

**QUASI JUDICIAL PROCEEDING – PROCESS III**

Final action on The Flats at 15<sup>th</sup> Place Rezone application; a rezone of a 24,750 square feet single parcel at 15516 NE 15<sup>th</sup> Place from Community Business (CB) to Multi-family Residential (R-30). Permit File No.17-125912-LQ.

Karen Hohu, Hearing Examiner Program Coordinator, 452-6934

Charmaine Arredondo, Assistant Director, 452-6466

*City Clerk's Office*

Kathy Gerla, City Attorney, 452-7220

*City Attorney's Office*

**EXECUTIVE SUMMARY****FINAL  
ACTION**

Tonight, Council will be asked to direct staff to draft an Ordinance taking final action on the rezone application for The Flats at 15<sup>th</sup> Place, located at 15516 NE 15<sup>th</sup> Place, to be presented for approval at a future Council meeting.

**HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends approval. See the attached Hearing Examiner Summary for background information.

**CONSIDERATIONS**

This is a Process III quasi-judicial land use matter in which the Hearing Examiner issues a recommendation to Council. Council's role is to consider and take final action on each Process III application.

An appeal of the Hearing Examiner recommendation was filed in this case by Kasar Investments. However, at its Regular Session meeting on March 18, Council determined appellant Kasar Investments failed to comply with Council's appellate rules by not ordering the hearing transcript and posting security within thirty days of the decision being appealed from, and deemed the appeal abandoned. The decision is memorialized in Ordinance 6458, which is attached.

On April 1 consideration of this application came before Council at its Regular Session meeting.

The Council will not accept new information, written or oral, on the application, but is to consider the complete record developed before the Hearing Examiner and the recommendation of the Hearing Examiner in deciding upon the application.

For further information see BCC 20.35.355

**OPTIONS**

1. Direct staff to draft an Ordinance approving the application.
2. Direct staff to draft an Ordinance approving the application with modifications and/or conditions.
3. Remand the application back to the Hearing Examiner and the Director for an additional hearing limited to specific issues identified by Council.

4. Direct staff to draft an Ordinance denying the application.

#### **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Hearing Examiner's Summary
- B. Vicinity and Site Maps
- C. Ordinance No. 6458

#### **AVAILABLE IN COUNCIL LIBRARY**

Hearing Examiner's Administrative Record