

Wall et al. v. City of Seattle, et al

Order Granting Petitioners' Motion for Reconsideration
and Amending the Order of Remand at para 1 provides (with emphasis added):

“Pursuant to RCW 36.70C.140, the contract rezone approval and Property Use and Development Agreement are hereby remanded to the City Council to address compliance with SMC 23.34.009.D.2, which requires that ‘[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.E.2], are present,’ in the area where the commercial Lot 287710-4100 shares a rear boundary line with the single family residential Lot 287710-4120 at 7010 Palatine Avenue North.”

Seattle Municipal Code, excerpts

SMC 23.45.009.D.2

D. Compatibility with surrounding area

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas...

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.E.2, are present.

SMC 23.34.008.E.2

Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. ...

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 greenspaces

SMC 23.84A.028:

“Open Space” is defined as “land and/or water area with its surface predominantly open to the sky or predominantly undeveloped, that is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, or structuring urban development and form.” (Emphasis added.)

Mandatory Rezone

Criteria:
SMC 23.34.009.D.2 – “A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers... are provided.”

Examiner’s Fatal Flaw:
The Examiner counted the vacant lot within the Single Family zone (characterized as “private open space”) as the buffer required between zones.

See Conc. #7 at p8: “A gradual transition between zoning categories would occur between the mid-portion of the project and the SF 5000 zoned properties to the west, as a *private open space area will be landscaped to provide some separation between the five story building and the single family zone.*”

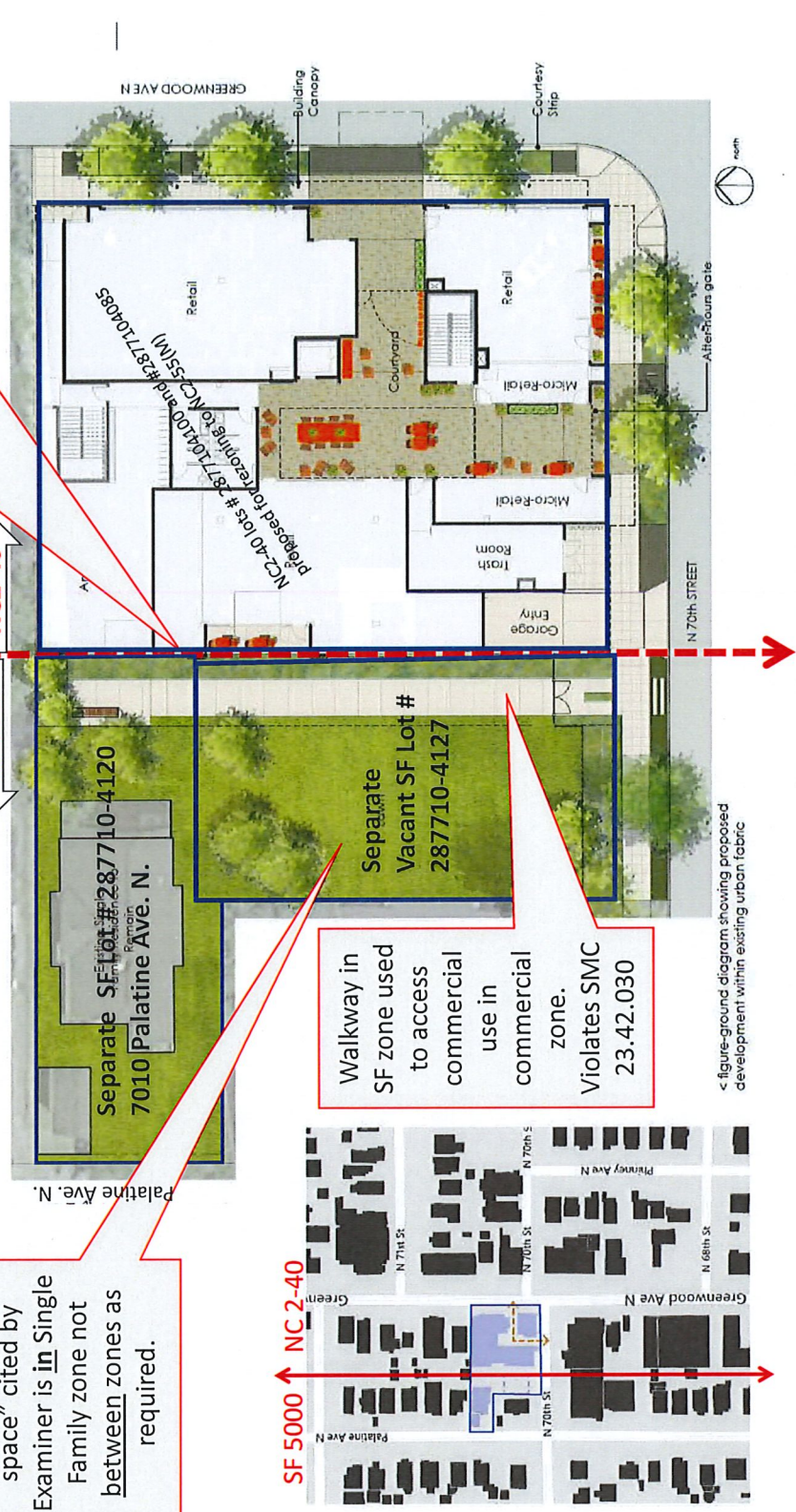
Zoning Line

No transition between 5 story building and Single Family zone.
Also does not comply with setbacks required by SMC 23.47A.014.B.1, B.3., and B.5.

“Private open space” cited by Examiner is in Single Family zone not between zones as required.

SF-5000

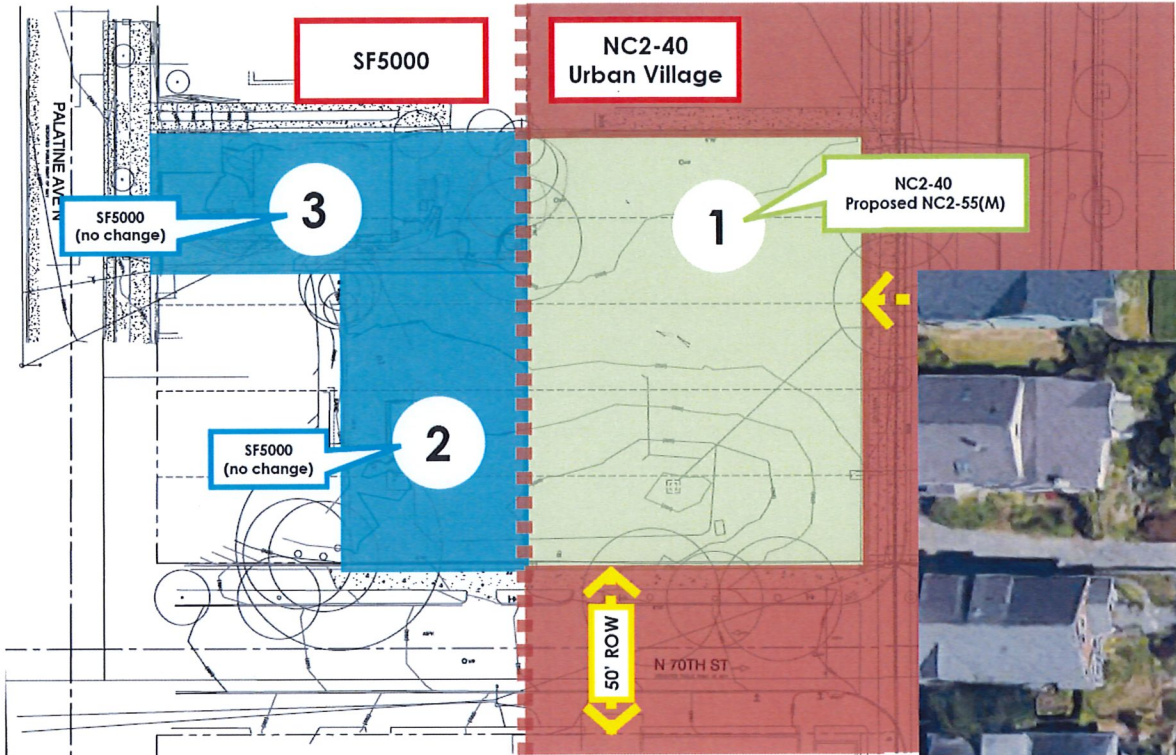
NC2-40



< figure-ground diagram showing proposed development within existing urban fabric >

Appellant’s Illustrative Exhibit for PLUZ Committee Hearing July 18,2018

(Based on Applicant’s Architectural Concept Drawing Included in Council Central Staff Presentation for July 18, 2018 Meeting)



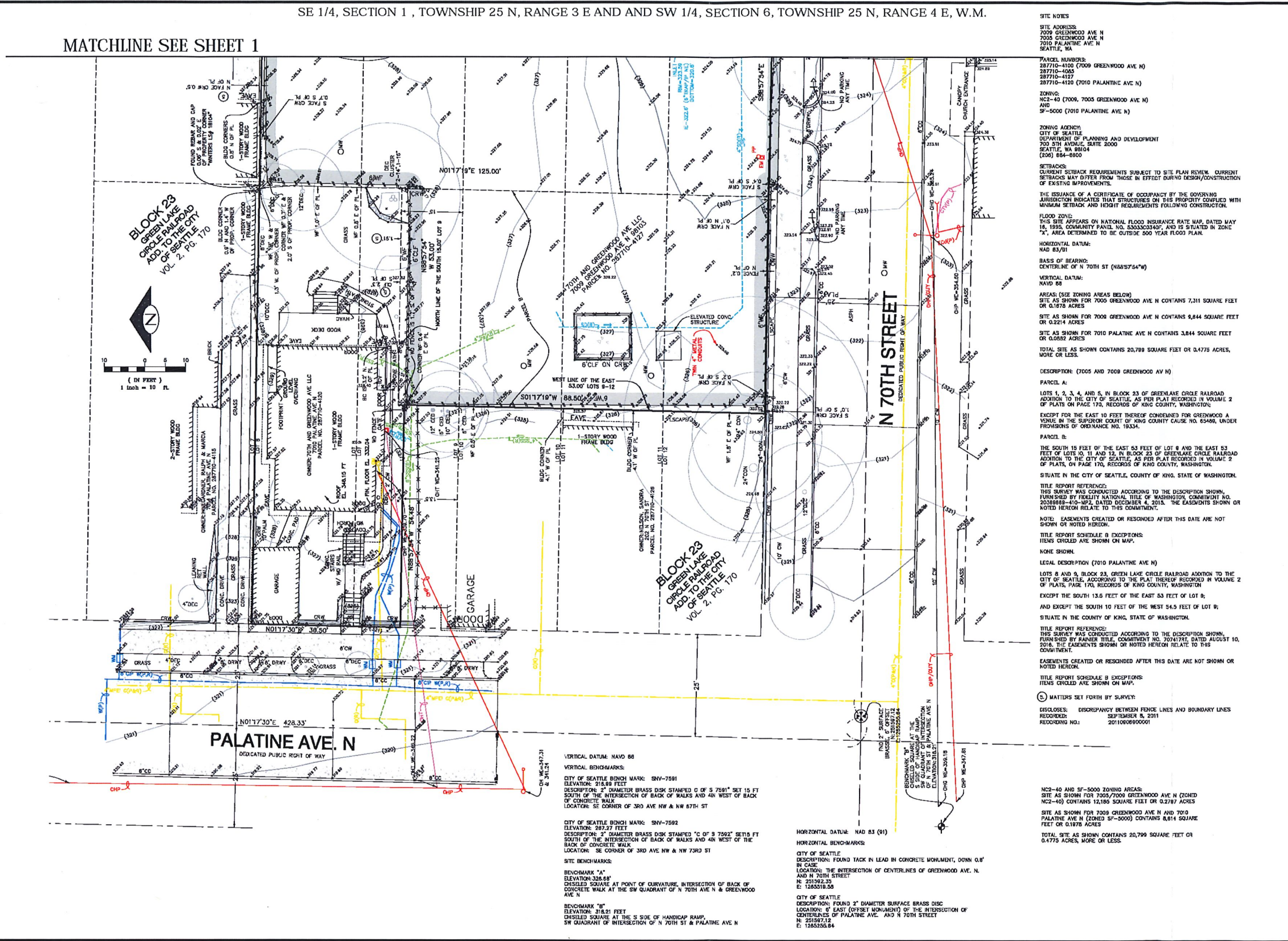
THE SHARED ROOF PROJECT, DCI #3023260

Below: aerial view



SE 1/4, SECTION 1, TOWNSHIP 25 N, RANGE 3 E AND AND SW 1/4, SECTION 6, TOWNSHIP 25 N, RANGE 4 E, W.M.

MATCHLINE SEE SHEET 1



SITE NOTES

SITE ADDRESS:
7009 GREENWOOD AVE N
7005 GREENWOOD AVE N
7010 PALATINE AVE N
SEATTLE, WA

PARCEL NUMBERS:
287710-4100 (7009 GREENWOOD AVE N)
287710-4005
287710-4127
287710-4120 (7010 PALATINE AVE N)

ZONING:
NC2-40 (7009, 7005 GREENWOOD AVE N)
SF-5000 (7010 PALATINE AVE N)

ZONING AGENCY:
CITY OF SEATTLE
DEPARTMENT OF PLANNING AND DEVELOPMENT
700 5TH AVENUE, SUITE 2000
SEATTLE, WA 98104
(206) 864-8500

SETBACKS:
CURRENT SETBACK REQUIREMENTS SUBJECT TO SITE PLAN REVIEW. CURRENT SETBACKS MAY DIFFER FROM THOSE IN EFFECT DURING DESIGN/CONSTRUCTION OF EXISTING IMPROVEMENTS.

THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE GOVERNING JURISDICTION INDICATES THAT STRUCTURES ON THIS PROPERTY COMPLIED WITH MINIMUM SETBACK AND HEIGHT REQUIREMENTS FOLLOWING CONSTRUCTION.

FLOOD ZONE:
THIS SITE APPEARS ON NATIONAL FLOOD INSURANCE RATE MAP, DATED MAY 19, 2010, COMMUNITY PANEL NO. 53033033400, AND IS SITUATED IN ZONE "X". AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.

HORIZONTAL DATUM:
NAD 83/91

BASIS OF BEARING:
CENTERLINE OF N 70TH ST (N48°57'54"W)

VERTICAL DATUM:
NAVD 83

AREAS (SEE ZONING AREAS BELOW):
SITE AS SHOWN FOR 7005 GREENWOOD AVE N CONTAINS 7,311 SQUARE FEET OR 0.1678 ACRES
SITE AS SHOWN FOR 7009 GREENWOOD AVE N CONTAINS 8,844 SQUARE FEET OR 0.20214 ACRES
SITE AS SHOWN FOR 7010 PALATINE AVE N CONTAINS 3,844 SQUARE FEET OR 0.0882 ACRES
TOTAL SITE AS SHOWN CONTAINS 20,799 SQUARE FEET OR 0.4775 ACRES, MORE OR LESS.

DESCRIPTION: (7005 AND 7009 GREENWOOD AV N)

PARCEL A:
LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.
EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNATED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.

PARCEL B:
THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 8 AND THE EAST 53 FEET OF LOTS 10, 11 AND 12, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

TITLE REPORT REFERENCE:
THIS SURVEY WAS CONDUCTED ACCORDING TO THE DESCRIPTION SHOWN, FURNISHED BY FIDELITY NATIONAL TITLE OF WASHINGTON, COMMITMENT NO. 2038889-410-002, DATED DECEMBER 4, 2018. THE EASEMENTS SHOWN OR NOTED HEREON RELATE TO THIS COMMITMENT.

NOTE: EASEMENTS CREATED OR RESIGNED AFTER THIS DATE ARE NOT SHOWN OR NOTED HEREON.

TITLE REPORT SCHEDULE B EXCEPTIONS:
ITEMS CIRCLED ARE SHOWN ON MAP.
NONE SHOWN.

LEGAL DESCRIPTION (7010 PALATINE AVE N)

LOTS 8 AND 9, BLOCK 23, GREEN LAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.
EXCEPT THE SOUTH 13.5 FEET OF THE EAST 53 FEET OF LOT 8;
AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9;
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

TITLE REPORT REFERENCE:
THIS SURVEY WAS CONDUCTED ACCORDING TO THE DESCRIPTION SHOWN, FURNISHED BY RAINIER TITLE, COMMITMENT NO. 70741781, DATED AUGUST 10, 2018. THE EASEMENTS SHOWN OR NOTED HEREON RELATE TO THIS COMMITMENT.

EASEMENTS CREATED OR RESIGNED AFTER THIS DATE ARE NOT SHOWN OR NOTED HEREON.

TITLE REPORT SCHEDULE B EXCEPTIONS:
ITEMS CIRCLED ARE SHOWN ON MAP.

Ⓒ MATTERS SET FORTH BY SURVEY.

DISCLOSES: DISCREPANCY BETWEEN FENCE LINES AND BOUNDARY LINES
RECORDED: SEPTEMBER 8, 2011
RECORDING NO: 2011060800001

NC2-40 AND SF-5000 ZONING AREAS:
SITE AS SHOWN FOR 7005/7009 GREENWOOD AVE N (ZONED NC2-40) CONTAINS 12,180 SQUARE FEET OR 0.2787 ACRES
SITE AS SHOWN FOR 7009 GREENWOOD AVE N AND 7010 PALATINE AVE N (ZONED SF-5000) CONTAINS 8,614 SQUARE FEET OR 0.1978 ACRES
TOTAL SITE AS SHOWN CONTAINS 20,799 SQUARE FEET OR 0.4775 ACRES, MORE OR LESS.

VERTICAL DATUM: NAVD 83

VERTICAL BENCHMARKS:
CITY OF SEATTLE BENCH MARK: SNV-7591
ELEVATION: 218.88 FEET
DESCRIPTION: 2" DIAMETER BRASS DISK STAMPED "C OF S 7591" SET 15 FT SOUTH OF THE INTERSECTION OF BACK OF WALKS AND 40" WEST OF BACK OF CONCRETE WALK
LOCATION: SE CORNER OF 3RD AVE NW & NW 5TH ST

CITY OF SEATTLE BENCH MARK: SNV-7592
ELEVATION: 287.27 FEET
DESCRIPTION: 2" DIAMETER BRASS DISK STAMPED "C OF S 7592" SET 15 FT SOUTH OF THE INTERSECTION OF BACK OF WALKS AND 40" WEST OF THE BACK OF CONCRETE WALK
LOCATION: SE CORNER OF 3RD AVE NW & NW 7TH ST

BENCHMARK "A"
ELEVATION: 326.88'
CHESSLED SQUARE AT POINT OF CURVATURE, INTERSECTION OF BACK OF CONCRETE WALK AT THE SW QUADRANT OF N 70TH AVE N & GREENWOOD AVE N

BENCHMARK "B"
ELEVATION: 318.81 FEET
CHESSLED SQUARE AT THE S SIDE OF HANDICAP RAMP, SW QUADRANT OF INTERSECTION OF N 70TH ST & PALATINE AVE N

HORIZONTAL DATUM: NAD 83 (91)

HORIZONTAL BENCHMARKS:
CITY OF SEATTLE
DESCRIPTION: FOUND TACK IN LEAD IN CONCRETE MONUMENT, DOWN 0.8' IN CASE
LOCATION: THE INTERSECTION OF CENTERLINES OF GREENWOOD AVE. N. AND N 70TH STREET
N: 201922.35
E: 1265318.50

CITY OF SEATTLE
DESCRIPTION: FOUND 2" DIAMETER SURFACE BRASS DISC
LOCATION: 6' EAST (OFFSET MONUMENT) OF THE INTERSECTION OF CENTERLINES OF PALATINE AVE. AND N 70TH STREET
N: 201871.18
E: 1265325.84



BUSH, ROED & HITCHINGS, INC.
LAND SURVEYORS & CIVIL ENGINEERS

2009 MINOR AVE. EAST
SEATTLE, Washington
98102-3513

(206) 323-4144
1-800-995-0508
FAX: (206) 323-7138



NO.	REVISION	DATE

TOPOGRAPHIC AND BOUNDARY SURVEY
70TH AND GREENWOOD, LLC
7009 GREENWOOD AVE. N.
SEATTLE KING COUNTY WASHINGTON

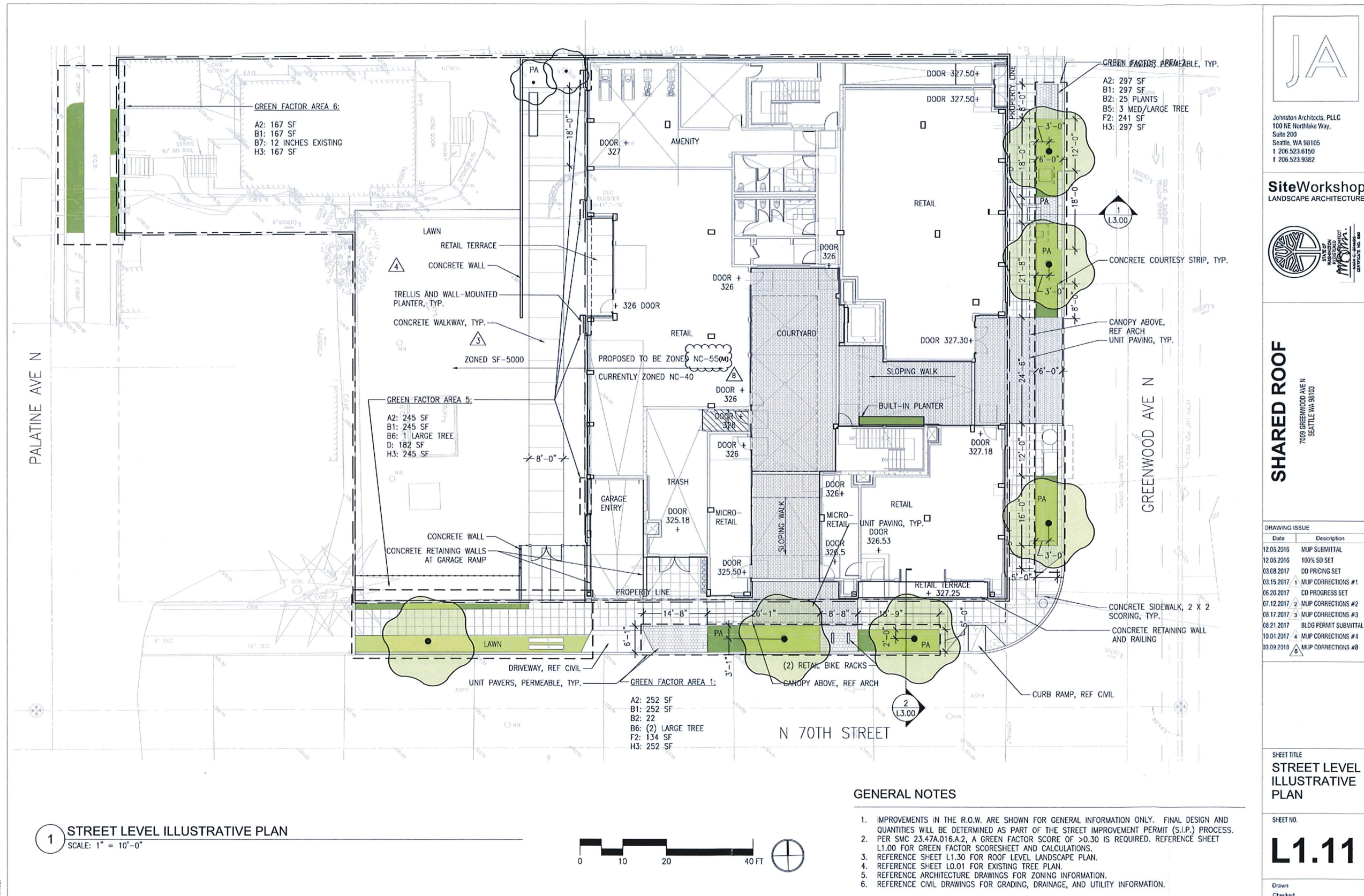
Drawn by: **HDC/fwh** checked by: **DAB**

Scale: **1"=10'** Date: **11/17**

Job No.: **2014241.03**

Sheet: **3 of 3**

24*36" 11/21/2017 U:\CS\2014\2014241\SURV\DWG\25-SUR-03.DWG



Johnston Architects, PLLC
100 NE Northlake Way,
Suite 200
Seattle, WA 98105
T 206.523.6150
F 206.523.9382

SiteWorkshop
LANDSCAPE ARCHITECTURE



SHARED ROOF
7000 GREENWOOD AVE N
SEATTLE WA 98105

DRAWING ISSUE

Date	Description
12.05.2016	MUP SUBMITTAL
12.05.2016	100% SD SET
03.08.2017	CD PAVING SET
03.15.2017	MUP CORRECTIONS #1
06.20.2017	CD PROGRESS SET
07.12.2017	MUP CORRECTIONS #2
08.17.2017	MUP CORRECTIONS #3
08.21.2017	BLDG PERMIT SUBMITTAL
10.04.2017	MUP CORRECTIONS #4
03.09.2018	MUP CORRECTIONS #8

SHEET TITLE
STREET LEVEL ILLUSTRATIVE PLAN

SHEET NO.
L1.11

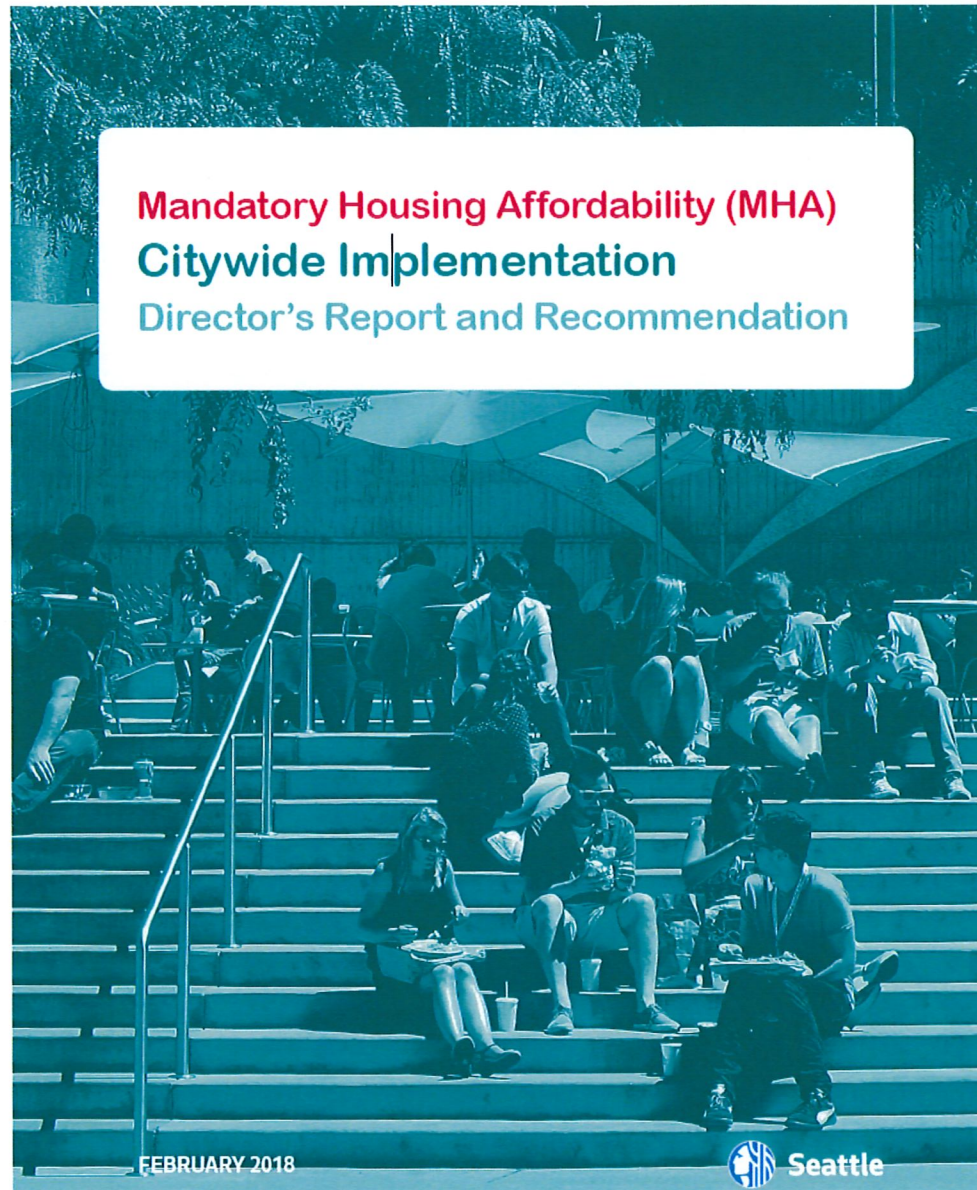
Drawn
Checked

1 STREET LEVEL ILLUSTRATIVE PLAN
SCALE: 1" = 10'-0"



GENERAL NOTES

- IMPROVEMENTS IN THE R.O.W. ARE SHOWN FOR GENERAL INFORMATION ONLY. FINAL DESIGN AND QUANTITIES WILL BE DETERMINED AS PART OF THE STREET IMPROVEMENT PERMIT (S.I.P.) PROCESS.
- PER SMC 23.47A.016.A.2, A GREEN FACTOR SCORE OF >0.30 IS REQUIRED. REFERENCE SHEET L1.00 FOR GREEN FACTOR SCORESHEET AND CALCULATIONS.
- REFERENCE SHEET L1.30 FOR ROOF LEVEL LANDSCAPE PLAN.
- REFERENCE SHEET L0.01 FOR EXISTING TREE PLAN.
- REFERENCE ARCHITECTURE DRAWINGS FOR ZONING INFORMATION.
- REFERENCE CIVIL DRAWINGS FOR GRADING, DRAINAGE, AND UTILITY INFORMATION.



New upper-level setback standards are proposed to ensure gentle transitions between commercial and single family zones.

Upper-Level Setbacks Abutting Single Family Zones

A new standard is proposed that increases existing upper level setbacks on lots that abut or are across an alley from a single-family zone. Under existing code, new structures must be setback 15 feet above 13 feet in height. For any portion of the new structure above 40 feet in height, an additional setback of three feet for every 10 feet of height is proposed, an increase from 2 feet per 10 feet of height in the current code. The standard will preserve more light into adjacent property when NC zones with height limits 55 feet and above abut single-family zones — a common edge condition behind arterial roadways such as Phinney Ave N or California Ave SW.

West Elevation of 7009 Greenwood (Bates 000829)



WEST ELEVATION