such LU199 "*Major Institutions*" policy as well as H9 and Section 'B' and H10 of Housing Section of Comp Plan. See especially H21 which reads,

"Allow higher residential development densities in moderate density multifamily zones for housing limited to occupancy by low income elderly and disabled households, because of the lower traffic and parking impacts this type of housing generates."

There are numerous other related policies expressing the city's longstanding commitment to preventing gentrification while it promotes growth needed to meet our GMA targets.

III. Language added to the Housing and Community Development Consolidated Plan (See page 3 of the 2011 Update to the 2009-2012 Housing Consolidated Plan Ordinance 123438):

To help address concerns about displacement and the supply of housing that is affordable to Seattle households earning up to 80% of median income, the City's Office of Housing and Council Central Staff will convene an interdepartmental team comprised, at a minimum, of staff from the Office of Housing, Council Central Staff, Human Services Department, City Budget Office and Law Department to consider and develop policy options regarding one-for-one replacement of such housing that is removed as part of public, private or nonprofit development projects. The interdepartmental team will convene in 2011 and provide a report on its findings to the City Council's Housing, Human Services, Health and Culture Committee by no later than August 1, 2011.

Also see page 53 of Update under Rental Housing Objectives which reads:

Promote preservation of affordable housing, and prevent displacement of low-income residents, through purchase and rehabilitation of existing housing.

Also see page 67 of Update which reads:

*Relocation, Displacement, and Real Property Acquisition
Development of affordable rental and homeownership housing should be designed to minimize displacement of households.*

IV. Language added to the Current City Council Work Program for 2011:

"With Council Central Staff, convene an interdepartmental team to consider and develop policy options regarding one-for-one replacement of housing that is removed as part of public, private or nonprofit development projects; report findings to the City Council's Housing, Human Services, Health and Culture Committee by August 1, 2011."

V. The City's 2007 Low Income Housing Inventory Recommendations included a call for 1 for 1 replacement

VI. SMC 25.05.660 Substantive authority and mitigation to deny or condition provides further authority to require inclusion of 1 for 1 replacement and inclusionary zoning pursuant to rezones to mitigate adverse effects. See especially:

SEPA Policies See SMC 25.05.960 Environmental checklist

8. Land Shoreline Use

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.

- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
 - 1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low- income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

SMC 25.05.675 Specific environmental policies

I. Housing.

1. Policy Background. Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and reduction in the supply of housing.

2. Policies.

- a. It is the City's policy to encourage preservation of housing opportunities, especially for low income persons, and to ensure that persons displaced by redevelopment are relocated.
- b. Proponents of projects shall disclose the on-site and off-site impacts of the proposed projects upon housing, with particular attention to low-income housing.

c. Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this housing policy.

d. Housing preservation shall be an important consideration in the development of the City's public projects and programs. The City shall give high priority to limiting demolition of low-income housing in the development of its own facilities.

Comprehensive Plan Policies adopted on July 25, 1994, by Ordinance 117221: SEPA establishes substantive authority to deny or condition to achieve these specific Comp Plan Land Use Goals including the following related to displacement, and loss of low income units

Land Use Section:

LU11 In order to maintain the character of Seattle's neighborhoods and retain existing affordable housing, discourage the demolition of residences and displacement of residents, while supporting redevelopment that enhances its community and furthers the goals of this Plan.

LUG9 Preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residents, in a way that encourages rehabilitation and provides housing opportunities throughout the city. The character of single-family areas includes use, development, and density characteristics.

LUG11 Encourage the development and retention of a diversity of multifamily housing types to meet the diverse needs of Seattle's present and future populations.

LU99 Because low-income elderly and low income disabled persons create lesser impacts than the general population, allow higher maximum density limits in moderate density multifamily zones for housing these populations to reduce costs and provide sufficient density to make the development of such housing feasible.

LU100 includes: Allow high-density residential development in urban centers and hub urban villages. And ...

LU102 Use zoning incentives and other development-related tools to provide for, or preserve, public benefits. Public benefits or other features may include housing affordable to low- and moderate-income households, preservation of historic resources or provision of new public open space.

SMC 25.05.675 Specific environmental policies (and substantive authority for conditioning and denying) to mitigate housing displacement and loss of low income units as contained in land use section

2. Policies.

a. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, and the shoreline goals and policies set forth in section D-4 of the land use element of the Seattle Comprehensive Plan for the area in which the project is located.

b. Subject to the overview policy set forth in SMC Section 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project or to achieve consistency with the applicable City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060 and 23.60.220, respectively, and the environmentally critical areas policies.

C

GORDON DERR LLP

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CITY OF SEATTLE

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CITY CLERK

June 20, 2011

City Clerk
City Hall, Floor 3
City of Seattle
P O Box 94728
Seattle, WA 98124

Re: **Clerk's File 309434: Rezone Petition of Lynn Huff for the University Christian Church and the University Presbyterian Church
DPD Reference No. 3004384**

Dear Councilmembers:

University Presbyterian Church (UPres) and University Christian Church (UCC), through their undersigned counsel, submit the following response to the appeal of the Displacement Coalition. Specifically, UPres and UCC are supportive of PUDA rezone condition language that would require a minimum 1 for 1 replacement of existing housing owned by property owners in the rezone area on the east side of 15th Avenue NE for low income residents, as long as those replacement units can be consolidated and provided in the housing project proposed for the UCC property on the east side of 15th Avenue NE (Parcel Nos. 8823902200, 8823902185, 8823902175 and 8823902180).

UPres and UCC are willing to agree to this low income housing commitment even though most of the existing housing stock on UCC and UPres properties are not recipients of any housing subsidies and are not otherwise subject to income-qualified limitations that are present in most of the examples cited by Displacement Coalition in their appeal. In short, while those other examples do not dictate the outcome requested by Displacement Coalition, UPres and UCC are willing to accept a PUDA rezone condition to impose them voluntarily as a condition of the requested rezone. Recording the PUDA against the properties would adequately ensure enforcement of this replacement requirement and would fully respond to concerns expressed in the Displacement Coalition appeal regarding the lack of commitment to this requirement.

To avoid any confusion regarding the obligation in the future, we further recommend that the condition (and the PUDA) specify the number of replacement dwelling units, based on current assessor's information. UPres and UCC would also accept condition language that specified a "functional equivalent unit" requirement based on the current number of bedrooms in the units being replaced. UPres and UCC do not believe, however, that it is appropriate (or

Clerk's File 309434; DPD Ref. 3004384
Rezone Petition of Lynn Huff for UCC/UPres
Response to Displacement Coalition Appeal

Page 1 of 4

workable) to establish a total number of replacement dwelling units based on a current number of tenants, as inferred by the Displacement Coalition's appeal statement. Numbers of tenants can vary. Individual tenants may or may not choose to share a bedroom. The only effective and objective measure would be to base the replacement requirement on number of existing dwelling units (as of the effective date of the rezone) and the number of bedrooms in those units (to address "functional equivalence"). Based on current assessor information¹, the totals for parcels of the east side of 15th Avenue NE are 18 dwelling units and 39 bedrooms. Further, UCC renews its prior commitment that any development on its lots shall contain a minimum of 20% low income units. Further, it is UCC's goal that all dwelling units in its future project would be dedicated for this purpose, assuming we can obtain the funding to achieve this goal. We hope that this clarifies our support for low income and affordable housing in the University neighborhood.

UPres and UCC would further support condition language regarding what constitutes appropriate replacement housing that matches the Seattle Municipal Code definition of low and moderate income housing. The substantial additional detail and federal funding program references contained in the Displacement Coalition condition request exceed City Code requirements and would impose unnecessary burdens on the affected property owners. As noted above, most of the existing housing units are not subsidized or in any other way subject to the more specific federal program requirements reflected in the proposed Displacement Coalition condition. We ask the Council not to include those additional requirements beyond what is specified in the SMC definition.

UPres and UCC reaffirm the request stated in their original appeals that the alternative HE condition (1)(a) be modified so as not to apply on each individual parcel, but rather to apply either to the rezone area as a whole, or to the UCC properties specifically. This requested change would not interfere with the agreed objective to provide 1 for 1 replacement housing. As currently worded, Alternative Condition (1)(a) imposes a "primarily residential" restriction on each parcel, without regard to whether the existing parcel currently contains any residential uses. As an example, Parcel No. 8823902135 currently contains a parking lot, with no residential uses. UPres has acquired its properties over the years, including Parcel No. 8823902135 for ministry-related activities and not specifically for housing. Imposing a new "primarily residential" restriction on UPres parcels will unnecessarily conflict with UPres intentions for its properties. Such a restriction is not necessary to satisfy the desired low-income replacement requirements. It also is not necessary to address other expressed concerns regarding other potential commercial uses in the rezone area. Alternative condition (1)(b) adequately addresses those commercial use concerns by limiting the commercial uses to those associated with church-affiliated entities and non-profit social and human service organizations, including limited retail uses connected with those programs and organizations.

¹ The Hearing Examiner Decision specifies 18 existing units. Parcel 8823902160 is identified as a 10-unit apartment on Assessor records. However, that unit count included a basement, which has not been rented since UPres acquired the property several years ago. Without the basement, that apartment has 7 rental units, one of which is a two-bedroom. For simplicity, however, UCC and UPres are willing to commit to the 18 unit replacement mentioned in the Hearings Examiner decision.

As described in the rezone request, noted in the DPD recommendation, and affirmed by letters supporting the requested rezone, this zoning change is necessary to support and encourage additional low income and affordable housing in this neighborhood, a priority that has been identified in local plans. UPres and UCC are willing to agree to the 1 for 1 replacement request, as long as that replacement can be provided in a consolidated location. We believe with that commitment, the City Council can and should reverse the Hearing Examiner's recommendation of denial and approve the rezone to NC2-65, based on the findings and analysis contained in the DPD recommendation. We further request that the Council modify the Alternative Conditions of approval contained in the HE decision, as follows:

The City Council approves the rezone to NC2-65 designation rather than to the NC3-65 designation requested, and the rezone shall be subject to the following conditions:

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

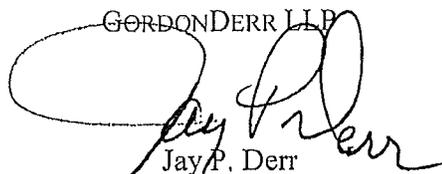
Further, the rezone should be subject to the requirement for a PUDA, agreed to by all owners of property on the east side of 15th Avenue NE, that applies the following provisions to that property:

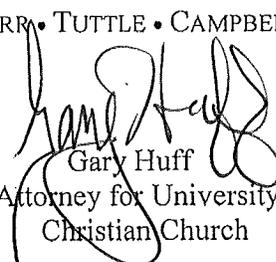
- 1. In the event that a Master Use Permit application is made for any parcel east of 15th Avenue NE, the following restrictions shall apply:*
 - a. New development on Parcel Nos 8823902200, 8823902185, 8823902175 and 8823902180 on the east side of 15th Avenue NE shall be limited to proposals that include primarily residential uses.*
 - b. Street-level commercial uses on the east side of 15th Avenue NE shall be limited to office space and support services for church-affiliated entities, or non-profit social or human service organizations consistent with the mission of the churches. Nothing shall preclude any such entities or non-profit organizations from making limited retail sales of items or materials consistent with its goals and purposes including, without limitation, a church bookstore and church-affiliated coffee shop.*

- c. *Nothing shall preclude any owner of property on the east side of 15th Avenue NE from seeking relief from the restriction in paragraph 2 1b on street-level commercial uses where it can demonstrate that, despite its best efforts, it has been unable to lease the ground floor commercial areas at reasonable rental rates for a period of nine months. However, with the exception of church-related uses, uses that regularly attract night-time crowds, or consistently generate a high demand for on-street parking, are prohibited.*
- d. *A minimum of 18 residential units, or 20 percent of the residential constructed on the property owned by University Christian Church on the east side of 15th Avenue NE, whichever is greater, shall be affordable to those with an annual household income that does not exceed fifty percent of the Washington State median income, as computed annually by the City. One for one replacement of low income housing shall be provided for all existing housing on lots on the east side of 15th Avenue NE. This one for one replacement obligation is applicable to all properties on the east side of 15th Avenue NE, but may be consolidated in the affordable and low income housing project to be constructed on Parcel Nos. 8823902200, 8823902185, 8823902175 and 8823902180 owned by University Christian Church. Based on the current number of residential units and the current number of bedrooms in those existing residential units, a minimum of 18 residential units containing a minimum total of 39 bedrooms, or 20 percent of the residential units to be constructed on Parcel Nos. 8823902200, 8823902185, 8823902175 and 8823902180, whichever is greater, shall be affordable to those with an annual household income that does not exceed fifty percent of the Washington State median income, as computed annually by the City.*

Thank you for your consideration of this appeal request. We believe, with the PUDA conditions as modified in this letter, the City will both ensure replacement of existing housing stock, while also providing an important and significant opportunity for new low income and affordable housing in this University neighborhood.

Respectfully submitted,

GORDON DERR LLP

Jay P. Derr
Attorney for University
Presbyterian Church

KARR • TUTTLE • CAMPBELL

Gary Huff
Attorney for University
Christian Church

RESPONSE BY THE SEATTLE DISPLACEMENT COALITION AND THE INTERFAITH TASK FORCE ON HOMELESSNESS TO THE APRIL 28TH AND MAY 2ND APPEAL LETTERS FILED BY UNIVERSITY CHRISTIAN CHURCH AND UNIVERSITY PRESBYTERIAN CHURCH SEEKING TO OVERTURN PARTS OF THE HEARINGS EXAMINERS DECISION ON THEIR REZONE REQUEST

CF: 309434

DPD REF: 3004384

To: City Clerk and

June 17th, 2019

To: Seattle City Council (Committee on the Built Environment)

FILED
CITY OF SEATTLE
11 JUN 17 PM 3:27
CITY CLERK

This is the response by the Displacement Coalition and the Interfaith Task Force on Homelessness to the Department of Planning and Development's (DPD) to the appeal by University Christian Church (UCC) and University Presbyterian Church (UPC) of the Hearing Examiner's decision related to these parties' request for a contract rezone of properties in the University District between NE 47th and NE 50th along both sides of 15th Ave. NE.

As stated in our appeal letter dated May 2nd to the City Council's Committee on the Built Environment (COBE), we did NOT appeal the Hearing Examiner's Primary recommendation to deny the parties' request for a rezone from L-3 Residential to Commercial zoning. However, we are appealing her fallback position for failure to attach adequate conditions that would ensure 1-for-1 replacement at comparable rents in order to fully mitigate the loss of low income housing that will inevitably result on this and surrounding blocks should the Council decide to grant the parties request for this upzone.

Here are our responses to arguments raised by rezone proponents in their appeal letters arguing against elements of the Hearing Examiner's decision:

Neither proponents (or the Hearings Examiner) adequately acknowledge the significant negative impacts on low income housing caused by this rezone both with respect to housing losses that would be set in motion on both sides of the affected block and on blocks immediately north and northeast of the affected block. The record is replete with testimony and data indicating that a redesignation of this block from L3 to commercial zoning without a 1-for-1 replacement requirement threatens both the existing lower density character of this block and surrounding blocks and thus also the affordability of existing rental housing in this area.

The Hearing Examiner did not err, however, in her conclusion that this rezone "would constitute an encroachment of commercial development into an established lowrise residential area, which is discouraged by SMC 23.34.072" (See her Conclusion #8). This was the basis for her denial recommendation, i.e., that there were too many conflicts with standards for granting such an upzone including conflicts with

policies and provisions of the Comp Plan, U-District Neighborhood Plan and General Land Use Code criteria. See especially her conclusions 11, 14, 15, 16, and especially in 26 the following words: "Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the site is the existing L3 designation."

This is the key point that rezone proponents are challenging from the Hearing Examiner's conclusions and which formed the basis for her primary recommendation of denial as well as her call for the inclusion of a requirement should you grant the rezone that all developments on the east side of the block be limited to "primarily residential". We dispute proponents' claims that the hearings examiner's analysis was incorrect here or that residential only requirements should be removed. She is correct and there is ample testimony on the record affirming her assessment.

However the Hearing Examiner and proponents ignore considerable testimony on the record and erred in their analysis (See conclusion #12, 17, and 23) that a rezone of this block would not set in motion upzones on surrounding blocks. She further erroneously asserts that because one of the proponents developing on the east side of the block (UCC) has promised to provide low income housing in their new development, therefore that will increase overall the stock of residential units and that, therefore, this rezone would have no negative impact on low income housing or the residential stock of the block or surrounding area. We strongly dispute these conclusions.

In the first place, you'll note that in UPC's appeal letter, they do not want to even be restricted to "primarily residential" development on the east portion of the block they own. UCC supports UPC's position and requests removal of language that would ensure residential when UPC develops its properties. Without such a restriction, as ample testimony on the record indicates, we likely would see intense office and other commercial uses on UPC's portion of the block greatly conflicting with the existing residential character of that area and thus violating standards for a rezone under the code as noted by the hearings examiner. Further, UPC now owns and operates low income housing on these properties and any plan they pursue without a 1-for-1 replacement requirement (in addition to a residential requirement) would cause the loss of these units. Proponents (and the hearings examiner) overlook this.

Further, there are at least three dozen low income and affordable housing units on the west side of the block directly affected by the rezone. The hearing examiner failed to acknowledge this (despite information on the record indicating that) and failed to impose any conditions applied there to ensure primarily residential or, more importantly, in order to ensure 1-for-1 replacement of existing low income housing that is threatened there by this rezone. While we applaud and she was correct in imposing a 1-for-1 requirement effectively for UCC properties, she did not recommend this condition for the other 2/3rd of the block not under UCC's control.

There is ample testimony on the record showing how an upzone on this block would drive property values up, taxes up and rents up on these properties and potentially even cause demolition and further commercial redevelopment on the west side of the affected block leading to more low-income housing losses. The hearing examiner's decision fails to recognize this loss and does not recommend 1-for-1 replacement requirements for the majority of the block including UPC's properties currently containing low income housing.

The Hearing Examiner completely ignores the displacement and gentrification that will accompany subsequent rezones north and northeast of the affected block set in motion by this rezone.

For all these reasons, she has underestimated the impact of the rezone on low income housing. According to SMC **SMC 23.34.008 General rezone criteria, considerable weight is given towards consideration of the impacts a rezone will have on low income housing (see especially F 1(a)).** As a result, she also erred in not fully recognizing how a change from residential to commercial also would set in motion a loss of low income housing on the block and on surrounding blocks where there are currently high concentrations of low income housing. Proponents fail to acknowledge these impacts and offer no mitigation except for the portion of the block owned by UCC.

This is why we have proposed and submitted specific language to ensure 1-for-1 replacement of housing directly threatened by this upzone. The language we submitted in our appeal would at least ensure replacement at comparable price for all of the housing threatened on all properties within the block of the rezone (in the event that this rezone is granted by the Council).

In sum, no rezone should be granted without 1-for-1 replacement language and at comparable price. Without it, the rezone would violate key criteria in the code, neighborhood plan policies calling for preservation of existing low income opportunities, key code requirements that must be met for rezones, and it would contradict a long history of policies and city recommendations calling for preservation of our existing low income stock (see this policy history we submitted with our appeal).

Further, as we testified at hearings and in written testimony and through presentation of our exhibits attached to our appeal, our city is on sound legal footing to require such 1-for-1 "low income" housing replacement as a condition for this rezone. Apparently the Hearing Examiner agrees or she would not have recommended that it applied to UCC properties.

Such 1-for-1 replacement language and at comparable rent levels already is in the land use code for midrise and highrise residential zones, and in locations of the code related to institutional expansion, as well as in numerous other policies in the Comp Plan and neighborhood plans of the city (see our exhibits attached to our appeal where we cite this material).

Further, any claims that these policies are unconstitutional or a violation of any state law is now directly contradicted by the WACs. See especially WAC 365-196-870 Affordable housing incentives including especially excerpts which read:

(b) Counties and cities may establish an incentive program that requires a minimum amount of affordable housing that must be provided by all residential developments built under the revised regulations. The minimum amount of affordable housing may be a percentage of the units or floor area in a development or of the development capacity of the site under the revised regulations.

And,

(c) Counties and cities may choose to offer incentives through development regulations, or through conditions on rezones or permit decisions."

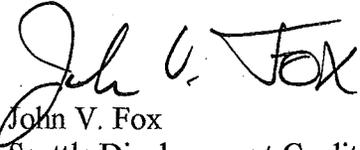
We appreciate and strongly support the good faith promise on the part of UCC to replace all low income housing on properties they own. They even promise to increase the number of such units in their new development should their rezone be granted. And we also strongly support the Hearing Examiner's call for a condition built into the PUDA effectively codifying UCC's promise to do 1-for-1 replacement (See 1(d)) and with rents set at no more than 50% of median income.

But this rezone is not just about what UCC will do with its properties on 1/3rd of the block. This rezone also applies to all other property owners on the block including those owned by UPC that also contain existing low rent units which they intend to redevelop if the rezone is granted. This rezone also threatens to drive rents up on the Westside of the block driving lower income renters out of those units. The rezone will drive up land values and taxes accordingly which invariably lead to higher rents. Granting this rezone also sets in motion and facilitates future rezones of other areas to the north and northeast of this affected block that now are zoned L-3 and predominantly lower density low income rentals.

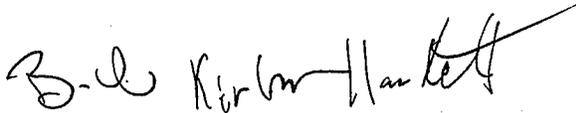
The Hearing Examiner failed to recommend that such housing replacement obligation also be required of other property owners who own rental housing on the remainder of the block – both sides - including University Presbyterian Church (UPC). Lacking such a requirement, notwithstanding UCC's good intentions and Hearing Examiner's replacement recommendation affixed to UCC's properties via the PUDA, this rezone would set in motion significant losses of existing low income housing on the subject block and surrounding blocks – losses that would greatly exceed any addition to the low income stock accompanying UCC's planned redevelopment.

If the council ignores the Hearing Examiner's primary recommendation to deny and goes ahead anyway to grant this rezone, they must affix 1-for-1 replacement requirements across the entire block. Let's get it right this time.

Sincerely,



John V. Fox
Seattle Displacement Coalition
5031 University Way NE
Seattle, Washington 98105
206-632-0668
jvf4119@zipcon.net



Bill Kirlin-Hackett
Interfaith Task Force on Homelessness
3030 Bellevue Way NE
Bellevue, Washington 98004
425-442-5418
itfh@comcast.net

cc: all parties on accompanying certificate of service

UNIVERSITY PARK COMMUNITY CLUB

16 June 2011

City Clerk
City Hall, Floor 3
City of Seattle
P.O. Box 94728
Seattle, WA. 98124-4728

FILED
CITY OF SEATTLE
11 JUN 17 AM 10:05
CITY CLERK

RE: Comment concerning Appeal of Hearing Examiners Recommendations
CF: 309434 and DPD Ref: 3004384

Dear Councilmembers,

The following comments are provided related to the Hearing Examiners Decision regarding requests to "upzone" properties on both sides of 15th Ave. NE between NE 47th and NE 50th from L3 residential to commercial classification NC3-65.

As previously addressed in University Park's comments regarding the rezone application, our primary concern relates to the potential loss of existing low-income housing. We believe that the Appeal by the Seattle Displacement Coalition and the Interfaith Task Force on Homelessness of 2 May 2011 very clearly and eloquently describes what needs to be changed to that decision should the city council choose to move forward and approve the rezone.

Specifically, take the Hearing Examiners 1 for 1 replacement language and apply it to all affected property owners and future property owners on the block. The comparable replacement housing would require developers replace all units they remove at comparable low income rents serving those at low income levels below 50% area median or less.

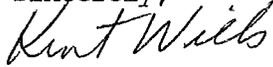
We believe the University District Community Council (UDCC) letter of 9 March 2011, which focuses on the application being out of scale with the surrounding neighborhood particularly on the east side of 15th Ave. NE remains valid. Further, the UDCC stated that at the very least the properties on the east side of 15th Ave. NE should be zoned NC2-65 where a more compatible set of allowable uses are established, and that the setback requirements should be strengthened to ensure an appropriate transition to the less intensively developed properties across the alley. While the Hearing Examiner denied the requested NC3-65 rezone, she indicated that if the Council approves the rezone it should be to an NC2-65 designation. Further, she established specific set back provisions should the upzone move ahead. While we believe the set back conditions appear adequate, we are hesitant to believe DPD would comply with these i.e. setback tradeoffs which benefit the developer at the expense of neighbors. The UDCC letter also indicated that DPD itself acknowledges "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." In the end, uncertain transition and alley/right

5210 16th Ave. N.E., Seattle, WA. 98105

of way setbacks remain issues that need to firmly documented to prevent future behind the scenes modifications should the rezone move forward.

Thank you for your consideration.

Sincerely,



Kent Wills

On Behalf of the UPCC Board

Copy to:

Gary Huff, Karr, Tuttle, Campbell

Jay & Gordon Derr

David & Anna Dong

Dir. DPD c/o Scott Kemp

John Fox

Robin Schachter, Ryan, Swanson & Cleveland

Don Kennedy

C. Schaefer

D

June 27, 2011

City Clerk
City Hall, Floor 3
City of Seattle
P O Box 94728
Seattle, WA 98124

FILED
CITY OF SEATTLE
11 JUN 27 PM 1:50
CITY CLERK

Re: **Clerk's File 309434:** Rezone Petition of Lynn Huff for the
University Christian Church and the University Presbyterian Church
DPD Reference No. 3004384

Dear Councilmembers:

University Presbyterian Church (UPres) and University Christian Church (UCC) jointly submit this Reply to the Response submitted by John Fox and the Displacement Coalition in the above-referenced appeal. While, as stated in our joint Response dated June 20, 2011, UPres and UCC are both willing to voluntarily commit to one-for-one replace of all low income housing units owned by those two entities (the east side of 15th Avenue NE), UPres and UCC did not offer that commitment for properties on the west side of 15th Avenue NE within the proposed rezone area because UPres and UCC do not control that ownership. Without delving into the legal arguments as to whether such a requirement can be imposed or not and whether the WAC provision cited in the Displacement Coalition Response can override state court decisions that have looked into such requirements in the past, UPres and UCC again reiterate their voluntary agreement to provide one-for-one replacement in the project proposed on the UCC properties. The conditions that were proposed in our June 20 Response specify this obligation.

Both churches have made this commitment despite the fact that the current residential units are not bound by any low income rental programs, funding or other requirements at this time. In fact, substantial redevelopment of those properties could occur (including redevelopment for church-related uses without housing at all) under the current L3 zoning. Thus, it is important for the City Council to remember that the "obligation" asserted by the Displacement Coalition appeal is not supported by current circumstances, nor none of the code provisions they cite.

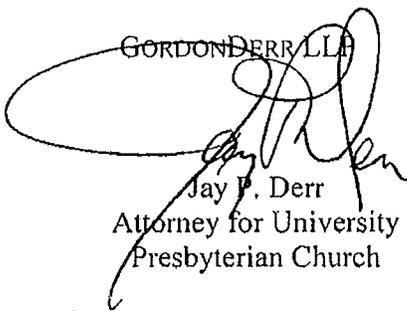
However, that debate really diverts from the key point of this appeal. The requested rezone to NC2-65 is necessary to achieve the height and density that is needed to construct the low income and affordable housing project desired on the UCC properties. DPD staff recognized that. Numerous rezone supporters recognized that. Even the Hearing Examiner

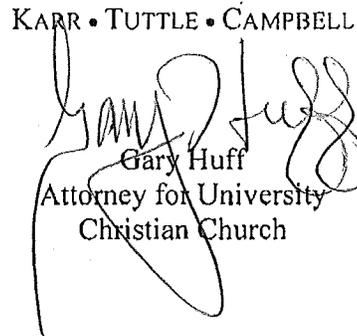
recognized that in determining a net benefit to low income housing with the requested rezone. The City Council can achieve the greatest increase in low income housing in this neighborhood by granting the UCC and UPres appeal and approve the requested rezone to NC2-65 subject to the conditions we proposed in our June 20 Response. Those conditions do limit the one-for-one replacement to the east side of 15th Avenue NE, but simply because it is not possible for UPres and UCC to make such voluntary commitments on behalf of property they do not own. Subjecting other properties that are not participants in this appeal and who have not expressly and voluntarily agreed to that obligation, could give rise to a potential challenge by those owners later if/when the City attempted to impose that requirement. Finally, as described in the application and the DPD staff report, the proposed UCC project is expected to construct well in excess of the one-for-one replacement offered by UPres and UCC; provided the additional density that is possible with NC2-65 zoning is approved.

Finally, by reviewing the existing land use map for this area, Council can confirm that the proposed change in the line between L3 zoning and NC2-65 zoning does not constitute a significant new encroachment into a residential area. It simply squares the zoning transition line approximately one block further to the east, and consistent with neighborhood commercial zoning in the block immediately to the south. The same transition issues posed in the Displacement Coalition appeal occur today. The HE alternative decision recognized this and imposed setback conditions to address this transition, which will adequately respond to concerns regarding the transition between NC2-65 and L3 to the east. In fact, the Displacement Coalition Response statement appears to acknowledge this and rather simply fears that DPD might not enforce those conditions.

We urge the City Council to make a decision that advances low income housing opportunities in this neighborhood, to reverse the HE recommendation of denial and to instead grant the rezone to NC2-65, subject to the modified conditions proposed in our June 20 Response.

Respectfully submitted,

GORDON DERR, LLA

Jay F. Derr
Attorney for University
Presbyterian Church

KARR • TUTTLE • CAMPBELL

Gary Huff
Attorney for University
Christian Church

REPLY OF THE SEATTLE DISPLACEMENT COALITION AND THE INTERFAITH TASK FORCE ON HOMELESSNESS TO THE JUNE 20TH JOINT LETTER FROM UNIVERSITY CHRISTIAN CHURCH AND UNIVERSITY PRESBYTERIAN CHURCH RESPONDING TO OUR MAY 2ND APPEAL OF THE HEARING EXAMINER'S DECISION RELATED TO THEIR REZONE REQUEST OF PROPERTIES ALONG 15TH NE, BETWEEN NE 47TH AND NE 50TH STREET

CF: 309434
DPD REF: 3004384

To: City Clerk and
To: Seattle City Council (Committee on the Built Environment)

June 24th, 2011

FILED
CITY OF SEATTLE
11 JUN 27 PM 2:03
CITY CLERK

Please note again for the record that we are not appealing the Hearing Examiner's primary decision TO DENY the request for a rezone by University Christian Church (UCC) and University Presbyterian Church (UPC). As stated in detail in our previous appeal and response, we only are appealing the Hearing Examiner's "fallback" position in the event that the City Council decides anyway to grant the requested rezone.

In her fallback position, she did not adequately assess the direct and cumulative adverse effect this rezone would have on the stock of low income housing. And while she did take a critically important **partial step** recommending 1 for 1 replacement for one property owner on the block (UCC), she did not recommend such conditioning for other properties within the entire rezone area. Please review our May 2nd appeal, June 17th response as well as what we elaborate below for our concerns and recommendations in the event the Council grants this upzone.

Our response to University Christian Church (UCC) and University Presbyterian Church (UPC) June 20th joint letter.

UPC and UCC state they are willing to comply with a 1 for 1 replacement obligation on properties they own and control on the "east side" of the block. However, they go on to request specific language for such a condition that **WOULD NOT** be adequate to achieve that necessary objective either on the properties they own or on properties owned by other parties on the remainder of the block.

1. UPC and UCC state (incorrectly) on page 2 of their June 20th letter that the number of units they own and manage on the east side of the block are set at 18 units. Then they state they would agree to a condition built into the PUDA requiring 1 for 1 replacement of these 18. They want you to specify 1 for 1 replacement of only these 18 even though there are approximately twice that number of units on their properties on the east side of the block that would be lost and approximately another 30 low income units on the West side of the block put at risk.

As we testified and the record shows, there are approximately three dozen tenants living on the east side of the block, under individual lease agreements, and occupying units in buildings owned by UPC and UCC. UPC and UCC concede there are 39 bedrooms in these 18 units and that "individual tenants may choose to share or not share a bedroom".

The Seattle Housing and Building Maintenance Code (See 22.204.090 "H.") defines a "housing unit" as "any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit." Further, the city's land use code defines a "dwelling unit" as "a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit." (See SMC 23.84A.008 Definitions -- "D.")

Each of the 39 rooms in these structures on the east side of the block appears to have been occupied within the last two years. Further these tenants live independently under individual landlord tenant agreements in individual rooms defined as units under the code. Thus any 1 for 1 replacement language must be written to ensure UPC and UCC is held to full replacement of all these units, not just the 18 they are voluntarily agreeing to replace.

2. Further, UCC and UPC want the City Council to allow UCC alone to fulfill this 18 unit replacement obligation by including them within UCC's planned residential development on the northeast portion of the block. Meanwhile UPC would be relieved of any replacement obligation at all, even though they own and manage at least a rooming house full of units and tenants on the eastside of the block as well.

3. Also, UPC and UCC continue to ignore the fact that this rezone is not just about what they will do with their properties on the east side of the block. This rezone also applies to all other property owners on the west side of block where the record shows there are approximately 3 dozen existing low income rental units which also would be lost over time if the rezone is granted. These losses are in addition to the low income units on the east side of the block that will be removed by UCC and UPC respectively if the rezone is granted.

With respect to these low income units on the west side, this rezone would immediately drive rents up on those properties and likely force displacement of lower income renters from those units. This would occur because added densities and commercial uses allowed under the rezone would drive up land values and taxes accordingly which invariably leads to higher rents.

4. As testimony placed on the record will show, granting this rezone also sets in motion and facilitates future rezones to neighborhood commercial of other areas to the north and northeast of this affected block that now are zoned L-3 and predominantly lower density low income rentals. These rezones would then proceed without adequate 1 for 1 replacement language setting off more displacement and loss of low income units.

This is where the Hearing Examiner (See her Conclusions #12, 17, and 23) has erred in failing to recognize these spillover effects. Considerable testimony is on the record affirming that a rezone of this block would set in motion upzones on surrounding blocks and more displacement without adequate one for one language.

Our recommended 1 for 1 replacement language: two options

As contained in our May 2nd appeal letter, we offered proper language needed to ensure true 1 for 1 replacement on all properties affected by this rezone. Our language also would set the proper precedent should this rezone lead to rezones of blocks north of this proposal.

However, in the event the Council does not favor the more detailed language we proposed in our May 2nd appeal, we would also support the following 1 for 1 replacement language. The language recommended below amends the flawed 1 for 1 language contained in the UPC and UCC joint letter from June 20th. It's especially important to remove any reference in their proposed language allowing them to replace only 18 of approximately three dozen on the east side of the block. Proper language should read as follows:

d. One for one replacement of low income housing shall be provided for all existing housing on lots within the rezone area including those on the east and west side of 15th Avenue NE. This one for one replacement obligation is applicable to all properties in the rezone area containing housing units on the eastside of 15th Avenue NE containing housing units (whether as dwelling units, housekeeping rooms, dormitories, guest rooms, single room occupancy or other types as defined in the City's Land Use and Housing and Building Maintenance Code), that are currently offered at rents affordable to a low income households with annual earnings at or below 50 percent of the area median or that were offered at such rents within the last 2 years. This assumes such units are "affordable" when a household pays no more than 30 percent of their income annually on rent, including utilities. The city shall determine these rent levels based on common annually adjusted federal standards. Such replacement units shall be offered at these rent levels for a minimum of 50 years and shall be functionally equivalent as defined in Section 4.6 of the city's Residential Anti-Displacement and Relocation Assistance Plan adopted by Ordinance 119163. An individual property owner opting not to replace 1 for 1 low income housing they remove, may instead pay an in-lieu of fee to the city in an amount that the city determines would be needed to cause to be built an equal number of functionally equivalent low income units. The city shall dedicate these funds for construction of new low income units and give preference to projects in the area of the rezone or nearby.

Effectively, we are recommending deletion from UCC/UPC's proposed language the following especially any reference allowing them to replace only 18 of the housing units now located on the east side of the block. We've also deleted language in their proposal relieving UPC of any replacement responsibility at all. All development on both sides of the block under the rezone including UPC must comply with 1 for 1 requirements. Let DPD, based on the above language, go in and determine the total number of units on a given property that a developer shall be required to replace. Delete from their replacement paragraph d:

~~but may be consolidated in the affordable and low income housing project to be constructed on Parcel Nos 8823902200, 8823902185, 8823902175, 8823902180 owned by University Christian Church. Based on the current number of residential units and the current number of bedrooms in those existing residential units, a minimum of 18~~

residential units containing a minimum total of 39 bedrooms or 20 percent of the residential units to be constructed on Parcel Nos 8823902200, 8823902185, 8823902175, and 8823902180, whichever is greater, shall be affordable to those with an annual household income that does not exceed fifty percent of the Washington State median income, as computed annually by the City.

Further, the language we have recommend should be affixed both as a condition for all development occurring within the rezoned area and affixed subsequently to PUDAs with each property owner when they proceed with developments under the rezone. As stated in our June 17th response letter, and buttressed by citations in that letter, imposition of the 1 for 1 language we have proposed is legally defensible.

Retain Hearing Examiner's recommendation limiting used on the east side of the block to "primarily residential".

Finally, if the Council grants this rezone, it would **NOT BE APPROPRIATE**, as UPC and UCC request, to remove the Hearing Examiner's recommendation limiting development on the east side of the block to "primarily residential". **The Hearing Examiner did not err, in her conclusion that this rezone "would constitute an encroachment of commercial development into an established lowrise residential area, which is discouraged by SMC 23.34.072"** (See Conclusion #8). This was the basis for her primary recommendation to deny this rezone outright. And it was the basis for her fallback recommendation, should you grant the rezone, i.e., that development should be limited to "primarily residential" on the east side of the block.

The Hearing Examiner indicates, further, that there were too many conflicts with standards for granting such an upzone including conflicts with policies and provisions of the Comp Plan, U-District Neighborhood Plan and General Land Use Code criteria. (See especially her conclusions 11, 14, 15, 16, affirming that and see especially conclusion 26 where she says, **"Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the site is the existing L3 designation."**)

Given her strong sentiments expressed in the preceding quote, we believe it also justifies restricting development to primarily residential on all of the east side and west side of the block, in the event you grant this rezone. Retain this language and extend it to both sides of the block.

In closing:

Neither proponents (or the Hearing Examiner) adequately acknowledge the significant negative impacts on low income housing caused by this rezone both with respect to housing losses that would be set in motion on both sides of the affected block and on blocks immediately north and northeast of the affected block. The record is replete with testimony and data indicating that a redesignation of this block from L3 to commercial zoning without a true 1 for 1 replacement requirement threatens both the existing lower

density character of this block and surrounding blocks and thus also the affordability of existing rental housing in this area.

Further, as we explain in our June 17th response in in our appeal, our city is on sound legal footing to require such 1 for 1 "low income" housing replacement as a condition for this rezone. Apparently the Hearing Examiner agrees or she would not have recommended it applied to UCC properties. Such 1 for 1 replacement language and at comparable rent levels already is in the land use code for midrise and highrise residential zones, and in locations of the code related to institutional expansion, as well as in numerous other policies in the Comp plan and neighborhood plans of the city (see our exhibits attached to our appeal where we cite this material).

Also see especially WAC 365-196-870 Affordable housing incentives including especially excerpts which read.

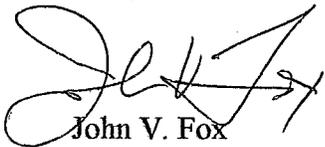
(b) Counties and cities may establish an incentive program that requires a minimum amount of affordable housing that must be provided by all residential developments built under the revised regulations. The minimum amount of affordable housing may be a percentage of the units or floor area in a development or of the development capacity of the site under the revised regulations.

And,

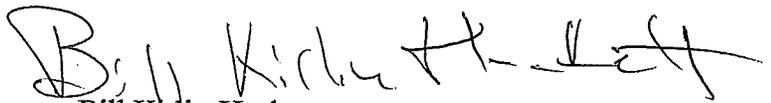
(c) Counties and cities may choose to offer incentives through development regulations, or through conditions on rezones or permit decisions."

If the council ignores the Hearing Examiner's primary recommendation to deny and goes ahead anyway to grant this rezone, they must affix 1 for 1 replacement requirements across the entire block. Let's get it right this time.

Sincerely,



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Bill Kirlin-Hackett
Interfaith Task Force on Homelessness
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itfh@comcast.net

E

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)

FILED
CITY OF SEATTLE
2011 APR 18 PM 3:50
CITY CLERK

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

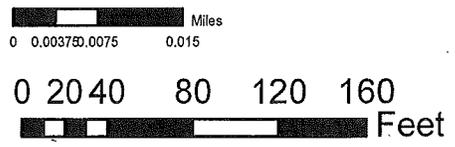
-  0 - 278 Elev.,
2 Foot Contour Interval
-  Parcels
-  Building Footprints
-  Pavement Edges
-  Application Area



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 _____ ADMITTED
Department _____ DENIED _____
FILE #MUP-10-022(W), CF 309434

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A. View south, UCC Parking Lot



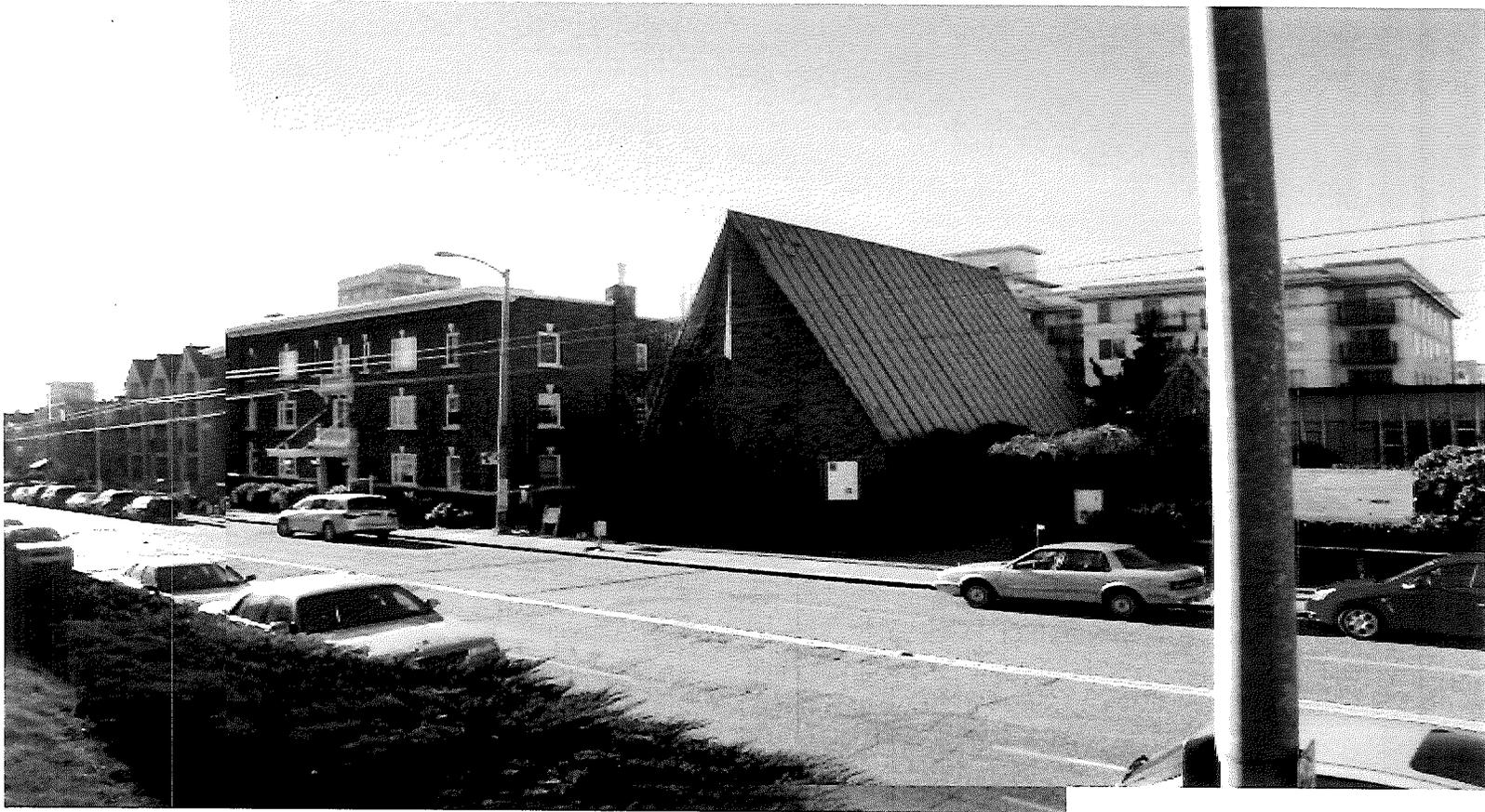
B. View SE, NE 50th St. & 15th Ave NE



C. View west, UCC from 4734



D. View SW, UCC from 4734



E. View NW, 15th Ave NE from 4714



F. View north, from UPC



G. View NE, NE 47 St. & 15th NE Ave



H. View east, 15th 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
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206-818-3273 cellular
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 21st 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 15TH NE BETWEEN 47TH AND 50TH
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 15th NE just south of 50th 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 15th 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 15th 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 15th NE between 47th and 50th. 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 15th Avenue between 47th and 50th are part of the core commercial area and should have the same zoning as those in the block between 45th and 47th. 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 15th. But what of the west side?

We have communicated our plans to property owners on the west side of 15th 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
15TH AVENUE NE BETWEEN NE 47TH AND 50TH 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 15th Avenue NE. Growth in the church community, plus vibrant church-related services have caused UPC to continue to expand to the north of NE 47th Street to accommodate community need. Of the 12 parcels UPC currently owns on its "North Campus," six are located on 15th 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 15th 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 15th 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 _____

7

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 15th 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 15th 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 15th 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 15th 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 15th NE between 47th and 50th streets. This would not be a "spot-zone" benefiting a single property owner. All of the property owners along 15th 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 15th Avenue NE between 47th and 50th streets are part of the core commercial area and should have the same zoning as those in the block between 45th and 47th 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 15th.

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 – 15th 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 50th St. and on the south by NE 47th St. Existing structures on the east side of 15th 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 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 15th Ave. N.E., bounded by N.E. 50th St. on the north and by N.E. 47th 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.

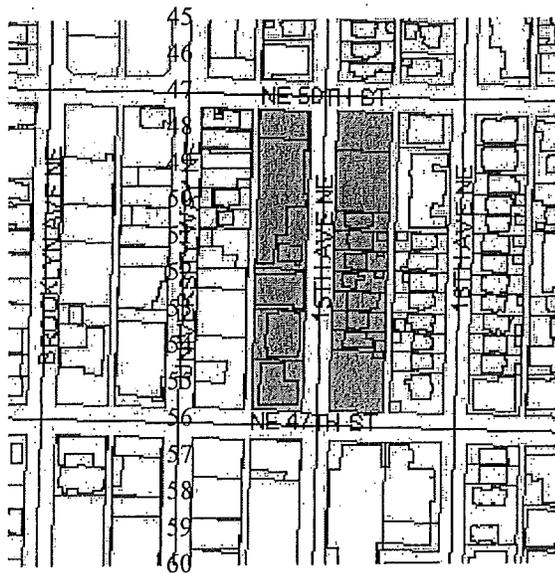
City of Seattle Hearing Examiner

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 15th 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. 45th St.; the University Heights Community Center on a full block across N.E. 50th 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. 47th 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 15th Ave. N.E. between N.E. 47th St. and N.E. 50th 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 15th 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 15th 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 15th 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 15th Ave. N.E. which is also a part of this rezone petition. Application of these two criteria would indicate 15th 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 15th 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 15th 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 15th 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 15th 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 15th 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, 15th 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. 50th 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. 50th St. and on the east by the uses facing onto 15th 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 15th 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. 15th 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. 15th 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. 15th 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 15th Ave. N.E. this height designation would be the same as those further to the west. East of 15th 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 15th 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 15th 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 15th 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 15th 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. 45th St. and 15th 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. 50th St. or Ravenna Blvd. avoiding the busy N.E. 45th 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. 65th 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 15th 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. 15th 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. 15th 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. 15th 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 15th 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 15th 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 15th 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 15th 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.

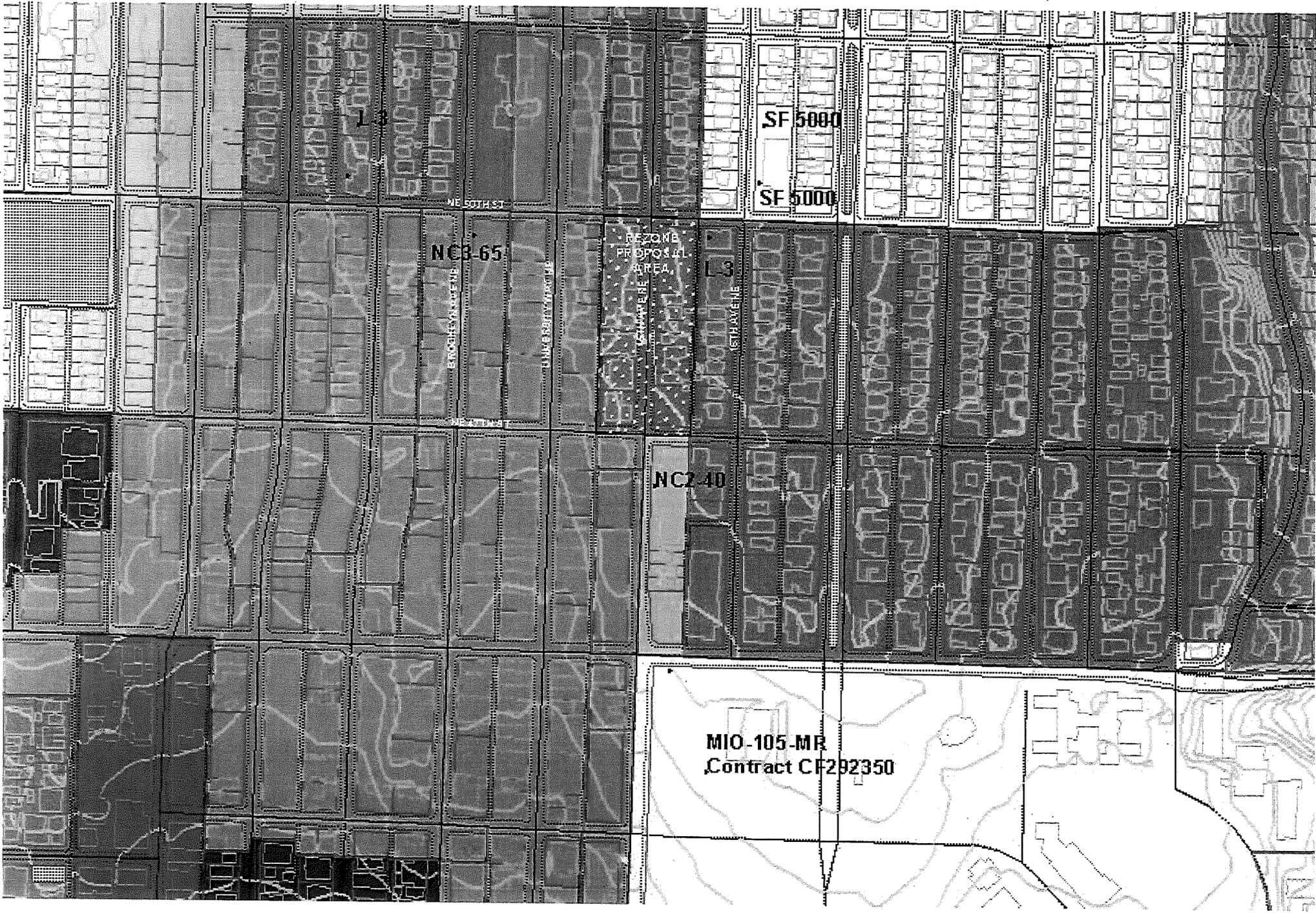
RECOMMENDED REZONE CONDITIONS

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 15th Ave. N.E. (Lots 16-30, Block 15, University Park Addition), provided that a Development Standard Departure may be granted by DPD, through Design Review as part of a Master Use Permit where it is found that any allowed reductions of this required setback adequately 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

NC3-65

REZONE
PROPOSED
AREA

NC2-40

MIO-105-MR
Contract CF292350

NE 50TH ST

1ST AVENUE

RECEIVED BY
2011 MAR 15 PM 3:30
OFFICE OF
HEARING EXAMINER

City of Seattle Hearing Examiner
EXHIBIT

Appellant _____
Applicant ADMITTED
Department DENIED

15

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

F



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Robin A. Schachter

direct dial 206.654.2272
direct fax 206.652.2972
schachter@ryanlaw.com
Ref. No. 640586.01/020922.00005

February 7, 2011

VIA ELECTRONIC TRANSMISSION AND US MAIL

City of Seattle Department of Planning and Development
700 Fifth Avenue, Suite 4000
Seattle, WA 98104

**Re: University District Rezone Application - Project 3004384
Rivendell - UCal, LLC**

To Whom it May Concern:

Please consider this letter a confirmation of my request that I receive notice of all actions, decisions, communications, and correspondence regarding Rezone Application Project No. 3004384. (Address provided above.)

As we have previously advised, this office represents Rivendell- UCal, LLC, ("Rivendell") the owner of the Rivendell Apartments located at 4719 15th Avenue-NE in Seattle (Tax parcel no. 881640-0270-02). The parcel has apparently been identified in connection with a contract rezone application submitted by applicants University Christian Church and University Presbyterian Church, which do not own the subject parcel.

Please feel free to contact me with any questions.

Very truly yours,

Robin A. Schachter

RAS:dj

cc: Mr. Scott Kemp
Hearing Examiner Sue Tanner, Esq.

RECEIVED

FEB 08 2011

**DEPT OF PLANNING
AND DEVELOPMENT**

City of Seattle Hearing Examiner

EXHIBIT

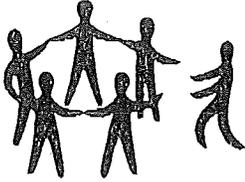
Appellant Respondent Department ADMITTED DENIED

11

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

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UNIVERSITY CONGREGATIONAL
UNITED CHURCH OF CHRIST

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JAN 14 2011

DEPT OF PLANNING AND
DEVELOPMENT

January 7, 2011

Department of Planning and Development
Hearing Examiner
City of Seattle Office of Hearing Examiner
P. O. Box 94729
Seattle WA 98124-4729

RE: MUP Project #3004384, 4735 15th Ave NE (property on both sides of 15th Avenue NE, between 47th and 50th Streets.)

Dear DPD,

On behalf of the governing board at University Congregational United Church of Christ, I am writing to support this rezoning application of University Christian and University Presbyterian Churches (and the private owners of two houses in the center of the block, on the east side of 15th Avenue NE.).

University Christian Church's plan to erect low-income/affordable housing is laudable and very necessary. The lack of affordable housing is one of the most significant problems that our society is encountering, and the affects are not just to the individuals affected but also to our society. I am sure this information is well documented in the application. Such developments are a matter of basic justice for people, and here is an active congregation responding with concrete and appropriate action.

That site a very good one for this housing opportunity. There are the necessary services nearby, the increased density would be appropriate and beneficial for the character of the neighborhood, and the residents would be additional shoppers for the merchants in the University District. And this is just the right thing to do.

Our own experience with developing and managing low-income housing at Sortun Court has shown that such developments are good for the residents who are given the opportunity for a better life. Sortun Court is also an asset to the neighborhood, with residents engaged and involved in neighborhood life and a healthy diverse presence in our community. Such benefits would also come from the development that this application would allow.

We applaud University Christian and University Presbyterian Churches for their joint proposal and for the helpful and progressive approach this allows to address a significant societal concern. We urge quick approval of this zoning change.

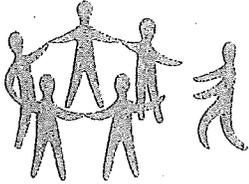
Sincerely,

Christian Halstead
Moderator

4515 16th Avenue NE, Seattle, WA 98105-4201

Ph: 206.524.2322 Fax: 206.524.0602

www.universityucc.org



UNIVERSITY CONGREGATIONAL
UNITED CHURCH OF CHRIST

January 7, 2011

Department of Planning and Development
Hearing Examiner
City of Seattle Office of Hearing Examiner
P. O. Box 94729
Seattle WA 98124-4729

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JAN 10 2011

Dept. of Planning & Development

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We applaud University Christian and University Presbyterian Churches for their joint proposal and for the helpful and progressive approach this allows to address a significant societal concern. We urge quick approval of this zoning change.

Sincerely,

Christian Halstead
Moderator

4515 16th Avenue NE, Seattle, WA 98105-4201

Ph: 206.524.2322 Fax: 206.524.0602

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UNIVERSITY of WASHINGTON
OFFICE OF MINORITY AFFAIRS & DIVERSITY
Student Services & Academic Support Programs

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JAN 12 2011

Scott Kemp
Department of Planning and Development
700 5th Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Dept. of Planning & Development

Dear Mr. Kemp:

I am writing this letter of support regarding the Master Use Project 3004384 associated with the University Christian Church Rezone request.

The Office of Minority Affairs and Diversity (OMA&D) has enjoyed a great working relationship with the University Christian Church (UCC) for close to twenty years. This relationship provides low income housing for OMA&D students with limited resources who are currently enrolled at the University of Washington. Additionally, this collaboration assists us in meeting our overall mission of recruitment, retention and graduation of first generation, low income and underrepresented students from the University of Washington.

Over the years, many UW low income students have been able to afford shared housing in the two church-owned houses across the street from UCC. The site of the two all male and all females houses is an ideal location within walking distance to the University of Washington campus. The lower rent allows student to better afford their education and not worry as much about affording school but rather focus on their academics. It has also fostered a learning community which as we know contributes towards better retention and graduation rates particularly for first generation and low income students.

This relationship has produced many graduates many of whom have gone on to obtain graduate degrees, and who now serve as leaders in our communities.

I cannot emphasize enough our appreciation and support for what the UCC has done for our students and know that their request for a rezone is also in the best interest of future low income OMA&D students.

We look forward to receiving positive news about the rezone in the coming months.

Sincerely,

Gabriel E. Gallardo, Ph.D.
Associate Vice President
Office of Minority Affairs & Diversity

Kemp, Scott

From: PRC1
Sent: Friday, January 07, 2011 4:48 PM
To: danderson@universityucc.org
Cc: Kemp, Scott
Subject: RE: MUP Project #3004384

Thank you for your comments. Your comments have been forwarded to the Planner reviewing this project and a copy of your email will be added to the project file.

Thank you,
PRC Staff

From: David Anderson [danderson@universityucc.org]
Sent: Friday, January 07, 2011 2:55 PM
To: PRC1
Cc: 'Tom Quigley'; cfoote@universityucc.org; moderator@universityucc.org
Subject: MUP Project #3004384

Dear DPD Public Resource Center,

Attached is a letter of support for MUP Project #3004384. The text of the letter is also included in the body of this email. The letter was also faxed today to DPD Public Resource Center at 206-233-7901.

Thank you for assuring that this letter is included with the other information for this application.

David Anderson

David D. Anderson
Church Business Administrator
University Congregational United Church of Christ
4515 16th Ave. N.E., Seattle, WA 98105-4201
phone 206-524-2322 ~ fax 206-524-0602 ~ web www.universityucc.org

January 7, 2011
Department of Planning and Development
Hearing Examiner
City of Seattle Office of Hearing Examiner
P. O. Box 94729
Seattle WA 98124-4729
RE: MUP Project #3004384, 4735 15th Ave NE (property on both sides of 15th Avenue NE, between 47th and 50th Streets.)
Dear DPD,

Kemp, Scott

From: Gary Huff [GHuff@karrtuttle.com]
Sent: Tuesday, April 06, 2010 1:34 PM
To: Kemp, Scott
Subject: FW: draft city report
Attachments: 3004384_Directors_Recommendation_mt.doc



Scott--You were kind enough to forward your draft report to us for review and comment. I thought the report was well done. My only real question has to do with your recommendation. When we talked before, you stated that you would recommend NC2-65 for the east side of 15th but NC3 for the west side. I read this as recommending NC2-65 for both parcels. Is that correct? If so, why the change? Thanks.

I was also asked to pass along the fact that the statement at the bottom of page 2 that UCC "owns most of the property" is not really true and may raise some eye brows at U Pres. It's probably more accurate to state that both churches own most of the property or that UCC owns "much of" or a significant portion. Don't want to cause offense.

I am also forward the following e-mail from the church member chairing the appropriate church committee. Her comments, most of which consist of minor edits, may or may not be of use.

Thanks again. Anything else newsworthy?

Gary

KARR ▾ TUTTLE ▾ CAMPBELL

Gary Huff

1201 3rd Avenue, Suite 2900
Seattle, Washington 98101
☎ direct 206-224-8024
☎ main 206-223-1313
☎ fax 206-682-7100
Visit our website www.karrtuttle.com



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-----Original Message-----

From: Marsha Tolon [mailto:mrtolon@mindspring.com]
Sent: Saturday, March 13, 2010 1:53 PM
To: Gary Huff; 'Lynn Huff (E-mail)'
Subject: RE: draft city report

Hello Gary, thank you for the update and opportunity to review the Directors Recommendation. The analysis is sound and clearly demonstrates the recommendation of NC2-65. I've added some edits and comments for consideration in the attached file. If this is out of line please delete them.

Yes, it is good to see some action happening. The NC2-65 recommendation is predicated on the potential for any future development proposal for the property to obtain from DPD a development standard departure. It is probably not prudent for the recommendation to state how possible that may be because it will depend upon the future development project type. This appears to be our only uncertain factor since the analysis states the current sewer conditions and capacity may be expanded by the time of project implementation.

I will forward the information on to the rest of the committee sans the recommendation. When it is final I'll provide it to everyone.



Low income student housing provided by University Christian Church on 15th N.E, just south of 50th on the east side of the street.

These two properties, along with the 67 car parking lot immediately to the north (left side of picture), are proposed for new low to moderate income housing development, provided zoning can be changed from L-3 to NC-3.



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Epiphany Lutheran
Kenmore

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First Lutheran of Bothell

First Lutheran of
Richmond Beach

Gethsemane Lutheran

Glendale Evangelical Lutheran

Grace Lutheran,
Des Moines

Immanuel Lutheran, Seattle

Light of the Cross Lutheran

Luther Memorial Lutheran

Magriolla Lutheran

Northlake Lutheran

Our Redeemer's Lutheran

Peace Lutheran,
West Seattle

Phinney Ridge Lutheran

Prince of Peace Lutheran,
SeaTac

Queen Anne Lutheran

Redeemer Lutheran

St. Andrew's Lutheran

St. John United Lutheran

St. Luke's Lutheran, Bellevue

Trinity Lutheran, Lynnwood

University Lutheran

Wooden Cross Lutheran

Lynn Huff
Chair, Rezone Task Force
University Christian Church
17670 SE 45th Court
Bellevue, WA 98006

RE: University Christian Church Rezone

Dear Mr. Huff

Lutheran Alliance to Create Housing (LATCH) is pleased to provide University Christian Church with a letter of support for your efforts to obtain a rezoning for your church parking lot located near the intersection of 15th Ave. NE and NE 50th Street.

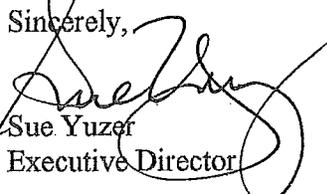
LATCH is a coalition of 34 churches incorporated as a nonprofit housing development organization in 1990. Our mission is to build, own and operate safe and nurturing communities that recognize the right to affordable housing. We currently own and operate 205 units of housing in five properties across King County, including two properties in Seattle.

The University Christian Church's parking lot is an ideal location for affordable housing development. Locating appropriate sites for affordable housing in North Seattle is extremely difficult, while the need for such housing in the area is acute. Affordable housing on this site would create a new option for the many people in the area who are currently priced out of the rental housing market.

In addition, because of the property's size, it provides a unique opportunity to create a partnership that could develop both affordable and market rate housing on the site, thereby creating quality housing stock that serves a variety of community needs.

LATCH sees the University Christian Church site as an ideal opportunity to help fill the community's affordable housing needs. Thank you for the opportunity to state our support of your efforts to provide the means to develop affordable housing on the site. Please let us know how we can continue to be of assistance through the rezoning process.

Sincerely,


Sue Yuzer
Executive Director

3004384 LOW INCOME



January 31, 2008

Diane Sugimura, Director
Planning and Development Department
City of Seattle
PO Box 34019
Seattle, WA 98124-4019

Re: Project 3004384- Rezone- University District

Dear Diane,

On behalf of the Low Income Housing Institute, we would like to lend our support for the rezone of the property in the University District for the above reference project number. This rezone to NC3, LIHI believes, is an important part of recognizing the change in the University District and its need for higher density commercial and residential development.

We appreciate your consideration of this request.

Sincerely yours,

Karen Anderson-Bittenbender
Deputy Executive Director
Low Income Housing Institute

2407 1st Avenue, Suite 200
Seattle, WA 98121-1311

(206) 443-9935 Phone
(206) 443-9851 Fax
(800) 833-6388 TTY
URL: www.lihi.org





Kiwanis Club University Seattle

Post Office Box 45436
Seattle, Washington 98145-0436

3004384

December 11, 2007

Lynn Huff, Chair
Rezone Task Force
University Christian Church
4731 Fifteenth Avenue Northeast
Seattle, Washington 98105

Dear Mr. Huff:

It is a pleasure to convey the strong support of University Kiwanis for the application to rezone property on the east side of 15th Avenue NE between NE 47th and NE 50th Streets from L-3 to NC-3. This support was voted unanimously by the University Kiwanis Board of Directors at its meeting on November 13, 2007.

As you know, the University District is one of three areas designated by the City of Seattle as an Urban Center. The need is clear for housing to support the goals established by the State, City and neighborhood; for housing to support the ten-year campaign to end homelessness and for housing to lessen commuting needs of those who work in the District.

Please keep us apprised of progress on this important project, and let us know if University Kiwanis might offer further support.

Sincerely,


Mike Greenbaum, President


AJ Skurdal, Secretary



Lynn Huff
Chair, Rezone Task Force
University Christian Church

Dear Lynn,

I am pleased to inform you that on August 28, 2007 the Church Council of University Temple United Methodist Church agreed to support University Christian Church's rezoning request. In addition, our Board of Trustees committee also voted to approve your rezoning request.

I think I can speak for University Temple congregation as a whole and say that we appreciate the proposed dynamic action of University Christian Church to help in the "Ten Year Plan to End Homelessness."

Sincerely,

Donald L. Dockter
Church Council Chairperson
University Temple United Methodist Church

UNIVERSITY LUTHERAN CHURCH

1604 Northeast 50th Street
Seattle, WA 98105-4223
pastorron@ulcseattle.org
secretarymari@ulcseattle.org

Office: 206-525-7074
Fax: 206-525-0474
pastoranne@ulcseattle.org
carolpease@ulcseattle.org

3004384

Lynn Huff, Chair
Rezone Task Force
University Christian Church
4731 Fifteenth Avenue NE
Seattle, WA 98105

September 15, 2007

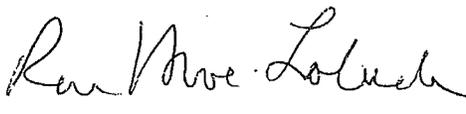
Dear Mr. Huff,

This letter affirms the strong support of University Lutheran Church for the University Christian Church (UCC) application to rezone the UCC property from L-3 to NC-3 on 15th Avenue NE between NE 47th and NE 50th Streets, Seattle, Washington.

The rezoning application of UCC builds on its many years of providing subsidized housing to 19 low income University of Washington students in two older structures now located on this property. We strongly support the rezoning to NC-3, which would allow a development of affordable and low cost housing from 120 up to 200 units. This rezoning would enable UCC to address the needs affirmed in the Ten Year Plan to End Homelessness.

University Lutheran Church strongly supports UCC's application to the City of Seattle for a rezone of this property from L-3 to NC-3. This support was voted unanimously by the University Lutheran Church Council at its meeting on July 24th 2007.

Sincerely yours,


Ron Moe-Lobeda ✓
ULC Pastor


Maggie Rehnson ✓
ULC Council President



University Baptist Church
4554 12th Avenue Northeast
Seattle, WA 98105-4524

Phone: 206.632.5188
Fax: 206.632.1483
Email: info@ubcseattle.org
Web: www.ubcseattle.org

Minister
Tim Phillips
tim@ubcseattle.org

Organist
Margaret Paynton

Church Administrator
Sofia Olson
office@ubcseattle.org

*University Baptist
Children's Center*
Director: Sandra Blood
www.ubcc.ws

We are a welcoming and affirming congregation. We celebrate our diversity in religious background, sexual orientation, race, age and abilities.



September 20, 2007

3004384

Lynn Huff, Chair
Rezone Task Force
University Christian Church
4731 Fifteenth Ave NE
Seattle WA 98105

RE: **SUPPORT OF RE-ZONE**

Dear Mr. Huff:

University Christian Church seeks a re-zone of the property it owns on 15th NE, between 47th and 50th from L-3 to NC-3. We support this re-zone, and would be pleased for you to include this letter articulating our support in the package you deliver to the City.

University Baptist Church has long been a supporter of efforts to end homelessness, and efforts to serve those who are underserved. More often we find that even low-to-moderate income families and individuals, and even those earning 'work force' wages are priced out of our urban communities. We understand that University Christian Church intends address one aspect of this issue by building additional housing on the east side of 15th. A zoning designation of NC-3 would allow more units to be built on the property, thus serving more of those with 'work force' wages.

This initiative is very much in keeping with our perspective on what the University District needs to keep it a vital, diverse and affordable neighborhood.

Thank you for the opportunity to support you on this topic. Please feel free to call if you have any questions.

Sincerely,



Martha Bean,
UBC Moderator 2007

3004384

Christ Episcopal Church

4548 Brooklyn Avenue NE
Seattle, WA 98105

Phone: (206) 633-1611
Fax: (206) 633-1819

Website: www.christchurchseattle.org
Email: cecseattle@earthlink.net



August 03, 2007

Lynn Huff, Chair
Rezone Task Force
University Christian Church
4731 Fifteenth Avenue NE
Seattle, WA 98105

Dear Mr. Huff,

This letter is in support of your application to rezone from L-3 to NC-3 the property belonging to University Christian Church (UCC) on 15th Avenue NE between NE 47th and NE 50th Streets, Seattle, Washington.

We applaud UCC's past efforts to provide subsidized housing to 19 low income University of Washington students in two older structures now located on this property. We understand the present L-3 zoning of this property would allow you to raze these buildings and rebuild with a single structure to increase the housing capacity to a maximum of 38 persons. We also understand that such an increase is not worth the expense to you, nor is it attractive to a developer.

We understand that a rezone to NC-3, which is also the zoning of the blocks immediately south and west of this property, would allow a structure to be built that would have a capacity from 120 to 200 units, which would make this property attractive to the developer already interested to develop this property for UCC.

We support the creation of additional workforce housing in the University District. We believe UCC's plan also meets the needs being addressed by the Ten Year Plan to End Homelessness. Therefore we strongly support UCC's application to the City of Seattle for a rezone of this property from L-3 to NC-3.

Approved by the Vestry of Christ Episcopal Church, July 31, 2007.

Sincerely yours,

The Reverend Steve Garratt, Rector

Anne Swetonic, Warden

**University
Congregational
Housing
Association**

3004384

August 25, 2007

Lynn Huff
Chair, Rezone Task Force
University Christian Church
4731 15th Ave NE
Seattle, WA 98105

Dear Mr. Huff:

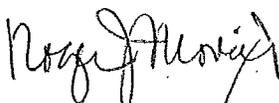
The University Congregational Housing Association (UCHA), made up of members of the University Congregational United Church of Christ, supports your efforts and those of the members of University Christian Church to have your property on 15th NE between 47th and 50th NE rezoned from L-3 to NC-3.

It is our understanding that if the height limitation was changed the property would be more attractive to a developer for building affordable rental housing, as well as providing more units of housing. NC-3 zoning is already present in the blocks immediately to the south and west.

Our organization has been active in attempting to create affordable "work force" housing in the University District. UCHA owns a sixteen-unit apartment building named Sortun Court at 4550 16th Ave NE. In 1999, a church-owned parking lot was developed into affordable family housing using city levy funds, state trust funds and a Key Bank loan. For seven years now a community has formed of parents and children who live and work in the University District area. The majority of the rents are below 50% median income and two are below 30%. It would be great to see more of this type of housing being created in this district.

We strongly believe it is the city's responsibility and obligation to find ways to help people with housing needs! It is a rare opportunity to have property available for this stated purpose and for only this use. As the University District is re-vitalized and growth occurs, the re-zoning of this area makes sense. We wholeheartedly support you!

Sincerely,



Roger Morris
President

*Out of a desire to be hands for God's work,
our mission is to work in creative ways to prevent homelessness and to provide housing for people in need.*

4515 16th Avenue NE Seattle, Washington 98105-4201 phone: (206) 524-2322 fax: (206) 524-0602

ROSEMARY BLAKEMORE

4209 NE 75th Street
Seattle, WA 98115
Phone (206) 524-6684
Roblake@foxinternet.net

July 2, 2009

Diane Sugimura
Dept. of Planning and Development
700 Fifth Avenue, Suite 2000
PO Box 34025
Seattle, WA 98124-4019

Re: DPD Master Use Permit #3004384

Dear Ms. Sugimura:

As Moderator of the Council of the University District Ecumenical Parish (UDEP), I am writing to let you know that the Council is strongly in support of the rezone request referenced above, being made by University Christian Church, University Presbyterian Church and others. We see a great deal of advantage in having the zoning of that property be changed to NC-3-65, or Neighborhood Commercial, with a height limit of 65 feet on the eastside of 15th NE and an 85 ft. limit on the west side of 15th NE.

As representatives of at least six faith communities in the University District (University Lutheran Church, University Christian Church, University Temple United Methodist Church, Christ Episcopal Church, University Congregational United Church of Christ, and United Campus Ministries), we have a history of and a continuing commitment to providing services and housing to homeless and low-income individuals and families. This rezoning would help make it possible to build additional, long-term affordable housing for low-income folks. We would very much like to see that happen. Our understanding is that low income developers will not consider even starting a new development if they don't have at least a 65 foot designation.

Thank you so much for considering this zoning change. If the UDEP Council can be of further assistance in helping this happen, please feel free to contact me.

Sincerely,

Rosemary Blakemore, Moderator
UDEP Council

Cc to: Scott J. Kemp, Dept. of Planning and Development Planner
Marilyn P. Watkins, University Christian Church Moderator
Janetta Cravens-Boyd, University Christian Church Senior Minister
Gary Huff of Karr, Tuttle, and Campbell

University Park Community Club



Department of Planning and Development
700 5th Avenue, Suite 2000
PO Box 34019
Seattle, WA 98124-4019

Re: Master Use Project No. 3004384

Dear DPD:

This letter is the response of the University Park Community Club (UPCC) to the rezoning request by the University Christian Church. University Park is the area north of NE 50th St to Ravenna Park and from 16th Ave NE to 21st Ave NE and is located immediately northeast of the proposed rezone area. A letter dated July 11, 2008, to the DPD from club officer Kent Wills, requested an extension of the comment period to August 6, 2008.

We would like to receive some clarifications and want certain potential problems addressed.

1. Please provide detailed information about the "NC-3" designation. There is no subtitle in the Seattle Land Use Code that defines authorized uses and development standards for this zone, similar to the way in which the code defines uses in Residential, Single Family or Commercial zones.
2. We would like to know how the 65ft height limit in an NC-3 zone is defined in this case of properties built on sloped land. In this case, 15th Ave. NE slopes steeply downhill to the west and slightly uphill to the east. We would oppose structures built on the uphill side of 15th Ave. NE that greatly exceed the allowed roof lines of the L-3 45' zone to the east.
3. Parking issues must be addressed. Any new structure should not add to our already-existing street parking problems. We would like to know how many parking spaces would need to be built per new residential unit in this zone, as well as how many spaces would need to be allocated for each commercial property/unit.
4. This rezone presumably adds value to these properties. We believe the City should get something in return for this rezone, for instance through financial contributions to local infrastructure development and/or by providing a certain number of low income housing units.
5. We would be pleased to see more newly-constructed student housing in the area south of NE 50th St. That area is already zoned for multifamily use (unlike University Park). Further, student safety would be improved by increasing the number of newer units, by allowing students to move out of older, overcrowded and rundown houses that currently provide much of the rental housing in the area north of NE 45th St. The Church has made statements that it intends to provide student housing in a new

development. This commitment should be secured as part of a rezone agreement.

6. There have been a lot of recent density increases in the University Urban Village area, for example, the apartments built on University Ave. near NE 50th St., and the new housing directly south of NE 50th St. near Roosevelt. We would like to know how these increases compare to growth plans. If growth targets are already met it is questionable to issue further growth incentives and impose higher-density rezones, in particular if infrastructure upgrades are not keeping pace.
7. A rezone of this block should not become a precedent for similar rezone action along 15th Ave NE *anywhere* north of NE 50th St.

Our club does not categorically oppose the rezone, but feels that the issues raised in this comment should be addressed before a final decision is made to change the area to an NC-3 zone.

Sincerely,


Aurora R. Bearse
On behalf of the UPCC Board
1904 NE 52nd St.
Seattle, WA 98105
206-235-6930

✓

UNIVERSITY PARK COMMUNITY CLUB



11 Jul 08

Dept. of Planning and Development
700 5th Ave. Suite 2000
P.O. Box 34019
Seattle, WA. 98124-4019

RECEIVED

JUL 14 2008

RE: Master Use Project 3004384 comment extension request

THE CITY OF SEATTLE
DEPARTMENT OF
PLANNING
AND DEVELOPMENT

Dear Sir,

We request a written comment extension to August 6, 2008 be given on MUP 3004384. The comment period currently ends on 23 July 2008.

Thanks in advance.

Sincerely,

Kent Wills
On behalf of the UPCC Board
5210 16th Ave. N.E.
Seattle, WA. 98105
206-526-7149



Scott Kemp - Fwd: request for extension of the comment peri

From: PRC1
To: Kemp, Scott
Date: 7/15/2008 5:28 PM
Subject: Fwd: request for extension of the comment peri

scott, for you and the file. i saw that you already extended the comment period, so informed her the comment period is now extended. :) thanks reta

>>> "Teresa Lord Hugel" <director@udistrictchamber.org> 7/15/2008 4:34 PM >>>

We would like to request an extension of the comment period for this project. We believe that many of the citizens of the community who might have important comments are out of town during some weeks during the summer and we don't think this is enough time to get the word out on this project.

Thank you.

Application

Area: Northeast **Address:** 4735 15TH AVE NE
Project: 3004384 **Zone:** ARTERIAL WITHIN 100FT, LOWRISE-3,
NE 45TH STATION AREA DISTRICT, URBAN VILLAGE OVERLAY

Teresa Lord Hugel
Executive Director
Greater University Chamber of Commerce
4710 University Way NE, Ste 114 (please note suite change)
Seattle, WA 98105
phone - 206.547.4417
fax - 206-547-5266
www.udistrictchamber.org

Wayfarer Cooperative Association
4725 15th Avenue NE
Seattle, Washington 98105
July 23, 2008

Scott Kemp
Department of Planning and Development
700 Fifth Avenue, Suite 2000
PO Box 34019
Seattle, Washington 98124-4019

Dept. of Planning & Development
Public Resource Center

JUL 23 2008

RECEIVED

Re: Extension of comment period for Project # 3004384

Dear Mr. Kemp:

Speaking on behalf of the Wayfarer Cooperative Association, I believe the comment period for Project # 3004384, scheduled to end today, has allowed insufficient time for concerned parties to consider and respond to the issue. Consequently, I request extension of the comment period until August 6, 2008.

Thank you for considering my request.

Sincerely,



C. Thomas Schaefer
President, Wayfarer Cooperative Association

*Comment period
ext. ended until
8/6/08
JRS*

PRC1 - Project No. 3004384 - Environmental Checklist

From: "Rob Weber" <RWeber@wpblaw.com>
To: <PRC@SEATTLE.GOV>
Date: 7/18/2008 2:15 PM
Subject: Project No. 3004384 - Environmental Checklist



Dear Sir or Madam:

Our office represents the owners of King County Tax Parcel No. 8823902055 which is adjacent to one of the properties for which a rezone has been applied for pursuant to the above-referenced project number.

I believe an environmental checklist has been prepared for said project. Could you please send it to me?

If there are any other documents that have been submitted, I would appreciate copies of those as well. Thank you.

ROBERT J. WEBER

WOLFSTONE, PANCHOT & BLOCH, P.S., INC.

ATTORNEYS AT LAW

1111 THIRD AVENUE, SUITE 1800

SEATTLE, WA 98101

PHONE: (206) 682-3840

FAX: (206) 340-8837

EMAIL: rweber@wpblaw.com

WEBSITE: www.wpblaw.com

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City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development
D. M. Sugimura, Director

FAX COVER SHEET

DATE: 7/22/08

NO. OF PAGES: 84 (including coversheet)

TO: Robert J Weber

COMPANY: Wolfstone, Panchot & Bloch, PS, Inc

PHONE NUMBER: 206-682-3840

FAX NUMBER: 206-340-8837

FROM: Public Resource Center

PHONE NUMBER: (206) 684-8467

FAX NUMBER: (206) 233-7901

RE: _____

COMMENTS: _____

Thanks. ☺

H:\DOCFax coversheet dpd letterhead.doc



City of Seattle, Department of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

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TRANSMITTED/STORED : FILE MODE	JUL. 22. 2008 10:01AM OPTION	ADDRESS	RESULT	PAGE
225	MEMORY TX	92063408897	OK	84/84

REASON FOR ERROR
 E-1) HANG UP OR LINE FAIL
 E-3) NO ANSWER
 E-2) BUSY
 E-4) NO FACSIMILE CONNECTION



City of Seattle

Gregory J. Nickels, Mayor
 Department of Planning & Development
 D. M. Sugimura, Director

FAX COVER SHEET

DATE: 7/22/08

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COMPANY: Wolfstone, Panchot & Bloch, PS, Inc

PHONE NUMBER: 206-682-3840

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FROM: Public Resource Center

PHONE NUMBER: (206) 684-8467

FAX NUMBER: (206) 233-7901

RE: _____

COMMENTS: _____

Thanks. ☺
F:\DOCS\fax coversheet dpd letterhead.doc



City of Seattle, Department of Planning and Development
 700 Fifth Avenue, Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019

From: <ncosgray@gmail.com>
To: <PRC@Seattle.gov>
CC: <ncosgray@gmail.com>
Date: 7/23/2008 10:13 AM
Subject: Comments on Land Use Application - Project: 3004384, Bulletin date: 07/10/2008

I applaud the goal of building new, quality low-income housing in the University District. As a former UW employee I appreciate both (1) how convenient it is to live and work in the neighborhood, and (2) how difficult it is to find quality housing for those of us living on relatively limited means. However, I believe that the character of 15th Ave NE would be drastically changed if this rezoning proposal is approved. Currently, there is essentially no commercial activity along 15th Ave NE between Boat St and 65th St -- our street has a mixture of UW property, a public park, and predominantly residential buildings. In addition, we enjoy relatively low density because of the height restrictions of the existing zoning. This makes 15th Ave NE a nice residential corridor that is near the bustle and noise of University Way but which has a more relaxed, comfortable vibe that affords better livability -- especially for longterm neighborhood residents like me. I fear that if this rezoning is approved, the new building(s) will bring more traffic, more noise, and more disruption -- essentially turning our once-nice neighborhood into little more than an extension of University Way. That would be a shame.

*no
USPS address*

Scott Kemp - 15th ave NE project 3004384

From: Jess Williams <jesseleewilliams@hotmail.com>
To: <scott.kemp@seattle.gov>
Date: 7/21/2008 12:18 PM
Subject: 15th ave NE project 3004384

Mr. Kemp,
as a long-time resident of the U-District, I do not support a change of land use for 15th ave between 47th and 50th from residential to commercial. I could consider one level of commercial and/or retail store front with residential above that, but not 3 stories of commercial without residential. This is prime residential space that should be providing housing in close proximity to the US campus and to shopping on the Ave.

I support University Presbyterian Church. If this proposed land use change is at their request, I support the church but believe that their campus expansion should not come at the expense of the residential character of the rest of the neighborhood.

Thank you for considering my comments. Please call me at (206) 595-8175 if I can clarify my thoughts.

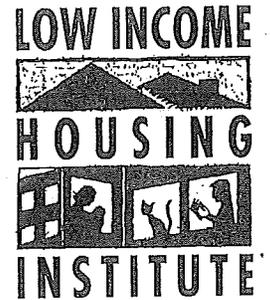
Jesse Williams
4725 15th Ave NE #16
Seattle, WA 98105

Keep your kids safer online with Windows Live Family Safety. [Help protect your kids.](#)

Dept. of
Planning & Development

FEB 5 2008

RECEIVED



January 31, 2008

Diane Sugimura, Director
Planning and Development Department
City of Seattle
PO Box 34019
Seattle, WA 98124-4019

Re: Project 3004384- Rezone- University District

Dear Diane,

On behalf of the Low Income Housing Institute, we would like to lend our support for the rezone of the property in the University District for the above reference project number. This rezone to NC3, LIHI believes, is an important part of recognizing the change in the University District and its need for higher density commercial and residential development.

We appreciate your consideration of this request.

Sincerely yours,

Karen Anderson-Bittenbender
Deputy Executive Director
Low Income Housing Institute

2407 1st Avenue, Suite 200
Seattle, WA 98121-1311

(206) 443-9935 Phone
(206) 443-9851 Fax
(800) 833-6388 TTY
URL: www.lihi.org



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

June 10, 2008

Theresa Doherty
Assistant Vice President for Regional Affairs
University of Washington, 225 Gerberding Hall
Box 351243
Seattle, WA 98195-1243

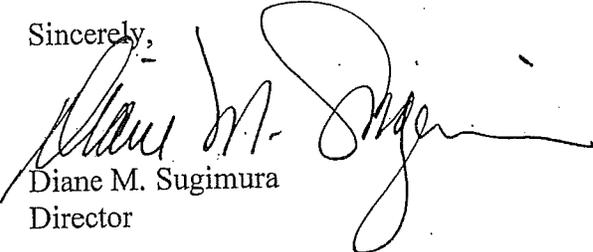
Dear Ms. Doherty:

Theresa

Thank you for your letter of June 2 regarding the University's support for creation of additional housing in the University District, and for the rezone request submitted by University Christian Church. As you know, the Mayor and I agree that additional housing for students, faculty and staff is very important.

I have forwarded your letter to Scott Kemp, the Land Use Planner for this project.

Sincerely,


Diane M. Sugimura
Director

cc: Scott Kemp, Land Use Planner, DPD



City of Seattle, Department of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

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Dir 125-8



Dept. of
Planning & Development

UNIVERSITY OF WASHINGTON

RECEIVED

OFFICE OF REGIONAL AFFAIRS
Theresa Doherty, Assistant Vice President

June 2, 2008

Diane Sugimura, Director
Department of Planning and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019



Project Number: 3004384

Dear Diane,

This letter is to express the University's support for creation of additional housing in the University District, and for the rezone request submitted by University Christian Church (UCC).

The University is in the beginning stages of building new residence halls to serve its students. Provost Phyllis Wise recently identified five development sites in the Campus Master Plan for this purpose. These West Campus sites will increase our on-campus student housing units from 5,500 beds to 8,100. If all goes according to plan, these beds will come on line between 2011 and 2010. Nevertheless, there will continue to be a need for a variety of housing types for our students in close proximity to campus.

The University has been approached by several U-District landowners about development of housing on their properties. While we have not committed to any projects off campus, we believe the development of more housing in the district will be a benefit to our students, faculty and staff as well as the University District community.

One of the property owners who has approached us is the UCC. For the past seventeen years UCC has provided subsidized housing to low-income UW students. This service has been of great benefit to the students who qualify. Now UCC is looking at ways to expand their mission and are asking for a rezone of their properties so they can develop additional housing. We support the creation of additional housing in the University District and hope you will look favorably upon their rezone request.

Sincerely,

Theresa Doherty
Assistant Vice President for Regional Affairs
University of Washington
cc: Brian Pearce
cc: Clint Pehrson



From: "Dana Miller" <danaerp@gmail.com>
To: <PRC@seattle.gov>
Date: 8/7/2008 9:16 AM
Subject: Project #3004384

Hello,

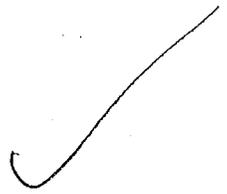
I support the re-zoning of 15th Ave NE in the U-Dist.

The streets need to be re-paved with concrete though.

Thanks,

-Dana Miller

4725 15th Ave NE #32
Seattle, WA 98105



Scott Kemp - Re: Fwd: Question about Project #3004384

From: Viana Daven <vianadaven@yahoo.com>
To: Scott Kemp <Scott.Kemp@Seattle.Gov>
Date: 7/18/2008 1:30 PM
Subject: Re: Fwd: Question about Project #3004384

Thank you Scott for responding to my questions. My USPS address is:
4139 12th Ave NE #401
Seattle, WA. 98105.

Viana Daven

----- Original Message -----

From: Scott Kemp <Scott.Kemp@Seattle.Gov>
To: vianadaven@yahoo.com
Sent: Friday, July 18, 2008 11:36:54 AM
Subject: Fwd: Question about Project #3004384

>>> Scott Kemp 7/18/2008 11:34 AM >>>

Ms. Daven, Thank you for your comment. I understand the frustration. If you would like to be included in the contact list for this project would you please send me your U.S. Mail address.

Thank you.

Scott Kemp

Scott Kemp
Senior Land Use Planner
City of Seattle
Department of Planning and Development
P.O. Box 34019
700 - 5th Ave. Suite 2000
Seattle WA 98124-4019
scott.kemp@seattle.gov

Phone: 206.233.3866
FAX: 206.233.7902

>>> PRC1 7/18/2008 9:19 AM >>>

scott, for you and the file. thanks. :) reta

>>> Viana Daven <vianadaven@yahoo.com> 7/16/2008 8:36 PM >>>

Hello

I would like to know why the homes on 15th Ave NE between NE 50th and NE 47th are going to be demolished. They look like they are in good condition and they are inhabited.

Founded 1939

Leon L. Wolfstone
(1914-1981)
Carl P. Jensen
(1925-1997)
Raymond J. Petersen
(1927-2006)



WOLFSTONE PANCHOT & BLOCH
Attorneys at Law

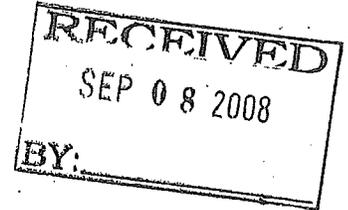
MARISSA A. ALKHAZOV
STANLEY G. BAKUN
LYNN PENIX BARKER
KENNETH A. BLOCH
ROBERT L. DIJULIO
HOWARD (TERRY) HALL*

DUDLEY PANCHOT
KEVIN MICHAEL PAULICH
STEVEN N. ROSS
ROBERT J. WEBER
EDWIN G. WOODWARD
JAMES C. HANKEN, of Counsel
*ALSO MEMBER OREGON BAR

July 21, 2008

VIA U.S. MAIL, FAX: ((206) 233-7901) & PDF FILE: PRC@SEATTLE.GOV

Department of Planning and Development
ATTN: Public Resource Center or Assigned Planner
700 Fifth Ave, Ste 2000
P.O. Box 34019
Seattle, WA 98124-4019



RE: **Project No. 3004384;**
Proposed Rezone of 4735 15th Ave. N.E.

Dear Sir or Madam:

This office is counsel to No Apples I – Spokane, L.L.C., a Washington limited liability company (“No Apples”), which is the owner of King County Tax Parcel No. 8823902055, more commonly known as 4747 16th Ave. N.E., Seattle, WA 98105. No Apples has recently learned of the proposed rezone described as Project No. 3004384. Said project involves the proposed rezoning of certain properties on 15th Avenue N.E. (“15th”) between N.E. 50th and N.E. 47th from L-3 to NC3-65. While the rezone includes all of the properties on 15th between N.E. 50th and N.E. 47th, for purposes of this letter, when I speak of the “Subject Property,” I am primarily referring to King County Tax Parcel Nos. 8823902200, 8823902185, 8823902180 8823902175, each of which is directly west of No Apples’ property, and which properties are located on the east side of 15th. By this letter we intend to communicate No Apples’ stringent objection to the proposed rezone, particularly as it relates to the Subject Property. We believe it is inconsistent with the land use code, and should be denied.

As an initial point, No Apples objects to this proposed rezone being subject to the “Optional DNS Process” and Early DNS Process. Pursuant to Seattle Municipal Code § 25.05.355, such process is only applicable when the City “has a reasonable basis for determining significant adverse environmental impacts are unlikely . . .” We believe what is proposed will have a significant environmental impact, not only on No Apples’ property, but also on the entire neighborhood and the community at large, including commuters who rely on 15th on an everyday basis. As such, we believe a complete SEPA review and investigation must be conducted, including a thorough and complete Environmental Impact Statement.

Therefore, we request that neither a DNS nor a mitigated DNS be issued without further comment, nor without requiring additional information or studies prior to making a threshold determination. We believe it is beyond dispute that the issues raised by this application are significant, are material and require a complete SEPA review. The constituencies who would be affected by this proposed rezone go well beyond No Apples and the other property owners in the neighborhood, and as such, anything less than a full SEPA review is unacceptable.

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of zoning requested in this application would have the effect of turning 15th into another University Way, clearly a significant environmental impact.

An additional relevant issue to be taken into account when considering this proposed rezone is that the allowance of commercial development on 15th would necessarily pull commercial activity away from University Way, and move it closer to the residential neighborhood. Allowing such is simply not good public policy. Any commercial uses that the applicants might propose would certainly be more appropriately set on University Way and points west of there.

The general criteria concerning a rezone is found in SMC 23.34.008, and includes the following as zoning principles to be considered:

- The "impact of more intensive zones on less intensive zones shall be minimized by the use of transitions or buffers if possible, and a gradual transition between zoning categories, including height limits, is preferred" SMC 23.34.008(E)(1);
- In terms of an Impact Evaluation, pursuant to SMC 23.34.008(F)(1)(c), among those items to be considered are environmental factors such as glare and shadows (emphasis added); and
- In terms of Service Capacities, SMC 23.34.008(F)(2) states that "development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacity which can be reasonably anticipated in the area, including street capacity in the area and parking capacity (emphasis added).

In considering these simple, baseline issues, the proposed rezone reveals itself as severely flawed. First of all, in terms of a gradual transition from one zoning to another and/or a buffer, the proposed rezone offers neither. No Apples' property and the Subject Property are separated by a mere alley, there is no transition and no buffer. If the City is interested in a zoning change in this area, we propose it be limited to the west side of 15th whereby 15th would act as buffer between the more intensive, commercial zoning of University Way (and west of University Way) and the multifamily residential community which clearly starts on the east side of 15th. 15th has always naturally served as that boundary, and that boundary allows for the energetic residential area to the east of 15th. The height allowed by, and commercial aspect of NC3-65 zoning is simply not in keeping with traditional feel of the neighborhood, nor its current, more appropriate zoning.

The impact of this rezone on No Apples' property would be dramatic and devastating. A structure constructed under NC3-65 would tower over No Apples' property, casting shadows upon it, denying it light and severely impacting the views which are enjoyed from the top floors of No Apples' property. The views from No Apples' property are to be taken into account pursuant to SMC 23.34.009(B) (which states that "height limits shall reinforce the natural topography of the area and its surroundings and the likelihood of view blockage shall be considered"). The right of a property owner to light, and to avoid shadows created by a neighboring property is recognized in the SMC, and is also a burgeoning concept in the law. Notwithstanding the environmental concerns regarding the denial of light and the casting of shadows, a hulking building on the Subject Property could have a devastating effect on No Apples' ability to lease its apartments. It may be argued that the proposed rezone equates to economic condemnation.

UNIVERSITY DISTRICT COMMUNITY COUNCIL
C/O 4534 UNIVERSITY WAY NE
SEATTLE, WA 98105
(206) 527-0648
udistrictcouncil@hotmail.com

August 25, 2008

Scott Kemp
Senior Land Use Planner
City of Seattle
Department of Planning and Development
P.O. Box 34019
700 - 5th Ave. Suite 2000
Seattle WA 98124-4019
Via email to scott.kemp@seattle.gov

RE: Project #3004384

Mr. Kemp,

I am writing on behalf of the University District Community Council to offer our comments on Project #3004384, which would rezone 15 properties on both sides of 15th Avenue NE between NE 47th and NE 50th Streets. We appreciate your extending of the comment deadline on this most significant project to ensure adequate time for community responses, particularly as many people are gone during the summer months.

In December of 2007, a proponent of this proposal came to a meeting of the University District Community Council and requested our support for this project, and at the time this individual indicated that DPD had stated that community support would be a major factor in whether this huge upzone would be permitted to go forward. At this meeting, we had indicated that the UDCC would likely take no position if a proposal was made to increase the zoning of these properties to NC-3/45, but that we would be strongly opposed to an increase to NC-3/65. We were very disappointed to see that the project proponents did not consider these community concerns in developing this proposal, and the UDCC remains strongly opposed to upzoning this stretch of 15th Ave NE to NC-3/65.

We object to this proposal for the following reasons. First – it will overshadow the buildings in adjacent and less intensive zones, and offers no modulation and/or transition between the properties fronting on to 15th Ave NE and the L-3 and SF zoned properties to the east. In addition, it is not consistent with the adopted University Community Urban Center Neighborhood Plan, which envisions that retail frontage would remain focused on the existing commercial corridors of University Way, Brooklyn Avenue, and Roosevelt Way. Finally, we believe that allowing this massive upzone will create strong pressure to upzone neighboring properties, which are either zoned for lowrise or single-family

**Scott Kemp - RE: Request for extension of comment deadline Project
#3004384/UDCCcomments**

From: Matthew Fox <udistrictcouncil@hotmail.com>
To: Scott Kemp <scott.kemp@seattle.gov>
Date: 8/25/2008 6:05 PM
Subject: RE: Request for extension of comment deadline Project
#3004384/UDCCcomments
CC: <udistrictcouncil@hotmail.com>
Attachments: August 25 2008 DPD letter on Project #3004384 15th Ave rezone.doc

UNIVERSITY DISTRICT COMMUNITY COUNCIL
C/O 4534 UNIVERSITY WAY NE
SEATTLE, WA 98105
(206) 527-0648
udistrictcouncil@hotmail.com

August 25, 2008

Scott Kemp
Senior Land Use Planner
City of Seattle
Department of Planning and Development
P.O. Box 34019
700 - 5th Ave. Suite 2000
Seattle WA 98124-4019
Via email to scott.kemp@seattle.gov

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scott.kemp@seattle.gov

Phone: 206.233.3866
FAX: 206.233.7902

>>> Matthew Fox <udistrictcouncil@hotmail.com> 7/22/2008 4:18 PM >>>
UNIVERSITY DISTRICT COMMUNITY COUNCIL
C/O 4534 UNIVERSITY WAY NE
SEATTLE, WA 98105
(206) 527-0646
udistrictcouncil@hotmail.com

July 22, 2008

Scott Kemp, Planner
Department of Planning and Development
via email to scott.kemp@seattle.gov

Mr. Kemp,

I just called and left you a message, and am also writing on behalf of the University District Community Council to request an extension of the comment deadline for Project #3004384 to rezone 15 parcels along 15th Ave NE in the University District to NC3-65. Given the size and significance of this rezone, and also given that this application was filed during the summer months when many people are on vacation and/or otherwise out of the neighborhood, it is our hope that you will extend this comment deadline. We would also appreciate notification as to whether this request has been granted as soon as is practicable.

Sincerely,

Matt Fox, President
University District Community Council

From: mattfoxseattle@hotmail.com
To: udistrictcouncil@hotmail.com
Subject: FW: Rezone in your area--see below
Date: Tue, 22 Jul 2008 22:50:48 +0000

Jul 10, 2008

Seattle Department of Planning and Development

Land Use Information Bulletin

A Twice-Weekly Bulletin Announcing Land Use Applications, Decisions, Hearings, and Appeals
www.seattle.gov/dpd

Notices of Applications

file. In the event of omissions, errors or differences, the documents in DPD's files will control.

Application

Area: Northeast **Address:** 4735 15TH AVE NE
Project: 3004384 **Zone:** ARTERIAL WITHIN 100FT, LOWRISE-3, NE 45TH
STATION AREA DISTRICT, URBAN VILLAGE OVERLAY
Notice Date: 07/10/2008



(Top of image is north.)
Map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in DPD's files will control.

Contact: GARY HUFF - (206)224-8024
Planner: Scott Kemp - (206)233-3866
Date of Application: 07/09/2008
Date Application Deemed Complete: 07/03/2008

Council Land Use Action to rezone 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 50th St. and the south by NE 47th St. Existing structures on the east side of 15th Ave NE to be demolished.

Comments may be submitted through: 07/23/2008

The following approvals are required: **SEPA DETERMINATION** (This project is subject to the Optional DNS Process (WAC 197-11-355) and Early DNS Process (SMC 25.05.355). This comment period may be the only opportunity to comment on the environmental impacts of this proposal.)

Contract Rezone to rezone 15 parcels from L3 to NC3-65.

Other permits that may be needed which are not included in this application:

Building Permit

Demolition Permit

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LUTHERAN ALLIANCE TO CREATE HOUSING
People of faith, creating housing, building community

8757 15th Avenue NW
Seattle, WA 98117
(206) 789-1536
(206) 789-1825 fax
www.latch.org

Advent Lutheran, Mill Creek

Bellard First Lutheran

Becky Lutheran, Baird Ridge
Hill

Bethel Lutheran of Shoreline

Bethesda Lutheran, Moreland
Terrace

Bethlehem Lutheran, Seattle

Central Lutheran of the Holy
Trinity

Cross of Christ Lutheran

Denny Park Lutheran

Edmond Lutheran

Epiphany Lutheran, Kenmore

Faith Lutheran, Seattle

First Lutheran of Bitter
Lake

First Lutheran of Rikerwood Beach

Gravesend Lutheran

Glendale Lutheran

Grace Lutheran,
Des Moines

Immanuel Lutheran, Seattle

Kent Lutheran

Light of the Cross Lutheran

Luther Memorial Lutheran

Margie Lutheran

Norfolk Lutheran

Our Redeemer's Lutheran

Peace Lutheran, West Seattle

Pinney Ridge Lutheran

Prince of Peace Lutheran, Seattle

Queen Anne Lutheran

Redeemer Lutheran

St Andrew's Lutheran

St John United Lutheran

St Luke's Lutheran, Bellevue

Trinity Lutheran, Lynnwood

University Lutheran

Wenden Cross Lutheran

May 14, 2009

Diane Sugimura
Director
City of Seattle Department of Planning and Development
700 5th Avenue Suite 2000
Seattle, WA 98124

Dear Ms. Sugimura:

Lutheran Alliance To Create Housing (LATCH) is a nonprofit owner and developer of affordable housing located in Seattle, Washington. We own and operating 205 units of affordable housing in King County.

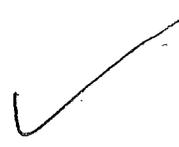
LATCH has been in conversations with University Christian Church about purchasing a number of the lots that it owns that are part of its rezoning application of 15th Avenue NE between 47th and 50th Streets.

LATCH is very interested in developing affordable housing on this site. The viability of making an affordable housing project financially feasible is greatly enhanced if the property is zoned NC3-65. If the property is kept at a lower height limit it will be difficult for LATCH to make the project feasible given the funding constraints that are inherent in financing affordable housing. At NC3-65, we anticipate being able to develop approximately 60 units, which is an ideal project size and gives us the ability to do the project with the funding sources that are available to us.

I urge you to support University Christians rezoning application at the NC3-65 level in that it greatly supports LATCH's ability to develop affordable housing on the site.

Sincerely,

Kim Loveall Price,
Executive Director





Friday, July 18, 2008 - Page updated at 12:00 AM

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2 University District churches seek rezone for taller buildings

By Eric Pryne
Seattle Times business reporter

Two University District churches have asked the Seattle City Council to rezone a half-block they own most of, a first step to redeveloping it.

The property, on the east side of 15th Avenue Northeast from Northeast 47th to Northeast 50th streets, has parking lots on each corner that flank seven older houses used for student housing or church offices.

University Christian Church, which owns one parking lot and two houses, wants to see new housing for a mix of income levels built on its property, including low-income units and perhaps housing for University of Washington students and faculty.

University Presbyterian Church, which owns three houses and the other parking lot, says it is potentially interested in affordable housing as well.

But Lynn Huff, who is leading the effort for University Christian, said redevelopment won't pencil out unless zoning is changed to allow greater density and taller buildings.

University District churches have identified affordable housing as a pressing neighborhood need, he said, and "we control what in this day and age is a prime piece of property."

The block now is zoned to allow low-rise apartments of no more than three stories. That's also what the city's comprehensive plan calls for.

All the property-owners — the churches and the owners of the two remaining houses — are seeking a change that would allow six-story mixed-use buildings, with housing above ground-floor offices or shops.

For University Christian's properties alone, the number of potential units would increase from 45 to 120, according to the application.

The proposed rezoning also would include the west side of 15th, now occupied by University Christian's sanctuary and three apartment buildings, but the application says no changes are planned there.

On the east side, University Christian's two old houses that would be demolished as part of any redevelopment to provide subsidized housing for 19 low-income university students, Huff said.

"[Rezoning] would allow us to do more of what we're already doing," Huff said. "Affordable housing is our main goal."

**AN APPLICATION FOR REZONE OF BOTH SIDES OF
15TH AVENUE NE BETWEEN NE 47TH AND 50TH 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 15th Avenue NE. Growth in the church community, plus vibrant church-related services have caused UPC to continue to expand to the north of NE 47th Street to accommodate community need. Of the 12 parcels UPC currently owns on its "North Campus," six are located on 15th 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 15th 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 15th 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.

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 15th.

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.

Founded 1939



WOLFSTONE PANCHOT & BLOCH
Attorneys at Law

Leon L. Wolfstone
(1914-1981)
Carl P. Jensen
(1925-1997)
Raymond J. Petersen
(1927-2006)

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JAMES C. HANKEN, of Counsel
*ALSO MEMBER OREGON BAR

July 21, 2008

VIA U.S. MAIL, FAX: ((206) 233-7901) & PDF FILE: PRC@SEATTLE.GOV

Department of Planning and Development
ATTN: Public Resource Center or Assigned Planner
700 Fifth Ave, Ste 2000
P.O. Box 34019
Seattle, WA 98124-4019

**RE: Project No. 3004384;
Proposed Rezone of 4735 15th Ave. N.E.**

Dear Sir or Madam:

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As an initial point, No Apples objects to this proposed rezone being subject to the “Optional DNS Process” and Early DNS Process. Pursuant to Seattle Municipal Code § 25.05.355, such process is only applicable when the City “has a reasonable basis for determining significant adverse environmental impacts are unlikely . . .” We believe what is proposed will have a significant environmental impact, not only on No Apples’ property, but also on the entire neighborhood and the community at large, including commuters who rely on 15th on an everyday basis. As such, we believe a complete SEPA review and investigation must be conducted, including a thorough and complete Environmental Impact Statement.

Therefore, we request that neither a DNS nor a mitigated DNS be issued without further comment, nor without requiring additional information or studies prior to making a threshold determination. We believe it is beyond dispute that the issues raised by this application are significant, are material and require a complete SEPA review. The constituencies who would be affected by this proposed rezone go well beyond No Apples and the other property owners in the neighborhood, and as such, anything less than a full SEPA review is unacceptable.

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(206) 682-3840 FAX: (206) 340-8837 www.wpblaw.com

In terms of the current zoning in the area, the Subject Property is on the east side of 15th, a major north-south arterial with heavy traffic. The zoning on 15th from at least N.E. 64th to N.E. 47th is all L-3, as is the zoning immediately east of 15th. There are no commercial developments within that area. As a starting point, it is instructive to review the characteristics of the two relevant zoning categories, L-3 and NC3-65, as they are defined in the Seattle Municipal Code:

- The criteria for L-3 is described in SMC 23.34.020(A) as most appropriate in “an area that provides moderate scale multi-family housing opportunities in multi-family neighborhoods.”
- In comparison, in looking at the basic criteria for an NC3 designation (note this is for NC3, not even the proposed NC3-65 which is obviously a higher use), SMC 23.34.078(A) describes the type of property best suited for such a designation as that which would:
 - support or encourage a pedestrian oriented shopping district that serves the surrounding neighborhood in a larger community, city wide or regional clientele;
 - provide comparison shopping for a wide range of retail goods and services;
 - that incorporates offices, business support service and residences that are compatible with the retail character of the area; and
 - where the following characteristics can be achieved:
 - a variety of sizes and types of retail and other commercial business at street level;
 - continuous storefronts or residents built to the front lot line;
 - intense pedestrian activity; and
 - that to which shoppers can drive to the area, but walk around from store to store.

Given the very nature of 15th between N.E. 47th and N.E. 64th, literally none of the characteristics described in SMC 23.34.078(A) apply. This area stretches from the Ravenna and Roosevelt neighborhoods to the neighborhood north of the University, and as such includes some of Seattle’s most vibrant, active and attractive residential neighborhoods. 15th serves as the central north-south arterial for these neighborhoods, and is crucial to the smooth flow of traffic in northeast Seattle, particularly during the daily commute. As such, it cannot be the City’s desire, nor competent planning, to allow 15th to become a pedestrian oriented shopping district.

Quite to the contrary, since 15th is such a heavily used and relied upon arterial roadway, it is hard to understand the wisdom of a zoning conversion from L-3 to that which envisions shopping for a wide range of retail goods and services, offices, and business support services. Such intense pedestrian activity, and the creation of continuous storefronts on 15th is completely the opposite of its current use. Such commercial development would create untold traffic problems. Furthermore, it is not as if that type of commercial development is far away. University Way, just one block west of the Subject Property, is the commercial and retail hub of the University District with extremely heavy pedestrian use. Given such use, University Way is clogged with heavy traffic congestion much of the day, and is therefore not a good commuting choice for drivers. When folks in the neighborhood want goods and services, they walk the block to University Way. When folks in the neighborhood need to leave their homes to travel north or south, they use 15th. This outlook finds support in the City of Seattle’s Comprehensive Plan, which does not support this type of zoning along 15th. We believe that any SEPA review would reveal that the type

of zoning requested in this application would have the effect of turning 15th into another University Way, clearly a significant environmental impact.

An additional relevant issue to be taken into account when considering this proposed rezone is that the allowance of commercial development on 15th would necessarily pull commercial activity away from University Way, and move it closer to the residential neighborhood. Allowing such is simply not good public policy. Any commercial uses that the applicants might propose would certainly be more appropriately set on University Way and points west of there.

The general criteria concerning a rezone is found in SMC 23.34.008, and includes the following as zoning principles to be considered:

- The “impact of more intensive zones on less intensive zones shall be minimized by the use of transitions or buffers if possible, and a gradual transition between zoning categories, including height limits, is preferred” SMC 23.34.008(E)(1);
- In terms of an Impact Evaluation, pursuant to SMC 23.34.008(F)(1)(c), among those items to be considered are environmental factors such as glare and **shadows** (emphasis added); and
- In terms of Service Capacities, SMC 23.34.008(F)(2) states that “development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacity which can be reasonably anticipated in the area, including **street capacity in the area and parking capacity** (emphasis added).

In considering these simple, baseline issues, the proposed rezone reveals itself as severely flawed. First of all, in terms of a gradual transition from one zoning to another and/or a buffer, the proposed rezone offers neither. No Apples’ property and the Subject Property are separated by a mere alley, there is no transition and no buffer. If the City is interested in a zoning change in this area, we propose it be limited to the west side of 15th whereby 15th would act as buffer between the more intensive, commercial zoning of University Way (and west of University Way) and the multifamily residential community which clearly starts on the east side of 15th. 15th has always naturally served as that boundary, and that boundary allows for the energetic residential area to the east of 15th. The height allowed by, and commercial aspect of NC3-65 zoning is simply not in keeping with traditional feel of the neighborhood, nor its current, more appropriate zoning.

The impact of this rezone on No Apples’ property would be dramatic and devastating. A structure constructed under NC3-65 would tower over No Apples’ property, casting shadows upon it, denying it light and severely impacting the views which are enjoyed from the top floors of No Apples’ property. The views from No Apples’ property are to be taken into account pursuant to SMC 23.34.009(B) (which states that “height limits shall reinforce the natural topography of the area and its surroundings and the likelihood of view blockage shall be considered”). The right of a property owner to light, and to avoid shadows created by a neighboring property is recognized in the SMC, and is also a burgeoning concept in the law. Notwithstanding the environmental concerns regarding the denial of light and the casting of shadows, a hulking building on the Subject Property could have a devastating effect on No Apples’ ability to lease its apartments. Its may be argued that the proposed rezone equates to economic condemnation.

In addition, SMC 23.34.009(C)(1) states that "the height limits established by current zoning in the area shall be given consideration," and SMC 23.34.009(C)(2) states in pertinent part: "permitted height limits shall be compatible with the predominant height scale of existing development." The zoning from N.E. 47th to N.E. 64th is L-3, and the properties are of a similar nature in terms of their height and feel. As such, a towering structure on the Subject Property would be very much out of place in the neighborhood.

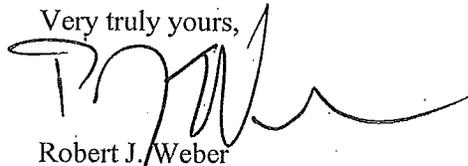
In considering the service capacity of the Subject Property, NC3-65 zoning includes a commercial development aspect of the Subject Property which is simply not reasonable given the street capacity and parking capacity of 15th. Commercial development on 15th simply does not exist north of N.E. 47th Street, and for good reason. 15th is a highly used arterial which is critical in relieving pressure on Montlake Boulevard, Roosevelt Way and other major arterials to the west. Given the fact that 15th is two lanes in either direction, the zoning has seemingly always recognized the problems commercial development could cause. Introducing a commercial use on 15th between N.E. 47th and N.E. 50th is unreasonable and will cause nothing but traffic congestion in an area that is already suffering from tremendous traffic problems.

In a broader sense, our feeling is that if the City is intending to rezone the University District, or even simply the 15th Avenue N.E. corridor, then it should review the zoning for the entire area, not simply the property subject to this application. Piecemeal rezones, like that proposed by the applicants for this project, will result in a flawed zoning configuration and will have dire consequences for the neighborhood. No Apples' objections to this proposed rezone include not only issues relating specifically to the No Apples property (the introduction of shadows, as well as the loss of light and views), but also the dramatic effect such a rezone would have on the neighborhood and community at large. We believe this proposed rezone would be extremely detrimental and renew our request that neither a DNS nor a mitigated DNS be issued without further comment and investigation, and that a full SEPA review be required for this project.

Given the extremely short comment period, No Apples has not yet obtained the service of experts to completely review the proposed application and provide the depth of analysis we feel are necessary in order to properly analyze and object to this proposed rezone. As such, we request that No Apples and other interested parties be granted additional comment time.

In addition, please add Jim Rose (3316 Fuhrman Ave. E., Suite 200, Seattle, WA 98102-3008) and myself (contact information above) to the project mailing list so that we will be provided with copies of any and all notices, decisions and other correspondence relating to Project No. 3004384. Please confirm your receipt of this letter, and thank you for your consideration.

Very truly yours,



Robert J. Weber
Wolfstone, Panchot & Bloch, P.S., Inc.

RJW/kf

cc: Trinity Partnership Real Estate Development

University
Congregational
Housing
Association

April 14, 2011

Scott Kemp
Seattle Department of Planning and Development
and
City of Seattle Hearing Examiner
700 5th Ave, Ste 4000
PO # 94729
Seattle, WA 98124-4729

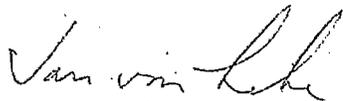
Re: Project 3004384

Dear Scott and City Hearing Examiner,

The University Congregational Housing Association supports the rezone of 4735 15th Ave NE property for the provision of affordable housing development. We applaud the efforts of our neighbors to assure our city's development includes housing for those in our community who are in need.

The University Congregational Housing Association (UCHA) is an all-volunteer 501©3 organization that was incorporated in 1983 and registered with the State of Washington as a non-profit corporation (tax identification number 91-1221282). We have a 16 unit apartment building, a 6 unit apartment building and a 3 bedroom home, all of which provide affordable housing at reasonable rental rates. UCHA does hands-on-work to combat homelessness.

UCHA fully supports rezone of this property for this project including the provision of affordable housing.



Jan von Lehe
President

Out of a desire to be hands for God's work, our mission is to work in creative ways to prevent homelessness and to provide housing for people in need.

4515 16th Avenue Northeast, Seattle, Washington 98105-4201 phone (206) 524-2322 fax: (206) 524-0602.

Kemp, Scott

From: Von Lehe, Jan [vonlehe.j@ghc.org]
Sent: Thursday, April 14, 2011 7:29 AM
To: Kemp, Scott; Jan VonLehe
Subject: Project 3004384; C.F. Number 309434 Comments for Public Hearing 4/14/11
Attachments: Document.pdf

Dear Scott - -

Attached find letter of support for Project 3004384; C.F. Number 309434 rezoning of 4735 15th NE. I am sorry I'm not able to be present at the hearing this morning. Please accept and forward these written comments for the hearing.

Sincerely,
Jan von Lehe, President
University Congregational Housing Association

Jan von Lehe RN MSN
Associate Director, Nursing Home Services Group Health Cooperative Desk Phone: 206-326-4449
or 8-330-4449 Cell Phone: 206-604-6538 Fax: 206-877-0722

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To: Hearing Examiner
Ref: Project 3004384

April 6, 2011

This letter is in protest to the subject application to rezone along 15th Ave (East side) between NE47th and NE50th. My wife and I have lived in our home on the corner of 15th and 50th for 52 years. We were baptized and became members of the University Christian Church when first married. We have since dropped our membership in the church due to their bending of the church ways in favor of the street people. The Food Bank with it's long lines that throw and leave food and waste along our street and in our yards has become increasingly a neighborhood problem and has run down our neighborhood.

The application by the church to rezone so that they can build high-rise apartments for low income (street people) is really the last straw. They enjoy tax-exempt status and now plan to use the tax-exempt property for profit. However, worse than bending their tax-exempt status for profit is the incoming transit people that will include non-working, drug using, and undesirable residents (in-mass) into our community. The present homes long 15th are in good shape for single families and fit into our neighborhood. Low cost housing does not.

Please reject this zone change and thank you,


Dwight G. Shaw
5002 15th Ave NE
Seattle, WA 98105

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2011 APR -8 AM 11:55
OFFICE OF
HEARING EXAMINER

ELLIS, LI & MCKINSTRY PLLC

ATTORNEYS AT LAW

April 4, 2011

Market Place Tower
2025 First Avenue, Penthouse A
Seattle, WA 98121-3125
Phone: 206-682-0565
Fax: 206-625-1052
www.elmlaw.com

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
P O Box 94729
Seattle, WA 98124-4729

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Chi-Doo Li
Michael R. McKinstry

Re: Project 3004384; Address 4735 15th Avenue NE

Jan P. Olson
Daniel J. Ichinaga

Dear Hearing Examiner:

Steven T. O'Ban*
Keith A. Kemper
Andrew J. Toles

My wife and I have lived at and are owners since 1992 of a single family home at 4733 16th Avenue NE. We are also jointly own with others the adjoining residence to our south at 4729 16th Avenue NE.

Kyle D. Netterfield
Nathaniel L. Taylor
Kristen K. Waggoner*
Lana M. Floyd
A. Chad Allred
Lisa N. Ellis

We are concerned about the proposed rezone, and the size, scale, and height of the proposed project on the east side of 15th Avenue NE between 47th and 50th Streets, involving properties owned by University Christian Church and University Presbyterian Church. We have voiced these concerns to Mr. Huff and to others involved at both churches, and have also expressed these concerns to the developer Mr. Bruce Lorig.

Thomas J. Rodda
Geoffrey A. Enns
Katherine L. Anderson

The 65 foot height limit for the proposed rezone means that structures could be built across from our alley that would entire block any sun or light from the west side of our properties. My wife and I are extremely concerned about the "Berlin Wall" effect we can foresee 20 feet from our property line if the rezone is allowed, and the buildings and structures on the subject property are built to the full height limit. The harmful effect on our daily lives being blocked entirely from the afternoon sun and from any semblance of westward view is unspeakable. This harm would affect all residents of the houses and apartments on the west side of our block.

Of Counsel
Gregory D. Esau

Emeritus
Ronald E. McKinstry

We believe the 65-foot height limit being sought for the rezone is unwarranted considering the nature of the east side of 15th Avenue at this stage. At present it consists of homes and open parking lots. There is absolutely no commercial use on that block on either east or west side of the street, nor on either side of the blocks north of 47th Street.

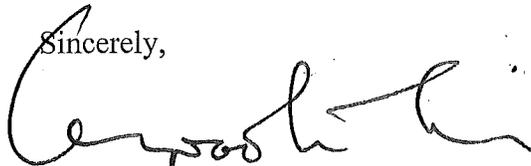
William H. Ellis
(1932-1994)

*Licensed to also
practice in Oregon

Please take these concerns into your consideration as you evaluate the rezone proposal.

Thank you.

Sincerely,



Chi-Doo Li

Seattle Department of Planning and Development

D. M. Sugimura, Director

March 24, 2011



NOTICE OF RE-OPENED PUBLIC HEARING

Area: Northeast **Address:** 4735 15TH AVE NE

Project: 3004384 **Zone:** ARTERIAL WITHIN 100FT, LOWRISE-3, NE 45TH STATION AREA DISTRICT, URBAN VILLAGE OVERLAY

Notice Date: 03/24/2011

Contact: GARY HUFF - (206) 224-8024

Planner: Scott Kemp - (206) 233-3866

The City of Seattle Hearing Examiner is re-opening the public hearing on the recommendation of the Director of the Department of Planning and Development (DPD) to rezone property along 15th Ave. N.E., between N.E. 47th St. to N.E. 50th St., from Lowrise Three to Neighborhood Commercial 2 with a 65 foot height limit. Additional hearing time is being provided for public comment and for Hearing Examiner questions on the applicant's proposed conditions, including the provision of affordable housing in future development.

C. F. Number: 309434

The Director's recommendation is that the rezone be conditionally approved. Please see the DPD report for numerous conditions.

ENVIRONMENTAL DETERMINATION

The appeal period for the Director's Determination of Non-Significance has passed.

INFORMATION AVAILABLE

Copies of the Director's Report and Recommendation and the rezone application materials are available at the DPD Public Resource Center, 700 Fifth Avenue, Suite 2000 of the Seattle Municipal Tower, (206) 684-8467. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday. (A copy and postage fee will be charged.) Questions may be directed to scott.kemp@seattle.gov at DPD.

RE-OPENED PUBLIC HEARING

A public hearing to take public comment on the Director's recommendation, for questions by the Hearing Examiner and to further establish the record for this application will be held on: **Thursday, April 14th at 9:00 a.m.** at the Office of the Hearing Examiner (address below). The Office of the Hearing Examiner provides barrier free access.

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **April 14, 2011**. Comments should be sent to:

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729

Those persons who want to receive a copy of the Hearing Examiner's recommendation should specify that request in their comment letter.

**From: Seattle Displacement Coalition
To City Hearing Examiner March 15th, 2011**

Re: Planned rezone of properties on either side of 15th NE between NE 47th and NE 50th (Project 3004384)

Dear Hearing Examiner,

This rezone request as written will have a deleterious effect on existing low income and affordable housing on the block affected by this rezone and in the surrounding community – the impacts are direct, indirect and cumulative. DPD did not address these impacts at all, nor did they recommend any conditions that would mitigate housing losses set in motion due to this rezone.

We believe strongly believe that conditions must accompany this rezone ensuring that all owners along this block replace any housing they remove 1 for 1 and at comparable price. There is ample precedent now built into the land use code as well as policies and resolutions formerly approved by the City indicating that it is the intent of the city to expand 1 for 1 language in future upzone cases such as this one. Mysteriously, DPD has not even assessed housing losses that will result from this rezone, nor have they even referenced the policy history committing the city to ensuring 1 for 1 and that displacement is prevented in cases involving rezones especially.

Attaching 1 for 1 replacement language to this rezone is of course is a provision that would not directly affect decisions U-Christian is making vis a vis their property because they have already committed to this objective. But the applicant U-Christian owns only a relatively small portion of properties affected by this rezone.

We urge the Hearing Examiner to affix 1 for replacement language to this request – and we have specific language for you today in that regard. This we believe will set a very important example, that consistency with city goals and policies and its stated intent, is important and that it must be reflected in specific legislation.

We hope today, that U-Christian will join us today in calling for such 1 for 1 replacement language and that it be affixed as a condition to their requests.

The following language, while not identical, is patterned off language now contained in the City's Incentive Zoning Ordinance ([click here](#)) that applies now to midrise and hi-rise residential zones in Seattle and draws from some language from the City's Residential Anti-Displacement and Relocation Assistance Ordinance which applies to subsidized buildings in Seattle that are removed by developers ([click here](#)).

Please see that attachment showing all the places in the code now calling for 1 for 1 replacement as well as policy documents, comp plan provisions, and consolidated plan provisions, and resolutions approved by the Council calling for expansion of 1 for 1 requirements and/or provisions requiring developers to provide housing as a condition for

a rezone or other upzone request. I'll summarize those provisions for you and cite them in my oral testimony.

Effectively in this case we must see this language applied and in all future cases where developers or the City seek an upzone in areas where low income housing would be affected. I would add State law explicitly allows for this under the following RCW 36.70A.540 and WAC 365-196-870. Further, as we state above and as the attachments indicate, the city has these and other precedents from which to draw upon.

The language we are asking you to support for the contract rezone (DPD Project 3004384): We support insertion of the following requirement as a condition that any developer must meet prior to redevelopment within the area subject to the rezone (area running along 15th NE from NE 47th NE to NE 50th and bounded by alleys to E. and W.)

If a rental housing building on a lot contained four or more households (each with a separate landlord/tenant agreement) or that were occupied by such households and demolished on the site of the new project within two years prior to a Master Use Permit application for redevelopment of that lot, the developer is required to provide an amount of functionally equivalent housing that can serve an equal or greater number of low income tenants who are currently renting in the building (or who were renting in the building at any one time within the two years prior to the Master Use Permit application). A low income tenant means any household earning less than 50 percent of area median. The units shall be "functionally equivalent" when they are comparably priced, affordable to those who were displaced, and conform to the definition contained in Attachment A #2 of HUD Oct 2000 "Relocation Authority for HOPE VI Grants" Rules ([click here](#) and see footnote below). Further, the additional low-income housing is subject to the following requirements:

1. For the first 50 calendar years of operation, the low-income housing shall be affordable to households with incomes at or below 50 percent of median income as defined by Section 23.84A.025.

2. A cash payment in lieu of the additional low-income housing is not permitted.

3. The replacement housing required under this provision shall be in addition to any low-income housing a developer is required to provide under any existing or future low income housing bonus or other incentive or zoning programs. They shall be completed, and a certificate of occupancy shall be issued, within three years from the time when a certificate of occupancy is issued for any units or for occupancy of commercial space in the project, except that the Director may extend the time for completion if Director finds that:

(a) The failure to complete the low-income housing is due to circumstances beyond the applicant's control;

(b) The applicant has been acting and may reasonably be expected to continue to act in good faith and with due diligence; and

(c) The low-income housing will be completed within a reasonable time.

** for purposes of this paragraph, functionally equivalent unit means that it performs the same function, provides the same utility and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principle features must be present. Generally functional equivalency is an objective standard, reflecting the range of purposes for which various physical features of a dwelling unit may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the department may consider reasonable tradeoffs for specific features when the replacement unit is equal or better than the displacement dwelling or when a developer chooses to increase the number of such units in order to serve more low income households than were displaced from the site.*

Without this language added as a condition for this rezone and indeed other rezones across our city where low income housing will be directly and indirectly sacrificed, this rezone becomes a recipe for accelerated displacement and loss of low income housing in the neighborhood and city. It sets in motion further redevelopment of the surrounding blocks and indirect displacement of dozens of other low income buildings as well.

There is ample precedent, its perfectly legal, and most importantly the city has clearly indicated its intent to impose these requirements in cases involving rezone applications. In fact, now there is a long history the city has in imposing 1 for 1 as a pre-requisite to discretionary housing decisions especially when its consistent with longstanding policies built into the Comprehensive Plan, Consolidated Plan, and passed via resolutions we've cited in our attachment.

Please affix the 1 for 1 language we reference above and require it as a condition of any council approval of any rezone here and elsewhere where so much low income housing will be otherwise lost.

John V. Fox for the Coalition (Presented March 15th to Hearings Examiner for record in this case and added to our Jan 10th written comments) See also attachment.

The following is a list of applicable legislation including ordinances and resolutions approved in the last 18 years already in place that affirm clear legal authority to require 1 for 1 or 'comparable replacement' housing including replacement at comparable price and establishing that it is the city's intent to broaden the scope of this authority especially when granting rezones or in other ways when land use changes are approved allowing increased density in our communities

I. List of legislation where 1 for 1 or comparable replacement housing already has been explicitly added by ordinance to the code:

1. Incentive Zoning in mid-rise and highrise zones

SMC 23.58A.014 Ordinance 122882 Adopted Dec. 2008

D. If a rental housing building on a lot contained four or more dwelling units that were occupied and demolished on the site of the new project within 18 months prior to a Master Use Permit application to establish bonus residential floor area on the lot, the amount of low-income housing to be provided under subsection B1 of this Section is increased by the gross square footage of any units within the building that were rented to tenants who received a tenant relocation assistance payment under Chapter 22.210

*** Also see resolution passed expressing the city's intent to utilize incentive zoning to ensure replacement of low cost units removed as a result of redevelopment in "multi-family zones throughout the city". Passed Dec 4th 2006 Resolution 30939:**
A RESOLUTION affirming the Council's and Mayor's support for the use of new affordable housing incentive program authority, providing suggested guidelines for expenditure of funds acquired through incentive zoning programs, and requesting reporting by the Department of Planning and Development and the Office of Housing WHEREAS, ESHB 2984 provides an opportunity to broaden the application of incentive programs throughout the City, both to stimulate additional housing development and to ensure that a portion of it is affordable; and WHEREAS, developers or property owners benefiting from zoning code changes should be asked to participate in creating necessary infrastructure and amenities, including affordable housing, to meet community objectives and create livable communities; WHEREAS, the Mayor intends to submit and the Council anticipates considering changes to zone designations and development standards for the Dravus commercial area, South Lake Union, South Downtown, Northgate, and multifamily zones throughout the City

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Affirmation of Support for Use of Incentive Zoning Programs. The Council hereby affirms its support for the use of affordable housing incentive programs in rezones or changes to development standards that increase development potential.

2. Major Institutions Section: SMC 23.24.124 B7 adopted 1994 which reads "Major institutions may not expand their boundaries if the expansion would result in demolition of residential structures 'unless comparable replacement is proposed to maintain the housing stock of the city.'"

3. Residential Anti-Displacement and Relocation Assistance Plan (September 1998 Ordinance 119163): See especially replacement housing section Section 7 entitled "*One-for-One Replacement of Lower Income Units*", setting 1 for 1 replacement at comparable price requirements in cases where public or private actions involving use of various federal funds causes the loss of existing units.

4. Agreements between the City and University of Washington involving leasing policies (See Section E. 1.b. 1 of Ordinance 121688 Adopted November 29, 2004) which reads:

b. Leasing Policy. The Leasing Policy is as follows:

(1) Permitted Leasing: Notwithstanding any provision of the University of Washington Master Plan and conditions of its approval, the University of Washington may lease any property within the City of Seattle, subject to all of the following:

g) Except as permitted in an adopted master plan, within the , the use of leased space by the University shall neither result in the demolition of a structure(s) that contains a residential use nor change a residential use to a nonresidential use, unless such use is replaced with comparable use within the UDNUCV. Comparable use shall be defined to be the number of units and comparable price to those demolished; and

5. See also ordinances codifying memorandum of agreements between the City of Seattle and Seattle Housing Authority outlining terms and conditions accompanying the City's approval of land use changes for redevelopment of Hight Point (Ord.121164 Attachment 6), Holly Park (Ord's.118687, 121139 Res. 30321; Ord 118605, 119688 and Resolutions 29579, 29578) and Rainier Vista (Ordinance 120562) each requiring SHA to replace 1 for 1 housing that was removed at those sites.

II. Comprehensive Plan language to draw upon when setting 1 for 1 as a condition include these polices dating back decades including: Numerous policies in the Comprehensive Plan reference the need to preserve existing low income opportunities and prevent displacement and gentrification such LU199 "*Major Institutions*" policy as well as H9 and Section 'B' and H10 of Housing Section of Comp Plan. See especially H21 which reads,

"Allow higher residential development densities in moderate density multifamily zones for housing limited to occupancy by low income elderly and disabled households, because of the lower traffic and parking impacts this type of housing generates."

There are numerous other related policies expressing the city's longstanding commitment to preventing gentrification while it promotes growth needed to meet our GMA targets.

III. Language added to the Housing and Community Development Consolidated Plan (See page 3 of the 2011 Update to the 2009-2012 Housing Consolidated Plan Ordinance 123438):

To help address concerns about displacement and the supply of housing that is affordable to Seattle households earning up to 80% of median income, the City's Office of Housing and Council Central Staff will convene an interdepartmental team comprised, at a minimum, of staff from the Office of Housing, Council Central Staff, Human Services Department, City Budget Office and Law Department to consider and develop policy options regarding one-for-one replacement of such housing that is removed as part of public, private or nonprofit development projects. The interdepartmental team will convene in 2011 and provide a report on its findings to the City Council's Housing, Human Services, Health and Culture Committee by no later than August 1, 2011.

Also see page 53 of Update under Rental Housing Objectives which reads:
Promote preservation of affordable housing, and prevent displacement of low-income residents, through purchase and rehabilitation of existing housing.

Also see page 67 of Update which reads:
*Relocation, Displacement, and Real Property Acquisition
Development of affordable rental and homeownership housing should be designed to minimize displacement of households.*

IV. Language added to the Current City Council Work Program for 2011:
"With Council Central Staff, convene an interdepartmental team to consider and develop policy options regarding one-for-one replacement of housing that is removed as part of public, private or nonprofit development projects; report findings to the City Council's Housing, Human Services, Health and Culture Committee by August 1, 2011."

V. SMC 25.05.660 Substantive authority and mitigation to deny or condition provides further authority to require inclusion of 1 for 1 replacement and inclusionary zoning pursuant to rezones to mitigate adverse effects. See especially:

SEPA Policies See SMC 25.05.960 Environmental checklist

8. Land Shoreline Use

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?

- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
 - 1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low- income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

SMC 25.05.675 Specific environmental policies

I. Housing.

- 1. Policy Background. Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and reduction in the supply of housing.
- 2. Policies.
 - a. It is the City's policy to encourage preservation of housing opportunities, especially for low income persons, and to ensure that persons displaced by redevelopment are relocated.
 - b. Proponents of projects shall disclose the on-site and off-site impacts of the proposed projects upon housing, with particular attention to low-income housing.
 - c. Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this housing policy.

d. Housing preservation shall be an important consideration in the development of the City's public projects and programs. The City shall give high priority to limiting demolition of low-income housing in the development of its own facilities.

Comprehensive Plan Policies adopted on July 25, 1994, by Ordinance 117221: SEPA establishes substantive authority to deny or condition to achieve these specific Comp Plan Land Use Goals including the following related to displacement, and loss of low income units

Land Use Section:

LU11 In order to maintain the character of Seattle's neighborhoods and retain existing affordable housing, discourage the demolition of residences and displacement of residents, while supporting redevelopment that enhances its community and furthers the goals of this Plan.

LUG9 Preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residents, in a way that encourages rehabilitation and provides housing opportunities throughout the city. The character of single-family areas includes use, development, and density characteristics.

LUG11 Encourage the development and retention of a diversity of multifamily housing types to meet the diverse needs of Seattle's present and future populations.

LU99 Because low-income elderly and low income disabled persons create lesser impacts than the general population, allow higher maximum density limits in moderate density multifamily zones for housing these populations to reduce costs and provide sufficient density to make the development of such housing feasible.

LU100 includes: Allow high-density residential development in urban centers and hub urban villages. And ...

LU102 Use zoning incentives and other development-related tools to provide for, or preserve, public benefits. Public benefits or other features may include housing affordable to low- and moderate-income households, preservation of historic resources or provision of new public open space.

SMC 25.05.675 Specific environmental policies (and substantive authority for conditioning and denying) to mitigate housing displacement and loss of low income units as contained in land use section

2. Policies.

a. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, and the shoreline goals and policies set forth in section D-4 of the land use element of the Seattle Comprehensive Plan for the area in which the project is located.

b. Subject to the overview policy set forth in SMC Section 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project or to achieve consistency with the applicable City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060 and 23.60.220, respectively, and the environmentally critical areas policies.

Seattle Displacement Coalition

5021 University Way NE * Seattle * Washington * 98105 * 206-632-0668 * jvf4119@zipcon.net

January 10, 2010

City of Seattle
Office of the Hearing Examiner
700 5th Avenue, Suite 4000
Seattle, WA 98124-4729

RE: Director's Recommendation on Contract Rezone Application (Project 3004384 – to rezone the parcels along both sides of 15th Ave NE between NE 47th and NE 50th Streets to NC3 65)

Dear City of Seattle Hearing Examiner,

I am writing on behalf of the Seattle Displacement Coalition to offer our comments and concerns regarding the above application for a contract rezone. The Coalition is 33-year-old housing and homeless advocacy group here in Seattle with a long record of responding to permit and zoning applications in this city that will cause the loss of existing low income and affordable housing such as this application.

Our office is located in this community and a number of our members and supporters live or work in the area including myself, John Fox, Coordinator of the Coalition. I also happen to reside in the Wayfarer Co-op at 4725 15th NE located within the area subject to a rezone.

We are not able to attend the hearing scheduled for tomorrow Jan 11th, so we are supplying our comments to you in writing. Please consider our comments and also, if you could, please forward us a copy of your final decision/recommendations to our above address at U-Heights School

The Seattle Displacement Coalition would like to express our opposition to the contract rezone as currently written. Despite the fact that the churches applying for this rezone state it is their intention to follow this rezone with a new development that ensures replacement of the existing affordable units now located along the east side of the block with an equal or greater number of similarly priced units, we see absolutely nothing built into this contract rezone – no condition or set of requirements attached to the DPD decision to ensure that this will in fact be the case. For our more specific recommendations for conditions please see the last four paragraphs of this letter.

We understand the DPD told representatives of the community that a contract rezone process (as opposed to a straight upzone) was more appropriate in this case in order to ensure full compatibility with the surrounding community and to ensure that criteria would be affixed to

ensure conformity by church developers with their stated "social goals" for the sight. Neither of these objectives is reflected in DPD's decision.

Once this so called "contract" rezone is issued, the developer is free to undertake just about any kind of development that otherwise would be allowed within the NC-65 zone – subject only to minimal setback requirements on the east side of affected properties lining the entire eastside of the block. The church developers for example could sell off these properties (on either side of the street for that matter) to another developer or they'd be free themselves to build expensive condominiums or expensive rental apartments along either the west side where church buildings are now located or along the entire east side of the block.

Under NC-65, the developers for example could line the entire east side of block with commercial establishments, bars and nightlife establishments totally and completely out of scale and character for that area and completely inconsistent with neighborhood planning and comp plan goals for that area which call for location of such uses only along University Way. (Note that such commercial uses for the west side of these subject properties become a more likely possibility with the accompanying DPD 30 foot set back requirements for the alley or east side of these properties. With such deep set backs on the east side of these lots, it virtually ensures that on the west side, there will be full frontage developments, stark unmodulated facades, and a greater need for profit maximizing commercial uses there to recoup internalized costs associated with the setback requirements).

Or the developers could turn much of the site over to the University of Washington for offices as well with full frontage facades as they have done elsewhere in the community (such as along Roosevelt). Numerous other options and uses would be allowed that are wholly unacceptable for this area, inconsistent with the community and comp plan and at densities far out of scale with the surrounding community especially in relation to the lower density homes and properties to the east and northeast.

DPD acknowledges the lower density character of the block subject to this contract rezone but then goes on to say "the lowrise pattern of moderately sized structures surrounded by yard-like setbacks is of too low a scale to fit with the busy 15th N.E. and the very dense University District Urban Center. A neighborhood commercial designation and development pattern is a better fit." Nothing could be further from the truth. This is wholly a distortion of the longstanding character of this area and does not in anyway reflect current trends or community or comp plan goals for this area.

As the U- District Community Council (UDCC) states in its letter to you, "if this is the case, why stop at NC-3 65 zoning 50th Street? Why not just upzone all of the properties along 15th Ave NE north of 50th in the same manner or, for that matter, all of the U-District Urban Center?" Such densities and commercial uses are designated for parts of the strip along University Way but never have they been slated or intended for 15th Ave NE. In fact it likely would set in motion a serious spillover and spread of these denser and intense commercial uses into an area DPD itself acknowledges is predominantly mixed lower scale and residential. Other than church activity on

part of that block all activity now on that street is residential running northward block after block.

As stated in the UDCC letter, this move to NC-65 is directly contradictory to longstanding community and comp plan goals. DPD appears to have left out any and all such assessments and acknowledgements – dismissing them in part perhaps because developers seeking this rezone say they plan lower income housing for the site. But again, there's nothing in the contract rezone to guarantee that any social objectives are met other than via the set-back condition – which itself can be overridden later by the Design Commission (and something they frequently do.)

Please note that the DPD decision, in order to suggest the area is more transient and transitional than it really is, does not adequately or accurately describe the type of housing, price of that housing, and nature and income of the residents who live within the rezone area. In fact, there's no analysis at all of the housing that will be lost, or the people who will be displaced and their incomes. The DPD decision borders on dismissive in fact of the current residential character of that area saying only that it's "student housing" and made up of "apartments".

With the exception of only three or four of the 32 units in the Wayfarer (located center block on the west side of the rezone area), the residents in our building are "resident owners". We are homeowners – many of us longtime residents of the building and community who work in the area. Further, a significant percentage – perhaps the majority of the rest of the units located on both sides of 15th NE between NE 47th and NE 50th are occupied, not by students, but by low income and moderate income working people – many of whom also work in the immediate area – and who have incomes well below 50-60 percent of median income. This is certainly true of the Lothlerian Apartments immediately South of the Wayfarer (out building). And this is no less true of the current residential buildings that would be torn down and redeveloped on the east side of the block where there are now approximately 30-40 low income households in several residential building. I personally know this because I've circulated fliers and knocked on most doors on either side of that strip and talked personally with many of the longtime residents who reside there.

The DPD decision does not acknowledge this low income housing loss in buildings that will be removed (or the indirect and cumulative affect on surrounding blocks) or provide numbers or any assessment of the impact of this loss both direct and indirect on the stock of low income housing in the U-District. Nor does it build into the decision any conditions or requirements ensuring that whoever redevelops on either side of the block – in order to receive the benefit of this rezone – replace any of these units at comparable price. There is no 1 for 1 requirement built in as a condition of this rezone to ensure compatibility with any social objective or in order to ensure compatibility with clear longstanding goals built into public policies, the zoning code and comp plan requiring 1 for 1 replacement of any low income housing that is removed.

In sum, at these intense densities mitigated only by the set back requirement – it guarantees developments that are well out of scale with the surrounding current uses and building types and inconsistent with longstanding neighborhood and comp plan goals for that area. It also virtually

guarantees extraordinary noise, parking, transportation, land use and housing impacts that unacknowledged, unassessed or recognized, and unmitigated in the DPD decision. The environmental assessment also lacks important information and analysis associated with these impacts this proposal needed to inform decision-makers of these impacts.

We recommend the Hearings Examiner call for a more rigorous analysis of environmental impacts associated with this rezone especially impacts on housing, parking, transportation, land uses, conflict with neighborhood and comp plan policies, noise etc. And Further we recommend rejection of this application as proposed unless several additional conditions are built directly into and affixed as conditions of the contract rezone. Specifically, minimal additional conditions must include:

- 1) A condition scaling back height and density within the rezone area so the redevelopment that follows is more consistent with the current scale and mix of that area and neighborhood and comp plan goals for that area
- 2) A condition explicitly restricting the type of uses allowed along the frontage of both sides of 15th within the rezone area. Since it's now predominantly residential and there is zero storefront or commercial activity there, there must be restrictions that prohibit all nightlife, bars, clubs and other commercial activity more appropriate to a commercial business distraction not a residential strip such as 15th. Restrictions also must be in place limiting amount of space that can be leased to the University of Washington (look what happened at University Methodist Church),
- 3) A condition must be imposed requiring an assessment of all unit and residential building types now located on both sides of this block, what they rent for, how many are homeowner, what income levels are served, how many actually are students etc, and then,
- 4) Most importantly to the Coalition, a requirement must be built into the decision explicitly requiring 100 percent comparable replacement (1 for 1 replacement) of all types of housing that will be lost and especially a requirement that they are replaced at comparable rent and income levels. Without this latter condition, the rezone becomes a recipe for accelerated displacement and loss of low income housing in the neighborhood and city. It sets in motion further redevelopment of the surrounding blocks and indirect displacement of dozens of other low income units as well.

Sincerely,



John V. Fox, Coordinator

For the Coalition 206-632-0668 (please forward information related to this to above address)

March 15, 2011

To the Hearing Examiner:

I'm The Rev.
~~My name is~~ Bill Kirlin-Hackett. I direct the Interfaith Task Force on Homelessness, whose mission is to represent low-income and homeless people in our community/*including in Seattle's U-District/*and as such our organization, members, and clients are directly affected by this rezone application. This application for an upzone comes from ^{colleagues} ~~partners~~ at University Christian Church whom we hold in high regard. *I'm here solely representing the ITFH and am not brought here as a witness by U.C.C.*

It is the Church intent to follow this rezone with a new development that not only replaces all of the existing low income units now on the properties they own but actually increases the number. Those properties now contain two subsidized group homes that provide subsidized housing for approximately 18 unrelated low-income and minority households.

In reviewing this rezone request and DPD's evaluation of it, we see references to the fact that U-Christian properties will provide low income housing, thus indicating why they seek this substantial increase in density along this block, thus creating more low income units than the amount on site now. The public purpose warrants this upzone and explains why a contract rezone is appropriate at this scale Yet DPD has attached no such conditions to ensure this laudable low-income housing objective is met. Without this detail any developer on any property along this block could build to the highest and best use, line the block with bars and restaurants, and offer all their units as \$500K condominiums once the rezone is granted.

We do not doubt University Christian's intent to add low-income units to the part of this block they own and control. However, this contract rezone includes both sides of the entire block along 15NE between 47th and 50th, with the majority of properties not under University Christian's ownership.

These include at least three other low-income housing buildings at an estimated 50 low-income and low-moderate income households. Those sites include the Hiatt Apartments at the southend of the block, another four unit apartment directly south of University Christian's properties, and ^{an} ~~a~~ old large home broken up into separate units that provide housing for about 8 working and student households.

Notwithstanding University Christian's intentions, an upzone such as this one poses a grave threat to low-income housing located on this block not under University Christian's control. Given the additionally allowed density and non-residential uses that could be allowed, the economic balance easily ^{tips} ~~tip~~ toward redevelopment of these properties that could lead to demolition of more low-income units on this block. Of even greater significance, ~~the~~ ^a ~~kind-of~~ precedent will be set for other rezone requests especially for blocks along 15th immediately north of the site where hundreds of additional low-income housing units are located in both large group homes and lower density apartment buildings. At present, few of these units are at risk of demolition under current zoning. As densities are increased there, the loss of many more affordable rentals is likely. We are thus looking at significant impacts on existing low-income opportunities; that is, housing directly affected in the block to be rezoned and hundreds more indirectly affected.

For these and other reasons, it is necessary to build into this zoning decision ~~a provision~~ ^{that} explicitly ^{requires} ~~requiring~~ developers who build to these higher densities ~~a provision requiring~~ ^{to} a guarantee ~~for~~ 100% comparable unit replacement or 1-for-1 replacement of any low-income housing removed for those developments. Without this latter condition, the rezone becomes a recipe for accelerated displacement and loss of low-income housing in the neighborhood and city. It also sets in motion a spillover effect setting the stage for similar upzones immediately north of this block along 15th that could lead to demolition, gentrification, and displacement of existing low-income housing.

We have met with church leaders at University Christian. They agree in principle to 1-for-1 replacement as they increase the stock. This is a unique opportunity with the ^{principal} ~~principle~~ developer and sponsor of this application making such a commitment. There are thus excellent reasons to codify it and build it in as a condition for this rezone. We truly have a public purpose being served and more, a necessary precedent would be set for similar future instances.

John Fox of the Displacement Coalition will provide documentation showing it is the city's intent to attach housing conditions to future upzones in our city. Indeed, our land use code, in more than one place, already includes language prescribing 1-for-1 replacement of low-income housing when major institutions expand, and also when developers seek permits to build above normal zoning constraints in mid-rise and high-rise zones. John will point out 1-for-1 requirements are included elsewhere in the code and in the comprehensive plan via language indicating the city's intent to apply this condition more generally to preserve our low-income stock.

Let's get it done here. The city is moving to increase densities in all our neighborhoods. We can set a precedent here that serves to ensure that when more growth does occur as a result of rezones here and elsewhere, it need not translate into unnecessary housing losses, further displacement, and all too often, more homelessness. So we ask: Please attach language into this rezone requiring all developers within the affected area to replace 1-for-1 and at comparable price any housing they remove.

Respectfully,

The Rev. Bill Kirlin-Hackett
Director, Interfaith Task Force on Homelessness
425.442.5418 itfh@comcast.net

RECEIVED BY
2011 JAN 10 PM 12:32

OFFICE OF
LEARNING & MINISTRY

Mr. Lynn Huff
Chair, Rezone Task Force
University Christian Church

January 5, 2011

Dear Lynn,

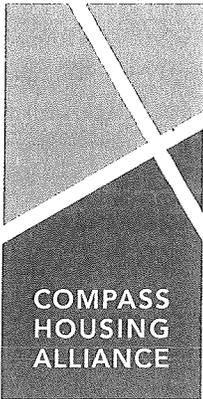
I am pleased to inform you that on January 4, 2011 the Church Council of University Temple United Methodist Church agreed to continue and re-affirm our support of University Christian Church's rezoning request.

I think I can speak for University Temple congregation as a whole and say that we appreciate the proposed dynamic action of university Christian Church to help in the "Ten Year Plan to End Homelessness."

Sincerely,



Donald L. Dockter
Church Council Chairperson
University Temple United Methodist Church



A LUTHERAN ORGANIZATION

January 6, 2011

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
Seattle, WA 94729-4729

RE: Project # 3004384 C.F. Number 309434

To Whom It May Concern:

Compass Housing Alliance is a nonprofit social service provider and owner/developer of affordable housing located in Seattle, Washington.

Compass Housing Alliance has been working with University Christian Church as they have planned the potential redevelopment of the parking lot and single family homes that are part of their rezone application to the City of Seattle.

The University Christian parcels are an ideal site for affordable housing with their proximity to transportation and services. Locating appropriate sites for affordable housing in Northeast Seattle is extremely difficult, while the need for such housing is acute. The financial feasibility of an affordable housing project on this site is greatly enhanced with an NC3-65 zoning. Compass Housing strongly supports University Christian's rezone application in order to make such an opportunity possible.

Compass Housing urges you to support University Christians rezone application as it could likely mean more opportunity for low income persons to have affordable housing within the City of Seattle.

Sincerely,

A handwritten signature in black ink that reads 'Beth Boram'.

Beth Boram,
Property Development Director

77 S. Washington St.
Seattle, WA 98104

Ph: 206-357-3100
Fax: 206-461-3874

www.compasshousingalliance.org

RECEIVED BY
2011 JAN 11 PM 1:21
OFFICE OF
HEARING EXAMINER

Application 3004384
Comments on proposed rezone
March 15, 2011

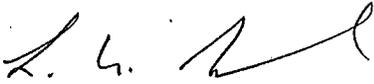
The proposed will have negative environmental impacts on the surrounding neighborhood including increased traffic congestion, increased on-street parking congestion, view blockage. It also conflicts with the currently zoning and land uses of the surrounding area without a proper transition.

Directly south of the proposed rezone, on the south side of 47th Street NE traversing west to east, the zoning transitions as follows:

- NC3-85 east of Brooklyn Avenue;
- NC3-65 between Brooklyn Avenue and 15th Avenue NE
- NC2-40 between 15th Avenue NE and the alley between 15th Avenue NE and 16th Avenue NE;
- L-3 east of the alley between 15th Avenue NE and 16th Avenue NE.

The proposed rezone would follow a similar transition, but without the height buffer provided by NC2-40 between 15th Avenue NE and the adjacent alley. That area, encompassing the east half of the proposed rezone, should similarly be limited to 40 feet in height.

The proposed rezone also appears to conflict with the neighborhood plan for the area. The attached figure is from the neighborhood plan for the University Community Urban Center. It shows the area of the proposed rezone designated as Low Rise Multifamily Residential (2-3 Stories), with one and a half blocks of transitional zoning before an area of Mixed Use Area begins at Brooklyn Avenue.


L.W. JUHNKE
REPRESENTING NO APPEALS I -
SPORANE LLC
701 - 5TH AVE.
FLOOR 36
SEATTLE, WA 98104

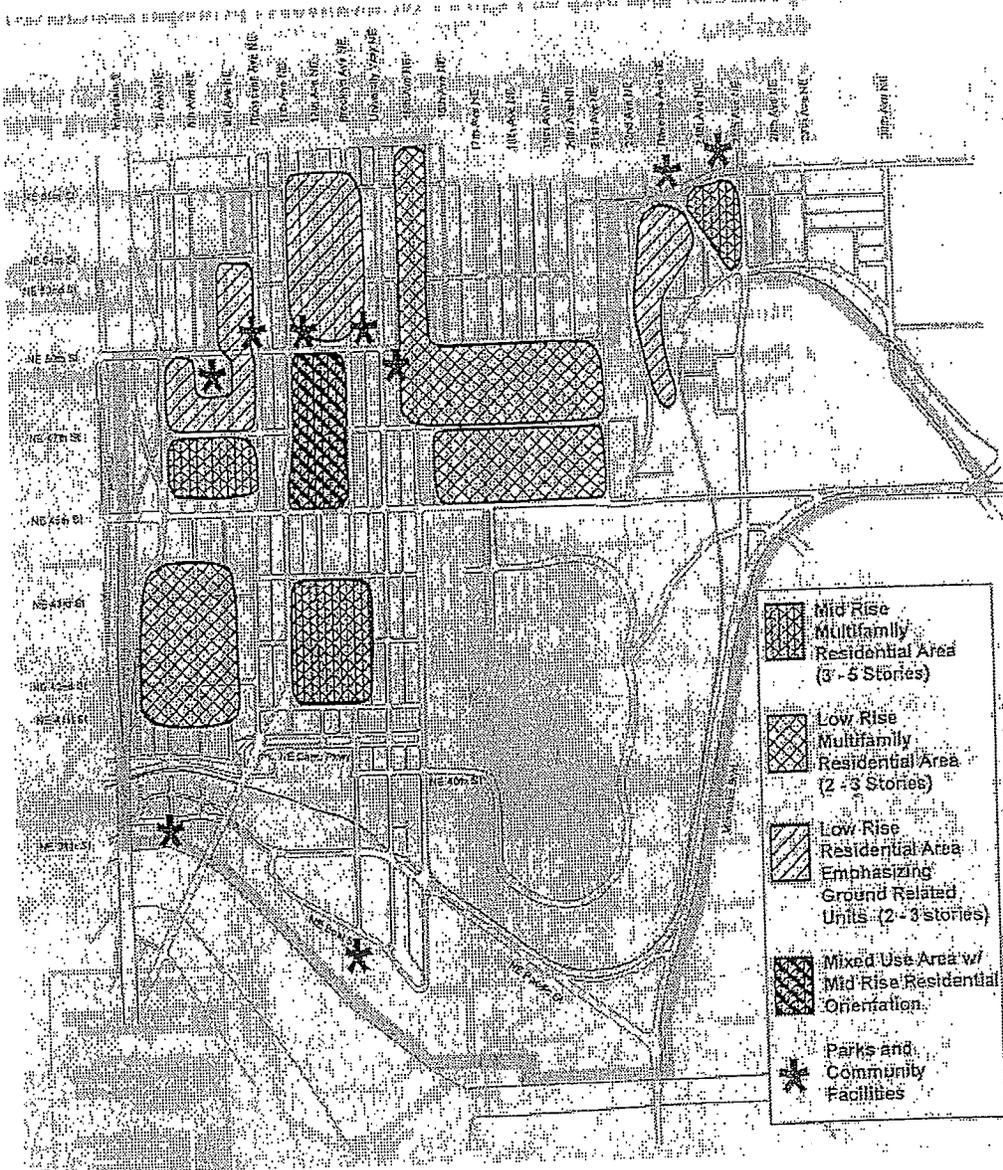
Center's activities in a way that furthers economic and housing goals while requiring mitigation of significant and cumulative impacts according to SEPA.

Encourage the development of retail businesses that serve local needs on 25th Avenue NE, and encourage the redevelopment of a diverse mix of housing and compatible retail, where appropriate, in adjacent areas.

projected growth and protect residential streets from the effects of through-traffic. Give priority to transit, bicycle and pedestrian modes for those networks identified in the Comprehensive Plan and where specific mode improvements are noted on the map in Figure 2.

UC-P10 In pursuit of Comprehensive Plan Policies T42, T43, and T44, emphasize comfortable, safe, attractive pedestrian and bicycle access throughout the center, especially those routes identified in Figure 2.

Figure 1
Schematic Map of Residential Neighborhoods





UNIVERSITY PRESBYTERIAN CHURCH

Every Member a Minister

January 5, 2011

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
PO Box 94729
Seattle, WA 98124-4729

RECEIVED BY
2011 JAN 10 PM 12:31
OFFICE OF
CITY CLERK

Re: CF # 309434 Application # 3004384

Dear Sir or Madam,

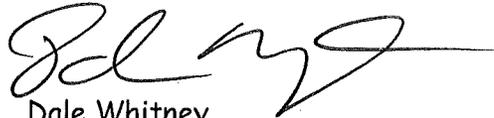
University Presbyterian Church supports the rezone request of our neighbor University Christian Church. We applaud University Christian's vision to provide low income housing in the University District. The rezone would play a vital part in making their plans for providing more low income housing in the U-district feasible and eventually a reality. University Presbyterian owns property in and adjacent to the parcel requested for rezoning. The rezone would allow more efficient development of our property and the possibility of co-development of our property with University Christian. The recommendation to rezone to NC2-65 with conditions on building heights and setbacks on the east boundary allows efficient development of the property and still preserves the transition into the residential neighborhood east of the parcel.

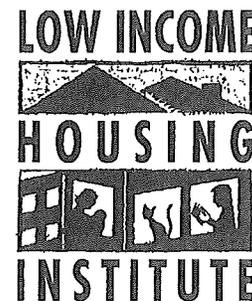
University Presbyterian has a long history in the University District. We are a congregation of 4,300 adults, 900 children and youth, who welcome about 1,000 university students in our college ministry each year. We have served this community for over 100 years. UPC is a supporter of the University District Churches Emergency Fund that provides help with utility bills, rent assistance and other resources to those in need. UPC provides food donations, financial contributions and parking for the University District Food Bank. Our Street Youth Ministries provides much needed outreach and assistance to the U-district's street youth. We provide parking on Saturdays to vendors at the now year round University District Farmers Market. Our ministry, Side-by-Side, serves families at Seattle Children's Hospital and Ronald McDonald House who have a child facing a life threatening illness.

We are a committed and invested member of the University District. We have purchased properties adjacent to our main facility to insure our continued health and growth as an active church community. We encourage the Department of Planning and Development to recommend the rezone to Seattle City Council. This action will allow our use and development of our property to its fullest potential as we continue to serve the University District. Thank you.

Sincerely,

Tim Snow
Executive Pastor


Dale Whitney
Director of Facilities and Hospitality



RECEIVED BY
2011 JAN 10 PM 12:31
OFFICE OF
HEARING EXAMINER

January 6, 2011

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729

RE: Project: 3004384
C.F. Number 309434

Dear Hearing Examiner,

The Low Income Housing Institute wishes to extend its support to the application to rezone the properties on 15th Avenue NE between NE 47th and NE 50th Street, which is being submitted by the University Christian Church and the University Presbyterian Church. This rezoning will allow for the development of higher capacity residential buildings, which fits with the walkable, vibrant atmosphere of the University District, as we all continue a commitment to student housing that has greatly benefited the University of Washington and the University District neighborhood where they reside.

In the past we have offered up support for this project as a local non-profit who has contributed over 1,600 units of affordable housing to the Puget Sound Region. Today, we offer our support not only as a non-profit developer of affordable housing, but as a property owner in the University District. In 2009 we purchased the property at 4719 NE 12th Avenue, to build a 63 unit apartment building on the space. This type of dense multi-story housing allows us to provide much needed housing for the neighborhood, allowing people to live near the places they shop, work and go to school. As the city continues its commitment to walkable neighborhoods, this rezone will make it easier for businesses to survive within the neighborhood as more people move in, as well as reduce the environmental impact of the neighborhood as people drive less.

If you have any questions in regards to this letter, please feel free to contact me at 206-383-2983 or by email, at karenab@lihi.org.

Sincerely,

Karen Anderson-Bittenbender
Deputy Executive Director

2407 1st Avenue, Suite 200
Seattle, WA 98121-1311

(206) 443-9935 Phone
(206) 443-9851 Fax
(800) 833-6388 TTY
URL: www.lihi.org



Seattle Displacement Coalition

5021 University Way NE * Seattle * Washington * 98105 * 206-632-0668 * jvf4119@zipcon.net

January 10, 2010

City of Seattle
Office of the Hearing Examiner
700 5th Avenue, Suite 4000
Seattle, WA 98124-4729

RECEIVED BY
2011 JAN 10 PM 3:25
OFFICE OF THE HEARING EXAMINER

RE: Director's Recommendation on Contract Rezone Application (Project 3004384 – to rezone the parcels along both sides of 15th Ave NE between NE 47th and NE 50th Streets to NC3 65)

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We are not able to attend the hearing scheduled for tomorrow Jan 11th, so we are supplying our comments to you in writing. Please consider our comments and also, if you could, please forward us a copy of your final decision/recommendations to our above address at U-Heights School

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As stated in the UDCC letter, this move to NC-65 is directly contradictory to longstanding community and comp plan goals. DPD appears to have left out any and all such assessments and acknowledgements – dismissing them in part perhaps because developers seeking this rezone say they plan lower income housing for the site. But again, there's nothing in the contract rezone to guarantee that any social objectives are met other than via the set-back condition – which itself can be overridden later by the Design Commission (and something they frequently do.)

Please note that the DPD decision, in order to suggest the area is more transient and transitional than it really is, does not adequately or accurately describe the type of housing, price of that housing, and nature and income of the residents who live within the rezone area. In fact, there's no analysis at all of the housing that will be lost, or the people who will be displaced and their incomes. The DPD decision borders on dismissive in fact of the current residential character of that area saying only that it's "student housing" and made up of "apartments".

With the exception of only three or four of the 32 units in the Wayfarer (located center block on the west side of the rezone area), the residents in our building are "resident owners". We are homeowners – many of us longtime residents of the building and community who work in the area. Further, a significant percentage – perhaps the majority of the rest of the units located on both sides of 15th NE between NE 47th and NE 50th are occupied, not by students, but by low income and moderate income working people – many of whom also work in the immediate area – and who have incomes well below 50-60 percent of median income. This is certainly true of the Lothlerian Apartments immediately South of the Wayfarer (out building). And this is no less true of the current residential buildings that would be torn down and redeveloped on the east side of the block where there are now approximately 30-40 low income households in several residential building. I personally know this because I've circulated fliers and knocked on most doors on either side of that strip and talked personally with many of the longtime residents who reside there.

The DPD decision does not acknowledge this low income housing loss in buildings that will be removed (or the indirect and cumulative affect on surrounding blocks) or provide numbers or any assessment of the impact of this loss both direct and indirect on the stock of low income housing in the U-District. Nor does it build into the decision any conditions or requirements ensuring that whoever redevelops on either side of the block – in order to receive the benefit of this rezone – replace any of these units at comparable price. There is no 1 for 1 requirement built in as a condition of this rezone to ensure compatibility with any social objective or in order to ensure compatibility with clear longstanding goals built into public policies, the zoning code and comp plan requiring 1 for 1 replacement of any low income housing that is removed.

In sum, at these intense densities mitigated only by the set back requirement – it guarantees developments that are well out of scale with the surrounding current uses and building types and inconsistent with longstanding neighborhood and comp plan goals for that area. It also virtually

guarantees extraordinary noise, parking, transportation, land use and housing impacts that unacknowledged, unassessed or recognized, and unmitigated in the DPD decision. The environmental assessment also lacks important information and analysis associated with these impacts this proposal needed to inform decision-makers of these impacts.

We recommend the Hearings Examiner call for a more rigorous analysis of environmental impacts associated with this rezone especially impacts on housing, parking, transportation, land uses, conflict with neighborhood and comp plan policies, noise etc. And Further we recommend rejection of this application as proposed unless several additional conditions are built directly into and affixed as conditions of the contract rezone. Specifically, minimal additional conditions must include:

- 1) A condition scaling back height and density within the rezone area so the redevelopment that follows is more consistent with the current scale and mix of that area and neighborhood and comp plan goals for that area
- 2) A condition explicitly restricting the type of uses allowed along the frontage of both sides of 15th within the rezone area. Since it's now predominantly residential and there is zero storefront or commercial activity there, there must be restrictions that prohibit all nightlife, bars, clubs and other commercial activity more appropriate to a commercial business distraction not a residential strip such as 15th. Restrictions also must be in place limiting amount of space that can be leased to the University of Washington (look what happened at University Methodist Church),
- 3) A condition must be imposed requiring an assessment of all unit and residential building types now located on both sides of this block, what they rent for, how many are homeowner, what income levels are served, how many actually are students etc, and then,
- 4) Most importantly to the Coalition, a requirement must be built into the decision explicitly requiring 100 percent comparable replacement (1 for 1 replacement) of all types of housing that will be lost and especially a requirement that they are replaced at comparable rent and income levels. Without this latter condition, the rezone becomes a recipe for accelerated displacement and loss of low income housing in the neighborhood and city, It sets in motion further redevelopment of the surrounding blocks and indirect displacement of dozens of other low income units as well.

Sincerely,



John V. Fox, Coordinator

For the Coalition 206-632-0668 (please forward information related to this to above address)

Teris P. Stephens • 6211 Brooklyn Ave. NE • Seattle, WA 98115

Sue A. Tanner, Hearing Examiner
City of Seattle Office of Hearing Examiner
P, O. Box 94729
Seattle, WA 98124-4729

RECEIVED BY
2011 JAN -5 PM 1:15
OFFICE OF HEARING EXAMINER
CITY OF SEATTLE

January 4, 2011

Dear Ms. Tanner,

I am writing in support of Application MUP #3004384. The construction of affordable housing will help stabilize the community near the university. The U-district, like most areas of our city, has chronic and visible communities of persons seeking work, food, etc. Many are homeless individuals. Seattle is an expensive place to live. I heard on KUOW yesterday that a living wage here is over \$14 per hour.

I've been serving on the sub-committee on homelessness at University Friends Meeting. We host a nightly shelter in our worship room. Through this and other experiences with homeless persons belonging to SHARE, I have learned that homeless people often are working. The costs required to move into housing (first and last month's rent, utility deposits, etc.) is often prohibitively expensive. Yet many remain in the shelter as they save for stable housing. All of society benefits when affordable housing choices exist in every neighborhood close to employment and/or schooling.

It seems that opposition from neighbors where shelters or tent cities are proposed shows an irrational reaction and fear of homelessness. People fear they may be unlucky and join that population. Most homeless individuals and families never expected such an outcome. Eventually they encounter one too many health problems, financial setbacks, or layoffs.

Building affordable housing is a plus for our city. It benefits the church whose property is used for outreach to vulnerable populations. The congregation gains additional income for upkeep and ministry. It seems imperative that this and similar applications be granted to help ameliorate the problems of homelessness in the University District. The church has been successful in reaching out to homeless individuals and families. For example, University Christian has hosted the Nicklesville Tent City, they continue providing hygiene services, serving meals and offering services to homeless teens. I believe the U-district conversation on homelessness has been a good vehicle for discussion and mutual support as various members of the faith community in the neighborhood explore avenues similar to that proposed by the University Christian, University Presbyterian and other property owners.

Please grant the application MUP#34384. Thank you very much.

Sincerely,

Teris Stephens



UNIVERSITY LUTHERAN CHURCH

1604 Northeast 50th Street Seattle, Washington 98105-4223

Office: (206) 525-7074 Fax: (206) 525-0474

www.ulcseattle.org

December 23, 2010

City of Seattle Hearing Examiner

700 5th Avenue, Suite 4000

P.O. Box 94729

Seattle, WA 98124-4729

RECEIVED BY
2010 DEC 28 PM 12:25
OFFICE OF
THE PUBLIC UTILITY ADVISOR

Dear Hearing Examiner of Seattle:

This letter reaffirms the strong support from University Lutheran Church (ULC) for the application from University Christian Church and University Presbyterian Church to rezone the east side of 15th Avenue NE between NE 47th and NE 50th Streets in the University District of Seattle. Our ULC Council already voted unanimously on July 24th, 2007, to support this application (Project: 3004384; C.F. Number: 309434).

Trusting that University Christian Church has every intention of developing affordable housing on their portion of this block, I urge you to rezone this property so that the maximum amount of affordable housing can be built on this site. We all know that the availability of affordable housing is a critical need in our city, and this site on a main arterial and bus line would be an ideal location for this kind of development.

The members of University Christian Church and University Presbyterian Church, along with many other faith communities in the University District, have a long history of providing shelter, transitional housing, and permanent housing with support services for homeless people in our community. Currently, our U District Conversation on Homelessness, which gathers people from the faith community, the business community, the service provider community, and the University of Washington, has made housing for those who are homeless or formerly homeless a major priority in our community.

You can support this effort by rezoning this property to the maximum height and footprint possible, and also join with us in counteracting the message of this season that "there is no room in the inn." Thank you very much for your consideration of this application, and for your compassion for all of those who need an affordable place to call "home" in our community.

Respectfully,

Ron Moe-Lobeda

ULC Pastor

Loren Arnett Statement at March 15, 2001 hearing before City of Seattle Hearing Examiner in support of Rezone Application by University Christian Church.

University Christian Church has a history of using its properties for services that respond to the broader community. The University District Food Bank has served from its space in our building for over twenty years. Three years ago, through the energies of members of the congregation, the third floor of the northern end of the building was remodeled to provide very inexpensive office space for non-profits serving the citizens of our city. Three years ago our parking lot was occupied by Tent City for 4 ½ months. These are just a few examples of ways we have sought to use our properties to serve people of the community.

Over twenty years ago, probably closer to 30 years ago, the congregation purchased two rooming houses across from the church building on 15th NE and south of the congregation's parking lot with the view that it could provide additional parking at some future date. But as time passed, it was felt that the properties could be put to a better use than parking. So 20 years ago a decision was made to upgrade the two properties and provide housing for low-income University of Washington students. With a loan from the Housing Trust Fund, the houses were improved to meet the city codes for these properties. Working in cooperation with the University's Equal Opportunity Program office, rooms have been rented to low income students at an average rate near \$150/month. One building houses nine men, the other nine women. They have served Latino students, many from farm worker families, African Americans, Asians and Caucasians. Watching these young people graduate from the University and move forward in life has been a richly rewarding outcome for the church.

This experience has motivated to congregation to move forward on a long-held dream to develop the properties on the east side of 15th NE...the parking lot and the two houses...for low income and affordable housing. It is for this purpose that we have applied for the rezone. We have been in conversations with non-profit developers to explore options for such housing on this property. We ask for approval of the rezone so we can move forward with our vision for the property.

UNIVERSITY DISTRICT COMMUNITY COUNCIL
C/O 4534 UNIVERSITY WAY NE
SEATTLE, WA 98105
(206) 527-0648
udistrictcouncil@hotmail.com

RECEIVED BY
2011 MAR 11 AM 11:00

OFFICE OF
HEARING EXAMINER

March 9, 2011

City of Seattle
Office of the Hearing Examiner
700 5th Avenue, Suite 4000
Seattle, WA 98124-4729

RE: Director's Recommendation on Contract Rezone Application (Project 3004384 – to rezone the parcels along both sides of 15th Ave NE between NE 47th and NE 50th Streets to NC3 65)

Dear City of Seattle Hearing Examiner,

I am writing on behalf of the University District Community Council to offer our comments on the above referenced project. We regret that we are unable to attend the hearing on this decision scheduled for 3/14/11 in person, and are submitting our comments for the record in writing instead. The UDCC would also like to receive a written copy of the Hearing Examiner's final recommendation when it becomes available.

The UDCC opposed this application because it is out of scale with the surrounding neighborhood (particularly the lowrise zones to the across the alley from the properties that face the east side of 15th Ave NE), and while we appreciate the good intentions of the project proponents we are concerned that the DPD decision did not address any of our concerns at all, and in fact raises some new ones.

When we met with the DPD planner who ultimately developed this decision, he had discussed how the project applicant's proposal was better suited to a contract rezone process than the upzone they had initially proposed because the City of Seattle would have the ability to ensure that the uses that resulted from the granting of this significant increase in density would be consistent with the intent surrounding community. Unfortunately, the final decision does not reflect this statement at all – or his stated commitment to meet with the UDCC again to help develop the criteria for a contract rezone.

While it may be the case that the project applicant will use the new NC-3 65 zoning to develop low-income and “affordable” housing (though the latter is never actually defined in the DPD decision) along with other social service uses that are supported by many in the neighborhood (including the UDCC), this rezone results in a set of allowed uses that could generate far more traffic and other impacts than the decision acknowledges. The question should not be what does the current applicant intend to develop, it should instead be what would any future property owner be allowed to develop.

For example, the DPD decision states that “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”. Given that the University of Washington (which we note supports this upzone) has shown an almost limitless appetite for office space in the University District, we do not find this observation at all reassuring. It doesn't matter what the current applicant says they intend to develop, what matters is what a future property owner would be allowed to develop. By this measure, DPD's decision fails to ensure that this massive upzone (and resulting increase in property value) will have the public benefits it purports to offer.

In addition, we find the following assertion in DPD's decision profoundly troubling; “The lowrise pattern of moderately sized structures surrounded by yard-like setbacks is of too low a scale to fit with the busy 15th N.E. and

the very dense University District Urban Center. A neighborhood commercial designation and development pattern is a better fit. "If this is the case, why stop at NC-3 65 zoning 50th Street? Why not just upzone all of the properties along 15th Ave NE north of 50th in the same manner or, for that matter, all of the U-District Urban Center? There was a great deal of specific language in the UCUC Neighborhood plan to the contrary – including language that specifically downzoned areas north of NE 50th Street to preserve the lowrise zoning and ensure adequate transitions between NC3-65 zoning along University Way and the lower-rise residential area to the west. The UCUC neighborhood plan – which upzoned significant parts of the University District to accommodate new growth – did not see things this way, and we are disappointed to see that DPD is making the rather sweeping assumption that any area where the UCUC plan is silent on upzoning any particular property should be read to indicate that the Plan therefore supports it. Silence was and is not consent.

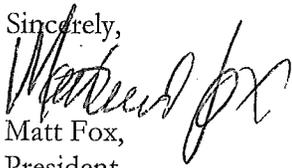
We are also remain concerned that DPD's decision is does not adequately protect the lower-rise residential neighborhood across the alley from the properties that front onto the east side of 15th Ave NE. Indeed, DPD raises a number of criteria on page 7-8 of their decision that would seem to strongly suggest that NC2-65 zoning is a better fit under the SMC, only to disregard the very points they made (most notably the section indicating that "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. 15th 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." The UDCC is at a loss to understand how the DPD decision itself raises this point and then utterly fails to address it.

We also note that the only requirement for a setback along the alley that the DPD decision does require is one that can simply be overruled in Design Review. In short, we believe that this "requirement" is no requirement at all, and that the DPD decision fails utterly to provide an adequate transition between the height, bulk, and scale of these proposed new structures and the ones across the alley east of 15th Ave NE that will be forced to live in their considerable shadows.

While the UDCC appreciates much of what the project applicant currently proposes to do with these properties, we believe that the DPD decision must be judged by what subsequent property owners will be allowed to do, and the effect that either possible development outcomes would have on neighboring properties. Unfortunately, we believe that the DPD decision fails on both counts, and that at the very least the properties on the east side of 15th Ave NE should instead be zoned NC2-65 to that a more compatible set of allowable uses are established, and that the setback requirements should be strengthened to ensure an appropriate transition to the less intensively developed properties across the alley from what DPD itself acknowledges "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."

We appreciate your attention to our comments,

Sincerely,


Matt Fox,
President

UNIVERSITY PARK COMMUNITY CLUB

7 Jan 2011

City of Seattle
Hearing Examiner
700 5th Ave., Suite 4000
P.O. Box 94729
Seattle, WA. 98124-4729

RE: Director's Recommendation on Contract Rezone Application
(Project 3004384) **CF#: 309434**

Dear Sir,

This letter is in response to Seattle DPD letter of 2 December, 2010 which provides notice of Director's Recommendation concerning Project 3004384. We have reviewed the City of Seattle analysis and recommendations and have the following comments which amplify our previous comments on selected topics.

The applicants have indicated an anticipated redevelopment of the eastside of 15th Ave. N.E. to include affordable, multi-family housing. DPD in their report has indicated the new residential units would likely be intended to serve the student population and other groups needing moderately priced housing. In each case, however, these comments provide no formal commitment by the current landowner or a probable new landowner/developer that the residential aspect of this massive property on the eastside of 15th Ave N.E will be affordable to students. What is reasonable/moderate/affordable to a developer is often well beyond a student's means.

It is probable that the applicant (s) will sell the properties for development at considerable profit. Further, we believe that there will be significant value added for the buyer/developer (s). This should provide the city an opportunity to receive formal commitment from both and funding to cover expected area infrastructure upgrades necessary for this major rezone. Also, the city should require, as part of the rezone, a commitment for a certain number of low-income housing units in the 15th Ave. N.E. eastside new development (s).

Bottom line, formal commitments from the seller (s) now and ultimately from the developer (s) need to be documented which lay out affordable student and low-income housing requirements. If this concept is not incorporated now into the land use rezone decision then it is "business as usual" with those in more need losing out!

It is requested that I be provided with a copy of the Hearing Examiner's recommendation.

Sincerely,



Kent Wills
On Behalf of the UPCC Board
5210 16th Ave. N.E.
Seattle, WA. 98105
206-526-7149

RECEIVED BY
2011 JAN 10 PM 12:31
OFFICE OF THE HEARING EXAMINER

To: Hearing Examiner - City of Seattle

1/6/11

Re: Project # 3004384

I am writing to recommend the rejection of the request to re-zone the properties included in the project cited above.

The University District has, currently, a more-than-sufficient number of streets (University Way, Roosevelt Way, etc) that are zoned for both business and residential properties.

The current character of the block under consideration for re-zoning is one of an affordable rental character. Let's preserve the little that is left of this type of housing in the University District.

Reject project #3004384.

Thank you for your consideration of this matter.

Sincerely,

~~David~~ David Sandler

David Israel Sandler

Tenant

4722 1st Ave. N.E. #2

Sea, WA 98105

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2011 JAN 10 PM 12:32
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HEARING EXAMINER

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2011 JAN -5 PM 1:15

OFFICE #
HEARING EXAMINER

Wayfarer Cooperative Association
4725 15th Avenue NE
Seattle, Washington 98105
January 3, 2011

City of Seattle
Hearing Examiner
700 Fifth Avenue, Suite 4000
PO Box 94729
Seattle, Washington 98124-4729

Re: C.F. Number 309434

Dear Hearing Examiner:

The following comments are from the Board of Directors of the Wayfarer Cooperative Association, the corporation that owns and manages the Wayfarer Cooperative Apartments at 4725 15th Avenue NE. The property we own and occupy is a three-story, 32-unit brick building, constructed in 1923, situated on the west side of 15th Avenue NE between NE 47th and NE 50th Streets. We live right in the middle of the block that would be affected by this rezoning proposal. Some of our residents have been here over 20 years, and all of us consider the Wayfarer our home.

The proposed rezoning from Lowrise 3 to Neighborhood Commercial 3-65' would open the door to kinds of development that would constitute a fundamental change in the character of this street. University Way NE, one block to the west, is the main commercial/retail corridor of the University District. Brooklyn Avenue NE, one block farther west, has a secondary concentration of commercial/retail activity. Although 15th Avenue NE is a major traffic arterial, it has a mixture of residential development (predominantly) and churches, with practically no commercial activity. It marks the beginning of the residential neighborhood that extends east from here all the way down to 25th Avenue NE.

Residents of the apartments on the front (east) side of our building, including four of the undersigned, have most of their windows facing directly out on 15th Avenue NE. Since 1923, such residents have looked across at a quiet row of two-story houses. Under the proposed rezoning, our new view would be of street-level business entrances topped by several floors of apartments. We would experience a dramatic increase in noise, as well as a decrease in privacy. These are significant "quality of life" issues.

In addition to those general concerns, we can also identify some more specific issues:

Traffic: Wayfarer residents currently endure busy automobile and bus traffic in front of our building. This problem worsened in the 1990s with the rerouting of Metro Transit's route 70 from University Way onto 15th Avenue NE. The noise, vibration, and air pollution from this traffic are especially troublesome to residents at the front of our building. Development that would follow the proposed rezoning would almost certainly bring about a large increase in traffic volumes.

Parking: The parking situation in our neighborhood is already very difficult. When the Wayfarer was built in 1923, private automobiles were a rarity. Consequently, our property has no off-street parking, nor any place to create any. Some of our residents rent off-street parking spaces at nearby buildings, while others rely entirely on street parking. Until recently, those parking on the street were sometimes able to use a few non-metered spaces in this block, but that option was eliminated with the installation of the electronic pay stations. Visitors to our building often have trouble finding nearby parking. This situation could only worsen with the proposed new development.

We fully understand the City of Seattle's current strategy of concentrating development in selected urban centers, including the University District. In fact, Wayfarer residents have recently witnessed the construction and opening of Lothlorien, 4720 University Way NE, a seven-story, 125-unit mixed-use apartment/commercial building situated directly across the alley from us. We must concede that University Way, as the principal commercial corridor, is an appropriate location for such development. 15th Avenue NE, a residential street, is not an appropriate location. The added height and density as well as the introduction of commercial activity on this avenue would alter the character for the worse. We strongly oppose the proposed rezoning.

Thank you for considering our comments. We wish to receive a copy of the Hearing Examiner's recommendation.

Sincerely,

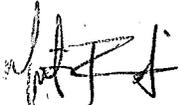
C. Thomas Schaefer, President



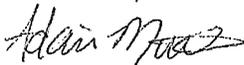
Dana P. Miller, Vice President



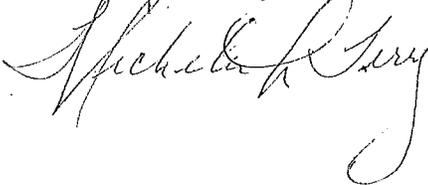
Greta Rubstein, Secretary



Adair Muth, Treasurer



Michelle Terry, Board Member



FILED
CITY OF SEATTLE

2011 NOV 17 AM 9:38

CITY CLERK

Law Offices of

Porter Kohli, P.S.

1325 Fourth Avenue, Suite 940, Seattle, Washington 98101

Telephone: 206-624-8890 ♦ Fax: 206-587-0579

Benjamin G. Porter

Laurie D. Kohli

Lyman Hull (1924-2011)

Benjamin G. Porter
bporter@porterkohli.com
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November 11, 2011

Director, Department of Planning and
Development, c/o Scott Kemp
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124

Seattle City Council
Built Environment Committee, c/o Seattle City Clerk
City Hall, Floor 3
City of Seattle
P.O. Box 94728

Gary D. Huff
Karr, Tuttle, Campbell
1201 Third Avenue, Suite 2900
Seattle, WA 98101

Re: Application for rezone of properties between N.E. 47th and N.E. 50th along 15th
Avenue N.E. in U-District; DPD Project 3004384; C.F. 309434

Dear Mr. Huff, Seattle Department of Planning and Development, and Seattle City Council:

We are the attorneys for David Dong, Anna Dong and University Triplex, LLC, (collectively, "Triplex") owners of the triplex located at 4730 15th Avenue NE, Seattle, WA 98105. The triplex is located between and separates the properties owned by University Christian Church ("UCC") and University Presbyterian Church ("UPC") on the east side of 15th Avenue N.E..

At the request of UCC and UPC, Triplex, as a neighborly accommodation, joined in the application of UCC and UPC for a rezone. Seattle City Council has decided to rezone the east side of 15th Avenue subject to several conditions and restrictions on the use and development of Triplex's property. These conditions and restrictions on the rezone require the agreement of Triplex by its execution of a Property Use and Development Agreement ("PUDA").

The conditions and restrictions that would be imposed on Triplex's property if it agreed to the PUDA would greatly diminish the value of its property. Accordingly, Triplex hereby

November 11, 2011
Page 2

withdraws its application to rezone the east side of 15th Avenue N.E., objects to the conditions and restrictions for the proposed rezone, and will not execute the PUDA.

Very truly yours,

PORTER KOHLI, P.S.

By


Benjamin G. Porter

BGP:hrs

cc: David and Anna Dong